

MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 21

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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
ON ITS SIXTY-NINTH SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The sixty-ninth session of the Marine Environment Protection Committee was held at IMO Headquarters from 18 to 22 April 2016, under the chairmanship of Mr. A. Dominguez (Panama). The Vice-Chairman of the Committee, Mr. H. Saito (Japan), was also present.

1.2 The session was attended by delegations from Members and Associate Members; representatives from United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MEPC 69/INF.1.

1.3 The session was also attended by the Chairman of the Council, Mr. J. G. Lantz (United States); the Chairman of the Technical Cooperation Committee (TC), Mr. Z. Ayub (Malaysia), the Chairman of the Facilitation Committee, Mr. Y. Melenas (Russian Federation); the Chairman of the Sub-Committee on Implementation of IMO Instruments (III), Capt. D. Hutchinson (Bahamas); the Chairman of the Sub-Committee on Pollution Prevention and Response (PPR), Mr. S. Oftedal (Norway); the Chairman of the Sub-Committee on Ship Design and Construction (SDC), Mr. K. Hunter (United Kingdom); and the Chairman of the Sub-Committee on Ship Systems and Equipment (SSE), Mr. S. Ota (Japan).

Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/en/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings/Pages/MEPC-69-opening.aspx>.

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

Expression of condolence

1.6 The Chairman, on behalf of the delegations present and the Secretariat, expressed his condolences and sympathies to the Governments of Ecuador and Japan with regard to the recent devastating earthquakes in those countries.

Adoption of the agenda

1.7 The Committee adopted the agenda (MEPC 69/1) for the session and agreed to be guided by the provisional timetable (MEPC 69/1/1, annex 2, as revised), on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, including a list of documents considered under each agenda item, is set out in document MEPC 69/INF.33.

Credentials

1.8 The Committee noted that of the 100 delegations attending the meeting, the credentials of 96 delegations were in due and proper order.

2 DECISIONS OF OTHER BODIES

2.1 The Committee, having noted the decisions of MSC 95 (MEPC 69/2), C 114 (MEPC 69/2/1) and A 29 (MEPC 69/2/2) with regard to its work, and also information on the outcome of LC 37/LP 10 (MEPC 69/2/3), agreed to take action as appropriate under the relevant agenda items and as indicated hereunder.

Outcome of A 29

2.2 Having considered the outcome of A 29 (MEPC 69/2/2), the Committee noted, in particular, that A 29 had adopted the following resolutions of general interest:

- .1 Strategic Plan for the Organization (for the six-year period 2016 to 2021) (resolution A.1097(29));
- .2 High-level Action Plan of the Organization and priorities for the 2016-2017 biennium (resolution A.1098(29));
- .3 Application of the Strategic Plan and the High-level Action Plan of the Organization (resolution A.1099(29)); and
- .4 Principles to be considered when drafting IMO instruments (resolution A.1103(29)),

as well as the following two resolutions under the joint responsibility of MSC and MEPC:

- .5 Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015 (resolution A.1104(29)) (see paragraph 13.7); and
- .6 2015 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (resolution A.1105(29)) (see paragraph 13.8).

2.3 With regard to the action requested of it by the Assembly (MEPC 69/2/2, paragraph 12), the Committee agreed to:

- .1 consider the matter of the expiry on 31 December 2015 of MEPC.1/Circ.810 on *Adequate port reception facilities for cargoes declared as harmful to the marine environment under MARPOL Annex V* under agenda item 11 (see paragraphs 11.6 to 11.12);
- .2 consider possible changes to the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.4) (hereinafter referred to as the Committees' Guidelines) as a consequence of the adoption of resolution A.1099(29) under agenda item 18 (see section 18); and
- .3 refer the ninth consolidated audit summary report to III 3 for consideration and analysis under its agenda item on "Analysis of consolidated audit reports" and advice to the Committee, as appropriate.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Amendments to mandatory instruments

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

- .1 MARPOL Annex II, related to the revised GESAMP Hazard Evaluation Procedure;
- .2 MARPOL Annex IV, related to the Baltic Sea Special Area;
- .3 MARPOL Annex VI, related to record requirements for operational compliance with NO_x Tier III emission control areas; and
- .4 the NO_x Technical Code 2008, related to the testing of gas-fuelled and dual fuel engines for the NO_x Tier III strategy.

3.2 The Committee noted that the text of the aforementioned amendments had been circulated, in accordance with article 16(2)(a) of MARPOL, to all IMO Members and Parties to MARPOL by Circular Letters No.3551 of 8 June 2015 (MARPOL Annexes II and VI and NO_x Technical Code 2008) and No.3591 of 7 October 2015 (MARPOL Annex IV).

Draft amendments to MARPOL Annex II

3.3 The Committee recalled that MEPC 68 had considered and approved draft amendments to appendix I of MARPOL Annex II, related to the revised GESAMP Hazard Evaluation Procedure, with a view to adoption at this session, as set out in document MEPC 69/3/2 (Secretariat).

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

3.5 The Committee agreed that the entry-into-force date of the above-mentioned amendments should be 1 September 2017.

Draft amendments to MARPOL Annex IV

3.6 The Committee agreed to consider the draft amendments to MARPOL Annex IV regarding the Baltic Sea Special Area, together with the associated documents MEPC 69/3/3 (Secretariat), MEPC 69/3/4 (IACS) and MEPC 69/3/5 (Russian Federation), under agenda item 10 (see paragraphs 10.13 to 10.32).

Draft amendments to MARPOL Annex VI

3.7 The Committee recalled that MEPC 68 had considered and approved draft amendments to MARPOL Annex VI related to record requirements for operational compliance with NO_x Tier III emission control areas, with a view to adoption at this session, as set out in the annex to document MEPC 69/3/1 (Secretariat).

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

3.9 The Committee agreed that the entry-into-force date of the above-mentioned amendments should be 1 September 2017.

Draft amendments to the NO_x Technical Code 2008

3.10 The Committee recalled that MEPC 68 had considered and approved draft amendments to the NO_x Technical Code 2008 related to the testing of gas-fuelled and dual fuel engines for the NO_x Tier III strategy, with a view to adoption at this session, as set out in the annex to document MEPC 69/3 (Secretariat).

3.11 Having noted that no comments had been submitted on the draft amendments and having agreed that all references to the NO_x Tier III strategy should be removed since the draft amendments are not specific to Tier III, the Committee confirmed their contents, subject to editorial improvements, if any.

3.12 The Committee agreed that the entry-into-force date of the above-mentioned amendments should be 1 September 2017.

Establishment of a drafting group

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

- .1 MARPOL Annex II, appendix I;
- .2 MARPOL Annex VI; and
- .3 the NO_x Technical Code 2008.

Report of the Drafting Group

3.14 Having considered the report of the drafting group dealing with this agenda item (MEPC 69/WP.7), the Committee approved it in general and took action as indicated hereunder.

Amendments to MARPOL Annex II

3.15 The Committee considered the final text of the draft amendments to appendix I of MARPOL Annex II, related to the revised GESAMP Hazard Evaluation Procedure, prepared by the drafting group (MEPC 69/WP.7, annex 1), and adopted the amendments by resolution MEPC.270(69), as set out in annex 1.

3.16 In adopting resolution MEPC.270(69), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to MARPOL Annex II shall be deemed to have been accepted on 1 March 2017 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 September 2017, in accordance with article 16(2)(g)(ii) of the Convention.

Amendments to MARPOL Annex VI

3.17 The Committee considered the final text of the draft amendments to MARPOL Annex VI related to record requirements for operational compliance with NO_x Tier III emission control areas, prepared by the drafting group (MEPC 69/WP.7, annex 2) and adopted the amendments by resolution MEPC.271(69), as set out in annex 2.

3.18 In adopting resolution MEPC.271(69), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to MARPOL Annex VI shall be deemed to have been accepted on 1 March 2017 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 September 2017, in accordance with article 16(2)(g)(ii) of the Convention.

Amendments to the NO_x Technical Code 2008

3.19 The Committee considered the final text of the draft amendments to the NO_x Technical Code 2008 related to the testing of gas-fuelled and dual fuel engines, prepared by the drafting group (MEPC 69/WP.7, annex 3) and, having noted the lack of an operative paragraph in the associated resolution for the adoption of the amendments that would clearly state that they would only apply to engines designed or intended for installation on or after the entry into force date of 1 September 2017, agreed to the addition of a relevant new paragraph and consequently adopted the amendments by resolution MEPC.272(69), as set out in annex 3.

3.20 In adopting resolution MEPC.271(69) the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to the NO_x Technical Code 2008 shall be deemed to have been accepted on 1 March 2017 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 September 2017, in accordance with article 16(2)(g)(ii) of the Convention.

Draft amendments to MARPOL Annex IV

3.21 The Committee recalled that the draft amendments to MARPOL Annex IV regarding the Baltic Sea Special Area (see paragraph 3.6) had been dealt with under agenda item 10 (see paragraphs 10.13 to 10.32).

Instructions to the Secretariat

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

4 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

General

4.1 The Committee noted that the number of Contracting Governments to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention) on 18 April 2016 was 49, representing 34.79% of the world's merchant fleet tonnage. The Committee urged those States which have not yet ratified the Convention to do so at the earliest possible opportunity.

4.2 The delegation of Panama, commenting on the recent practice of the Secretariat to verify the tonnage figures on a monthly basis as opposed to the traditional practice of doing it twice per year, stated their intention to refer the matter to the Council for consideration.

4.3 The Committee welcomed a statement made by the delegation of Peru, informing the Committee that Peru is expecting to deposit its instrument for accession to the BWM Convention with the Secretary-General in the near future.

Consideration and approval of ballast water management systems

4.4 The Committee noted that the thirty-second meeting of the GESAMP-Ballast Water Working Group (GESAMP-BWWG 32) was held from 9 to 13 November 2015 at IMO Headquarters, under the chairmanship of Mr. J. Linders, and that its report had been issued as document MEPC 69/4/5. During the meeting, the GESAMP-BWWG had reviewed a total of three proposals for approval of ballast water management systems (BWMS) that make use of Active Substances, submitted by Japan and the Republic of Korea.

4.5 The Chairman of the GESAMP-BWWG clarified that the recommendation in paragraph 11.4.5 of annex 4 of the report, regarding corrosion testing of the ECS-HYCHLOR™ System, should not have to be followed as the system had lowered its dose of Active Substance from 15 to 9.5 mg TRO/L and in accordance with the *Methodology for information gathering and conduct of work of the GESAMP-BWWG*, corrosion testing would not be required unless the dose is above 10 mg TRO/L.

Final Approval

4.6 The Committee, having considered the recommendations contained in annexes 4 to 6 of the report, approved the report in general and agreed to grant Final Approval to:

- .1 ECS-HYCHLOR™ System, proposed by the Republic of Korea in document MEPC 69/4;
- .2 NK-CI BlueBallast System, proposed by the Republic of Korea in document MEPC 69/4/1; and
- .3 ATPS-BLUE_{sys} Ballast Water Management System, proposed by Japan in document MEPC 69/4/2.

4.7 The Committee invited the Administrations of Japan and the Republic of Korea to verify that all recommendations contained in the report (MEPC 69/4/5, annexes 4 to 6) are fully addressed prior to the issuance of Type Approval Certificates, with the exception of the recommendation in paragraph 11.4.5 of annex 4 of the report to perform corrosion testing of the ECS HYCHLOR™ System, as explained above (see paragraph 4.5).

Other matters emanating from GESAMP-BWWG 32

4.8 Having considered the relevant recommendation of GESAMP-BWWG 32, as set out in paragraph 3.3 of the report, the Committee agreed that, if applicants propose new chemical data related to their BWMS in addition to the data in the GESAMP-BWWG Database of chemicals most commonly associated with treated ballast water, they should submit the scientific paper or the test results as part of the application dossier.

Future meetings of the GESAMP-BWWG

4.9 The Committee noted that the next regular meeting of the GESAMP-BWWG (i.e. the thirty-third meeting) had been scheduled from 23 to 27 May 2016, and that Members had been invited to submit their proposals for approval (application dossiers) and the non-confidential description of their BWMS to MEPC 70 not later than 8 April 2016.

Type approved BWMS

4.10 The Committee noted the information regarding the latest type-approved BWMS, which increases the total number of type-approved BWMS to 65, provided in the following documents:

- .1 MEPC 69/INF.2 (China) on the type approval of the AHEAD[®]-BWMS ballast water management system;
- .2 MEPC 69/INF.3 (China) on the type approval of the NiBallast[™] Ballast Water Management System;
- .3 MEPC 69/INF.4 (China) on the type approval of the Seascope[®] Ballast Water Management System;
- .4 MEPC 69/INF.5 (China) on the type approval of the YP-BWMS ballast water management system;
- .5 MEPC 69/INF.13 (Germany) on the amended type approval of the SeaCURE BWMS SC-1500/1 (formerly named SiCURE[™] Ballast Water Management System);
- .6 MEPC 69/INF.15 (the Netherlands) on the amended type approval of the Van Oord Ballast Water Management System;
- .7 MEPC 69/INF.31 (Republic of Korea) on the type approval of the EcoGuardian[™] Ballast Water Management System; and
- .8 MEPC 69/INF.32 (Republic of Korea) on the type approval of the BlueZone[™] Ballast Water Management System.

4.11 The Committee thanked the delegations of China, Germany, the Netherlands and the Republic of Korea for the information provided.

Organizational arrangements related to the evaluation and approval of BWMS

4.12 The Committee, having recalled that MEPC 62 had endorsed the proposal to conduct stocktaking meetings of the GESAMP-BWWG on a yearly basis, noted that the Seventh Stocktaking Workshop on the activity of the GESAMP-BWWG had been held at IMO Headquarters from 7 to 10 September 2015, under the chairmanship of Mr. J. Linders, and that its outcome has been circulated in document MEPC 69/4/3.

4.13 Having noted the outcome of the Workshop, the Committee instructed the Ballast Water Review Group (BWRG) to consider the action requested of the Committee, as set out in paragraph 60 of document MEPC 69/4/3, and advise the Committee accordingly.

Review of the Guidelines for approval of BWMS (G8)

Report of the Correspondence Group

4.14 The Committee, in considering the report of the Correspondence Group on the Review of Guidelines (G8) (MEPC 69/4/6, submitted by the United Kingdom), noted the following general comments:

- .1 support for the conclusions of the group and the continuation of the review of Guidelines (G8);

- .2 a desire to harmonize the Guidelines (G8) with the *Guidelines for port State control under the BWM Convention* and the *Guidelines for sampling of ballast water (G2)*;
- .3 support for a future mandatory status of the Guidelines (G8), e.g. in the form of a code; and
- .4 the importance of the revised Guidelines (G8) in facilitating the approval of BWMS which can reliably operate in normal conditions in worldwide trade.

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

4.16 Following consideration of the report, the Committee took action as follows:

- .1 agreed to the proposed amendments and conclusions of the group for inclusion in the revised Guidelines (G8);
- .2 concurred with the view of the group that the conclusions drawn and agreements reached, as reflected in the report, should not be reopened for discussion unless identified as a future area of work in annex 6 of the report, or if the review of any item identified in annex 6 affects the status of those conclusions or decisions and may prompt their reconsideration;
- .3 acknowledged that annex 6 of the report on future work and outstanding issues should be used as a starting point for determining the next items to consider as a part of the review of Guidelines (G8);
- .4 requested the GESAMP-BWWG to take the findings of annex 1 of the report into consideration when next reviewing its Methodology;
- .5 invited Member States and international organizations to provide and share information and experiences of the use and handling of standard test organisms in order to facilitate the development of suitable procedures and processes for their use when testing BWMS; and
- .6 instructed the BWRG to consider annexes 3, 5 and 6 of the report, to continue the review of Guidelines (G8) and to develop terms of reference for the future work on the review of Guidelines (G8), taking into consideration any items identified in annex 6 of the report which remain unresolved.

Study on the implementation of the D-2 ballast water performance standard

4.17 The Committee considered the final report on the Study on the implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention, set out in document MEPC 69/4/4 (Secretariat).

4.18 A number of delegations were of the view that the findings of the Study support the need to review the Guidelines (G8) and to make them mandatory. Views were also expressed on the need to ensure that early movers are not penalized.

4.19 The delegation of China expressed their intention to undertake an assessment of the compliance with regard to regulation D-2, taking into account the findings of the Study, to assist in the establishment of a uniform, open and equitable environment for the implementation of the BWM Convention.

4.20 Consequently, the Committee instructed the BWRG to take the findings of the Study into account in its review of Guidelines (G8) and agreed that the findings should be considered in any related tasks that may be given to the BWRG, including those related to the *Roadmap for the implementation of the BWM Convention* (see paragraphs 4.24 to 4.26).

Other matters related to the review of Guidelines (G8)

4.21 Having considered document MEPC 69/4/10 (Denmark) on self-monitoring of BWMS for indicative compliance with the BWM Convention and its Guidelines, the Committee instructed the BWRG to take the proposal in paragraph 9 of the document into account when considering item 12 of annex 6 of the report of the correspondence group (MEPC 69/4/6). The Committee, however, noted concerns expressed by several delegations, in particular with regard to the maturity of self-monitoring technologies and concluded that more detailed submissions to MEPC 70 on the matter may be required in order to make progress.

4.22 The Committee considered those parts of document MEPC 69/4/16 (ICS and INTERTANKO) directly relevant to the review of Guidelines (G8), namely the issue of most probable number (MPN) analysis and the definition of "viable organisms", and instructed the BWRG to take the information provided into account in the review of Guidelines (G8) when discussing the definition of "viable organisms".

4.23 Furthermore, the Committee noted the information provided in documents:

- .1 MEPC 69/INF.30 (Republic of Korea) on land-based and shipboard testing of ballast water management systems, considering the issue of organisms greater than or equal to 10 µm and less than 50 µm in minimum dimension; and
- .2 MEPC 69/INF.17 (FOEI) on pathways and control strategies of ship-mediated bio-invasions in the Arctic.

Roadmap for the implementation of the BWM Convention

4.24 The Committee recalled that MEPC 68 had agreed to a *Roadmap for implementation of the BWM Convention*, to be used in the development of measures to facilitate the implementation of the Convention, and had invited submissions to this session on any outstanding issues identified in the Roadmap, for further consideration, with a view to finalizing any further guidance on implementation at MEPC 70.

4.25 Having considered the proposals in document MEPC 69/4/9 (CESA) related to the non-penalization of early movers, the Committee did not agree with the proposals.

4.26 The Committee reiterated its agreement at MEPC 68 with regard to the Roadmap (MEPC/68/21, paragraphs 2.49 to 2.50) and invited submissions to MEPC 70 on the outstanding issues it identified. In this connection, the Committee recognized additional areas that need further consideration as follows:

- .1 developing guidance on contingency measures;
- .2 a structured plan to collect and analyse data during the experience building phase;
- .3 the scope and timing of any review of the BWM Convention with respect to the experience building phase;
- .4 the definition of "occasional exceedance of the D-2 standard";
- .5 the meaning of the words "prior to application of the revised Guidelines (G8)" in paragraph 1 of the Roadmap (MEPC 68/WP.8, annex 2); and
- .6 the footnote in the Roadmap.

Proposed amendments to the BWM Convention

4.27 The Committee recalled that MEPC 68 had agreed in principle to the proposed amendments to regulation B-3 of the BWM Convention to reflect the objectives of resolution A.1088(28), however, had also agreed that further consideration was needed before the amendments could be approved and consequently had invited relevant proposals to this session and had requested the Secretariat to provide legal advice on the matter. The Committee also recalled that MEPC 68 had concluded that amendments to regulation B-3 should be adopted in accordance with the procedure set out in article 19 of the BWM Convention.

4.28 The Committee considered documents MEPC 69/4/13 and MEPC 69/INF.22 (Liberia) containing a proposal for additional revision of the application schedule of regulation B-3 of the BWM Convention, together with the remaining parts of document MEPC 69/4/16 (ICS and INTERTANKO) commenting on document MEPC 69/4/13. Having reiterated its agreement that the amendments to regulation B-3 should reflect the objectives of resolution A.1088(28), the Committee agreed not to consider the proposal any further at this session, however, noted that the delegation of Liberia intends to submit further information in a more detailed proposal to a future session and invited other interested delegations to do the same.

4.29 Having considered document MEPC 69/4/7 (Secretariat) on legal advice on the proposal, circulation, adoption, acceptance and entry into force of amendments to the BWM Convention, the Committee recalled that MEPC 68 did not agree to request the Secretary-General to circulate draft amendments before the BWM Convention has entered into force and had concluded that such amendments should be adopted in accordance with the amendment procedure set out in article 19 of the Convention. In this connection, the Committee did not support the acceleration of the acceptance period as allowed in article 19.2.e.ii of the Convention, and agreed that option 1a described in paragraph 6 of document MEPC 69/4/7 would be the most appropriate way of amending it.

4.30 The Committee considered document MEPC 69/4/8 (Secretariat) on legal advice regarding referencing other IMO instruments in the proposed amendments to regulation B-3 of the Convention, together with commenting documents MEPC 69/4/14 (China) and

MEPC 69/4/17 (Japan). In the ensuing discussion, some support was expressed with regard to elements of the proposals in all three documents, however, the Committee concluded that the proposal in document MEPC 69/4/17 was most appropriate as a starting point, inter alia because it offered a solution making indirect reference to the renewal survey associated with the IOPP Certificate of Annex I of MARPOL rather than to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)* or surveys associated with other instruments.

4.31 Consequently, the Committee instructed the BWRG to finalize the proposed amendments to regulation B-3 of the BWM Convention, using the proposal contained in document MEPC 69/4/17 as the basis and taking into account documents MEPC 69/4/8 and MEPC 69/4/14.

Exceptions and exemptions

4.32 Owing to time constraints, the Committee agreed to defer consideration of the matter of exceptions and exemptions under the BWM Convention, including documents MEPC 69/4/11 and MEPC 69/INF.25 (Denmark and INTERFERRY), MEPC 69/4/12 (India), MEPC 69/4/15 (Canada) and MEPC 69/INF.20/Rev.1 (Indonesia et al.), to MEPC 70.

Establishment of the BWRG

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

- .1 consider the action requested of the Committee by the Seventh Stocktaking Workshop of the GESAMP-BWWG (MEPC 69/4/3) and advise the Committee as appropriate;
- .2 continue the review of Guidelines (G8) by considering annexes 3, 5 and 6 of the report of the correspondence group (MEPC 69/4/6), taking into account the findings of the study on the implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention (MEPC 69/4/4), relevant parts of document MEPC 69/4/16 as well as the proposal in paragraph 9 of document MEPC 69/4/10 when considering item 12 of annex 6 of document MEPC 69/4/6;
- .3 develop terms of reference for the future work on the review of Guidelines (G8), taking into consideration any items identified in annex 6 document MEPC 69/4/6 which remain unresolved; and
- .4 finalize the proposed amendments to regulation B-3 of the BWM Convention using the proposal in document MEPC 69/4/17 as the basis and taking into account documents MEPC 69/4/8 and MEPC 69/4/14.

Report of the BWRG

4.34 Having considered the report of the Ballast Water Review Group (MEPC 69/WP.8), the Committee approved it in general and took action as outlined hereunder.

Organizational arrangements related to the evaluation and approval of BWMS

4.35 With regard to the outcome of the Seventh Stocktaking Workshop of the GESAMP-BWWG (MEPC 69/4/3), the Committee took action as follows:

- .1 endorsed the Workshop's recommendations regarding the neutralization process and control scheme aimed at maintaining the Maximum Allowable Discharge Concentration (MADC) effectively in the full-scale BWMS at all times, including under extreme conditions, but noted the Concerns of the Review Group with regard to the safety implications of the automatic shutdown of the ballast water discharge and instructed the GESAMP-BWWG to take these concerns into account in their future work;
- .2 endorsed the Workshop's recommendations regarding testing arrangements for Basic and Final Approval in conjunction with the anticipated amendments to tank holding time requirements under Guidelines (G8), but instructed the GESAMP-BWWG to take the concerns expressed by the BWRG in paragraph 8 of document MEPC 69/WP.8 into account in the future work on reviewing their Methodology;
- .3 agreed that applicants for approval of BWMS making use of Active Substances may propose two worst-case concentrations of Relevant Chemicals, one for human health assessment, taken from the ballast water tank, and the other for environmental risk assessment, taken from the discharged ballast water;
- .4 requested the GESAMP-BWWG to, within the scope of the ongoing review of Guidelines (G8), continue discussing the consequences of allowing upgrades of BWMS, which are recommended by the Committee when granting Final Approval under Procedure (G9), to be made prior to type approval;
- .5 encouraged Member Governments and international organizations to submit any information on the results of measuring dissolved organic material using relevant measurement methods, including Specific UV Absorbance at 254 nm, both on natural water and test water to a future session or within the scope of the ongoing review of Guidelines (G8);
- .6 noted to, if it decides in the future on the mandatory application of Guidelines (G8), take any necessary action with regard to the possible need to categorize Procedure (G9) as mandatory as well;
- .7 approved in principle the amendments to section 7.1 of the *Methodology for information gathering and conduct of work of the GESAMP-BWWG* (BWM.2/Circ.13/Rev.3) based on the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (PSPC) (resolution MSC.215(82)), proposed by the Workshop (MEPC 69/4/3, annex 3) to be incorporated in the next revision of the Methodology;
- .8 noted the intention of the GESAMP-BWWG to immediately start applying the new criteria for corrosion testing set out in annex 3 of the report instead of the higher criteria in the current Methodology in its evaluation of proposals for approval of BWMS making use of Active Substances;

- .9 endorsed the Workshop's recommendation to require applicants to include specific information on protective equipment as part of the application dossier, to unequivocally identify the equipment in use and to use the suggested detection limits for Relevant Chemicals set out in annex 4 of document MEPC 69/4/3 as a guide; and
- .10 requested the GESAMP-BWWG to develop criteria for when BWMS using drinking water should seek approval in accordance with Procedure (G9), taking into consideration the discussion at MEPC 65 and especially the chlorination of drinking water in this regard.

Review of Guidelines (G8)

4.36 The Committee noted the progress made with regard to the review of the Guidelines (G8) and, mindful of the urgency of finalizing the work at MEPC 70, agreed with the way forward recommended by the group.

4.37 The Committee agreed to re-establish the Correspondence Group on Review of Guidelines (G8), under the coordination of the United Kingdom¹, and instructed it, taking into consideration the outcome of this session, to:

- .1 continue the review of the Guidelines (G8), focusing on work items identified within the report of the Ballast Water Review Group at MEPC 69 (MEPC 69/WP.8);
- .2 forward any items that are not finalized to the intersessional working group for completion; and
- .3 submit a report to MEPC 70.

4.38 The Committee also agreed to the establishment of an Intersessional Working Group on Review of Guidelines (G8), subject to endorsement by C 116, to be held from 17 to 21 October 2016 and to be chaired by Mr. C. Wiley (Canada), and instructed it to:

- .1 continue the review of the *Guidelines for approval of ballast water management systems (G8)*, considering the report of the intersessional Correspondence Group and any commenting documents submitted to MEPC 70;
- .2 consider the application schedule of the revised Guidelines (G8), taking into consideration the Roadmap for the implementation of the BWM Convention; and
- .3 submit a report containing the draft revised Guidelines (G8) to MEPC 70, for consideration.

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4.39 The Committee invited Member States and international organizations to submit proposals with regard to the definition of "viable organisms" to PPR 4, as specified in paragraph 28 of the report of the BWRG (MEPC 69/WP.8).

Proposed amendments to the BWM Convention

4.40 The Committee approved draft amendments to regulation B-3 of the BWM Convention, as set out in annex 4, and a draft MEPC resolution on *Determination of the date referred to in regulation B-3, as amended, of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, as set out in annex 5, and instructed the Secretariat to keep the draft amendments in abeyance for circulation immediately upon entry into force of the Convention, with a view to adoption, together with the aforementioned MEPC resolution.

4.41 In this context, the Committee requested the Secretariat to review the draft amendments to regulation B-3 and prepare any consequential amendments to the Convention and associated guidance, for consideration by the Committee at a future session.

4.42 The Committee noted that, in developing the aforementioned resolution on determination of the date, the BWRG had recognized that all ships are subject to the BWM Convention pursuant to article 3 and regulation A-5, but that certain ships are not subject to the renewal survey associated with the IOPP Certificate of Annex I of MARPOL, and invited interested delegations to submit proposals on the issue to a future session.

Future work

4.43 The Committee agreed to re-establish the BWRG at MEPC 70, in accordance with the provisions of regulation D-5 of the BWM Convention.

5 AIR POLLUTION AND ENERGY EFFICIENCY

5.1 The Committee agreed to also consider under this agenda item document MEPC 68/3/10 (Republic of Korea), which had been kept in abeyance until this session, and paragraph 9 of document MEPC 69/7/3 (CSC).

TECHNICAL COOPERATION AND TRANSFER OF TECHNOLOGY

Implementation of resolution MEPC.229(65) on Promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships

5.2 The Committee recalled that MEPC 68 had noted the work plan of the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (TT-EG) for the intersessional period until MEPC 69, with a view to finalizing the tasks it had been given.

5.3 The Committee considered document MEPC 69/5 (Chairman of the TT-EG), summarizing the work of the group, providing the full report on the four tasks identified in the group's work plan and containing a set of recommendations for the implementation of the regulations on energy efficiency for ships in chapter 4 of MARPOL Annex VI.

5.4 Some delegations expressed the view that the work of the group should be continued to ensure that its recommendations are fully implemented. At the same time, it was noted that many of its recommendations had already been incorporated into the Organization's technical cooperation activities and major projects.

5.5 Following the ensuing discussion, the Committee noted the information provided in the report of the group, and in particular:

- .1 noted the assessment of the potential implications and impacts of the implementation of the regulations in chapter 4 of MARPOL Annex VI, in particular on developing States, as a means to identify their technology transfer and financial needs, if any, as set out in annex 1 of the report;
- .2 noted also that the scoping document on the establishment of an inventory of energy efficiency technologies for ships, as set out in annex 2 of the report, had been forwarded to the GEF-UNDP-IMO project "Transforming the global maritime transport industry towards a low carbon future through improved energy efficiency" (GloMEEP), and that an information portal for energy efficiency technologies for ships is expected to be developed by the end of June 2016, as part of the project;
- .3 noted further the identification of barriers to transfer of technology, in particular to developing States, including associated costs and possible sources of funding to support transfer of technology relating to the improvement of energy efficiency of ships, as set out in annex 3 of the report;
- .4 approved the *Model Agreement between Governments on technological cooperation for the implementation of the regulations in chapter 4 of MARPOL Annex VI*, as set out in annex 4 of the report, and requested the Secretariat to issue it as MEPC.1/Circ.861 to encourage use by Member Governments; and
- .5 endorsed a set of recommendations to guide and assist Member States, industry and other entities within States in implementing the regulations in chapter 4 of MARPOL Annex VI, as set out in annex 5 of the report.

5.6 The Committee instructed the Secretariat to keep it informed of progress, in particular regarding the completion of the information portal for energy efficiency technologies for ships currently being developed by the GloMEEP project.

5.7 The Committee thanked the Chairman of the TT-EG, Mr. D. Ntuli of South Africa, and the members of the group, especially those Member States which co-lead the four tasks, for their excellent and constructive work and noted that with this, the group had completed its work in line with the timetable given to the group.

Update of the IMO Train the Trainer (TTT) course on energy efficient ship operation

5.8 The Committee noted document MEPC 69/5/6 (Secretariat), providing the Train the Trainer course on energy efficient ship operation and encouraged Member Governments and other interested delegations to make use of it.

Future-Ready Shipping 2015: IMO-Singapore International Conference on Maritime Technology Transfer and Capacity Building

5.9 The Committee noted document MEPC 69/INF.6 (Singapore), providing information on Future-Ready Shipping 2015: A Joint IMO-Singapore International Conference on Maritime Technology Transfer and Capacity Building, held in Singapore from 28 to 29 September 2015, and congratulated Singapore on the successful outcome of the conference, especially its contribution to the ongoing technical cooperation activities concerning the implementation of the regulations on energy efficiency for ships in MARPOL Annex VI.

AIR POLLUTION FROM SHIPS

Fuel oil quality

5.10 The Committee recalled that MEPC 68, having considered the report of the Correspondence Group on Fuel oil quality (MEPC 68/3/4 and MEPC 68/INF.12) and having noted that the majority of delegations that expressed a view agreed that there was a need to further examine the adequacy of the current legal framework in MARPOL Annex VI and the draft guidance on best practice for assuring the quality of fuel oil delivered for use on board ships, had re-established the correspondence group, under the coordination of the United States.

5.11 The Committee, having considered documents MEPC 69/5/3 and MEPC 69/INF.7 (United States), providing the report of the Correspondence Group on Fuel oil quality and a summary of the comments received during the discussions of the group, noted that the group had:

- .1 prepared three aspects of possible draft guidance on best practice for fuel oil providers, fuel oil purchaser/user, and Member State/coastal State; and
- .2 not reached agreement on the adequacy of the current legal framework in MARPOL Annex VI for assuring the quality of fuel oil for use on board ships.

Best practice for fuel oil providers

5.12 The Committee considered whether the development of best practice for fuel oil providers was appropriate and, if so, if the summary in annex 1 to the report should be used as the basis for further discussions, noting that the correspondence group also requested it to consider whether industry should be encouraged to develop draft best practice and submit it to the Committee for further consideration.

5.13 In the ensuing discussion, a view was expressed that annex 5 to document MEPC 69/INF.7 should be taken into account in the development of guidance on best practice for fuel oil providers.

5.14 Following discussion, the Committee encouraged the fuel oil supply industry to develop draft best practice for fuel oil providers, taking into account annex 1 to document MEPC 69/5/3, and submit this best practice for consideration by the Committee at a future session.

Best practice for fuel oil purchaser/user

5.15 The Committee considered whether the development of best practice for fuel oil purchasers was appropriate and, if so, if the summary in annex 2 of the report should be used as the basis for further discussions.

5.16 Following consideration, the Committee agreed that best practice for fuel oil purchaser/user should be developed, using annex 2 to document MEPC 69/5/3 as the basis, but that further consideration was needed to reflect concerns expressed, including how a purchaser could identify reputable fuel oil providers and could insist that fuel oil providers were following best practice.

- .2 established a Steering Committee to oversee the review and agreed that the Committee is the de facto "group of experts" mentioned in regulations 14.9 and 14.10 of MARPOL Annex VI; and
- .3 requested the Secretariat to initiate the fuel oil availability review in accordance with the agreed terms of reference, including the establishment of the Steering Committee, with a view to the final report being submitted to MEPC 70.

5.24 The Committee considered document MEPC 69/5/4 (Steering Committee Coordinator), providing a progress report on the review of fuel oil availability, following the four meetings of the Steering Committee held so far; and thanked the Coordinator for his report and the members of the Committee for the progress made.

5.25 In this regard, the Committee also considered document MEPC 69/5/11 (ICS and INTERTANKO), providing comments on document MEPC 69/5/4 and requesting the Committee to agree in principle that a final decision on the date of the implementation of the 0.50% sulphur limit should be taken at MEPC 70, so that maritime Administrations and industry can prepare and plan accordingly.

5.26 Following discussion, the Committee:

- .1 noted the progress made by the Steering Committee and reiterated that, in accordance with the agreed terms of reference, the review is expected to be completed in time for reporting to MEPC 70; and
- .2 agreed, in principle, that a final decision on the date of implementation of the 0.50% sulphur limit should be taken at MEPC 70, so that maritime Administrations and industry can prepare and plan accordingly.

Sulphur monitoring programme

5.27 The Committee noted that, in accordance with regulation 14.2 of MARPOL Annex VI and the *2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* (resolution MEPC.192(61)), the results of sulphur monitoring should be presented to a subsequent session of the Committee every year.

5.28 In this regard, the Committee considered document MEPC 69/5/7 (Secretariat) and took the following action:

- .1 noted the outcome of the monitoring of the worldwide average sulphur content of marine fuel oils supplied for use on board ship for 2015, based on data from the four sampling and testing service providers, which identified the worldwide average sulphur content (i.e. three-year rolling average) of residual fuel oil as 2.45% and of distillate fuel oil as 0.11%; and that the Secretariat would continue to provide information on this matter annually to the Committee;
- .2 endorsed the renewal of contracts with the four providers of sampling and testing services to the IMO fuel sulphur monitoring programme; and
- .3 approved the amendment to the *2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* (resolution MEPC.192(61)), as set out in paragraph 15 of document MEPC 69/5/7, and requested the Secretariat to prepare a draft MEPC resolution for its adoption by the Committee at this session.

5.29 Having considered the draft MEPC resolution on the adoption of amendments to the 2010 Guidelines prepared by the Secretariat (MEPC 69/WP.6), the Committee adopted resolution MEPC.273(69) on *Amendments to the 2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships (resolution MEPC.192(61))*, as set out in annex 6, and requested the Secretariat to issue a consolidated text of the Guidelines, as amended, for dissemination as MEPC.1/Circ.862.

Use of onshore power supply

5.30 The Committee considered document MEPC 69/5/8 (CESA), providing information about the mandatory deployment of onshore power supply in ports in Europe and in California and that the relevant international electrical standard (ISO/IEC/IEEE 80005-1:2012) had been validated; and proposing that IMO should require ports and new-built ships to use the international standard for connection to a shore power system.

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

- .1 MARPOL Annex VI should be amended to use international electrical standards relevant to onshore power supply;
- .2 the use of international electrical standards relevant to onshore power supply should not be mandated;
- .3 the current status of onshore power supply provision in ports should be investigated; and
- .4 onshore power supply should come from a renewable energy source.

5.32 Following consideration and having recognized that the matter is related to ships' equipment, the Committee invited interested Member Governments to submit a proposal for a new output to the Maritime Safety Committee, in accordance with the Committees' Guidelines.

Study of the use of methanol as marine fuel

5.33 The Committee noted document MEPC 69/INF.10 (Secretariat), providing the report of a study on the use of methanol as marine fuel: environmental benefits, technology readiness and economic feasibility, undertaken using funds provided to the Secretariat by Transport Canada.

ENERGY EFFICIENCY OF SHIPS

EEDI reviews required under regulation 21.6 of MARPOL Annex VI

5.34 The Committee recalled that:

- .1 in accordance with regulation 21.6 of MARPOL Annex VI, at the beginning of phase 1 and at the midpoint of phase 2 of the EEDI regulations, the Organization shall review the status of technological developments and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and the reduction rate;
- .2 MEPC 66 had agreed to establish an EEDI database to assist the Organization in its future reviews of technological development and to the minimum data to be included in the database; and

- .3 MEPC 67 had established a Correspondence Group on EEDI review, under the coordination of Japan, in order to review the status of technological developments relevant to implementing phase 2 of the EEDI regulations.

5.35 The Committee noted document MEPC 69/INF.16 (Secretariat), providing a summary of data and information currently contained in the EEDI database and requested the Secretariat to continue submitting this information to the Committee.

5.36 The Committee considered documents MEPC 69/5/5 and MEPC 69/INF.9 (Japan), providing the interim report of the Correspondence Group on EEDI review together with participants' comments and information provided in the group, and noted in particular:

- .1 the recommendation to the Committee that the time period, the EEDI reference line parameters for relevant ship types, and the reduction rates set out in regulation 21 of MARPOL Annex VI should be retained; and
- .2 requests to consider additional items to be included in the EEDI database and a capacity correction factor for ice class ships with a view to amendments to the *2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships* (resolution MEPC.245(66), as amended by resolution MEPC.263(68)).

Recommendation of the correspondence group

5.37 The Committee considered in particular the recommendation of the group (see paragraph 5.36.1), together with the following documents:

- .1 MEPC 69/5/9 (CSC), expressing the view that the correspondence group should continue its work to revise EEDI phase 2 requirements and should consider the consequential impact of potential change to phase 2 requirements on the stringency of phase 3; and that the EEDI database should be improved; and
- .2 paragraph 9 of document MEPC 69/7/3 (CSC), expressing the view that a large proportion of recently built ships are already meeting the phase 2 EEDI requirements four to five years early while leaving a number of important measures for reducing EEDI unused; and advocating the need to revisit the phase 2 requirements to lock in emissions gains and ensure that best practice becomes the norm as a feasible and obvious response to the Paris Agreement.

5.38 Many delegations supported the continuation of the work of the correspondence group for the following reasons:

- .1 the recommendation to the Committee that the time period, the EEDI reference line parameters for relevant ship types, and the reduction rates set out in regulation 21 of MARPOL Annex VI should be reviewed further for certain ship types;
- .2 the power correction factor for ice-classed ships, ro-ro cargo ships and ro-ro passenger ships in the *2014 Guidelines on the method of calculation of the attained EEDI for new ships* should be reviewed;
- .3 the ongoing work on the minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions should be taken into account; and

.4 noting that document MEPC 69/INF.16 contained no EEDI information for ro-ro passenger ships and information for only four ro-ro cargo ships, it was difficult to draw any generic conclusions for these ship types.

5.39 In this regard, the Committee noted an intervention by the observer from IFSMA, informing the Committee of the concerns of a ship master regarding the potential for ships to have insufficient power with the adoption of the EEDI, particularly in close manoeuvring situations in rivers and harbours and in adverse weather conditions.

5.40 Following discussion, the Committee instructed the correspondence group to continue its work and the working group to develop draft terms of reference for the correspondence group for consideration by the Committee (see paragraphs 5.54 and 5.55), having noted that a new coordinator³ for the group had been assigned by Japan.

5.41 Consequently, the Committee agreed that document MEPC 69/5/10 (Japan), proposing a draft amendment to regulation 21.6 of MARPOL Annex VI to delete the text related to the review at the beginning of phase 1, would not be considered further.

Additional information to be included in the EEDI database

5.42 The Committee considered the proposals for additional information to be included in the EEDI database identified in paragraph 32.2 of the interim report of the group and in paragraph 17 of document MEPC 69/5/9, and, having agreed that this additional information should be used for the review at the midpoint of phase 2 required by regulation 21.6 of MARPOL Annex VI, agreed to keep the matter in abeyance until MEPC 70.

Capacity correction factor for ice class ships

5.43 Having noted the proposed calculation method for a capacity correction factor for ice class ships developed by the correspondence group, as set out in annex 2 of the interim report, the Committee agreed to keep this matter in abeyance until MEPC 70.

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

5.44 The Committee, having considered document MEPC 69/5/1 (China), proposing a calculation method for the EEDI for ships with dual fuel engines that use gas fuel as non-primary fuel and providing relevant draft amendments to the *2014 Guidelines on the method of calculation of the EEDI for new ships*, instructed the working group to consider the proposed draft amendments, taking into account document MEPC 69/5/1, and advise the Committee accordingly (see paragraph 5.56).

Guidelines on survey and certification of the EEDI

5.45 The Committee considered document MEPC 69/5/2 (China), providing comments on the amendments to the *2014 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI)* adopted at MEPC 68 by resolution MEPC.261(68) with respect to ISO 15016:2015 and requesting the Committee to consider the location of the water

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temperature measurements; to include the three load variation coefficients in the ship model test report; and to urge ISO to further evaluate the applicability of the reference values of load variation coefficients to different ship types.

5.46 Following discussion, the Committee, having been informed that the position of the water temperature measurement is provided in paragraph 9.6.6 of ISO 15016:2015 and that a procedure for a load variation test is currently under review by ITTC, and having noted that the majority of delegations did not support the proposals in document MEPC 69/5/2, agreed not to consider the matter further.

Conditions for exemption from SEEMP requirements

5.47 The Committee recalled that MEPC 68, having considered document MEPC 68/3/10 (Republic of Korea), proposing to exempt a ship engaged solely on domestic voyages from the requirement of having a Ship Energy Efficiency Management Plan (SEEMP) on board in case the ship makes a single international voyage, had agreed:

- .1 to keep the document in abeyance until this session where, should it be established, the working group could be instructed to review the proposal and advise the Committee accordingly; and
- .2 should the recommendation of the working group be that there is a need for an amendment to MARPOL Annex VI, then a new output would be required.

5.48 In this regard, the Committee instructed the working group, as agreed at MEPC 68, to review document MEPC 68/3/10 and advise the Committee accordingly.

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

5.49 The Committee noted the following documents, providing information on ongoing projects related to the *2013 Interim Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.232(65), as amended by resolutions MEPC.255(67) and MEPC.262(68)):

- .1 MEPC 69/INF.23 (Denmark et al.), providing information on a collaboration between the SHOPERA and JASNAOE projects for the development of a proposal to revise the *2013 Interim Guidelines*, for adoption at MEPC 71; and
- .2 MEPC 69/INF.27 (the Netherlands), providing information on an ongoing research project related to the *2013 Interim Guidelines*, with a focus on ships of less than 20,000 DWT.

Relevant information and studies on energy efficiency of ships

5.50 The Committee noted the following documents providing relevant information on matters related to the energy efficiency of ships:

- .1 MEPC 69/INF.8 (IMarEST and RINA), providing information on the implementation of technical energy efficiency measures, based on a cross-sectional survey of 275 shipowners and operators covering around 5,000 ships; and

- .2 MEPC 69/INF.29 (CSC), providing information on a study using the Estimated Index Value (EIV) to investigate trends in the design efficiency of ships built between 2009 and 2015 and the factors that are contributing to changes in these trends and the underlying EIVs.

5.51 The Committee also noted the following documents providing relevant studies on matters related to the energy efficiency of ships, undertaken using funds provided to the Secretariat by Transport Canada:

- .1 MEPC 69/INF.11 (Secretariat), providing the report of a study on the optimization of energy consumption as part of the implementation of a SEEMP, undertaken to identify best practice developed by the shipping industry, particularly since 1 January 2013, with the introduction of the mandatory requirement for ships to keep on board a ship-specific SEEMP; and
- .2 MEPC 69/INF.18 (Secretariat), providing information on the development of a computer-based tool to appraise technical and operational energy efficiency measures for ships.

ESTABLISHMENT OF A WORKING GROUP

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

- .1 develop terms of reference for the Correspondence Group on EEDI review required by regulation 21.6 of MARPOL Annex VI, for consideration by the Committee;
- .2 consider the proposed draft amendments to the *2014 Guidelines on the method of calculation of the attained EEDI for new ships*, taking into account document MEPC 69/5/1, and advise the Committee accordingly; and
- .3 review document MEPC 68/3/10 and advise the Committee accordingly.

REPORT OF THE WORKING GROUP

5.53 Having considered the report of the working group (MEPC 68/WP.9), the Committee approved it in general and took action as indicated hereunder.

Terms of reference for the Correspondence Group on EEDI review

5.54 The Committee noted the group's view on the time-line of the EEDI review work that should be finalized by MEPC 70 and that the consideration of minimum propulsion power for maintaining manoeuvrability of ships in adverse conditions required by regulation 21.5 of MARPOL Annex VI should be considered separately from the EEDI review process.

5.55 Having considered the draft terms of reference for the correspondence group (see paragraph 5.40) proposed by the group, the Committee instructed the correspondence group, taking into account its interim report (MEPC 69/5/5) and the discussions at MEPC 69, to:

- .1 for ro-ro cargo ships and ro-ro passenger ships, consider the status of technological developments based on information obtained from the EEDI database (to be updated by Member States, non-governmental organizations and intergovernmental organizations) and further invite case studies on the EEDI reduction rate for the phase 2 period, using data including those collected after MEPC 69;
- .2 recommend within the current revision process whether the time periods, the EEDI reference line parameters for relevant ship types and the reduction rates set out in regulation 21 should be retained or, if proven necessary, should be amended as appropriate;
- .3 further review the correction factors for ice class ships, ro-ro cargo ships and ro-ro passenger ships, with a view to prepare draft amendments to the *2014 Guidelines on the method of calculation of the EEDI for new ships* (resolution MEPC.245(66)), as amended, and the *2013 Guidelines for calculation of reference lines for use with the EEDI* (resolution MEPC.231(65)); and
- .4 submit a report to MEPC 70.

Calculation method for the EEDI for ships with dual fuel engines

5.56 The Committee noted that the group had agreed, in principle, to the proposal in document MEPC 69/5/1 (see paragraph 5.44) and that the delegation of China would further develop and improve the proposal in collaboration with interested Member Governments and/or international organizations, for submission to MEPC 70.

Exemption of ships not normally engaged on international voyages

5.57 The Committee approved MEPC.1/Circ.863 on *Recommendation on exemption of ships not normally engaged on international voyages from the requirements in chapter 4 of MARPOL Annex VI* and noted in this connection the group's view that exemption provisions should be added in chapter 4 of MARPOL Annex VI, together with a form of exemption certificate.

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

Background

6.1 The Committee recalled that MEPC 68 had agreed to an intersessional meeting of the Working Group on Further technical and operational measures for enhancing energy efficiency, which was held at IMO Headquarters from 9 to 11 September 2015, with the following terms of reference (MEPC 68/21, paragraph 4.25):

- .1 further consider transport work and/or proxies for inclusion in the data collection system;
- .2 further consider the issue of confidentiality;

- .3 consider the development of guidelines identified in the text; and
- .4 submit a written report to MEPC 69.

Documents for consideration

6.2 The Committee had for its consideration the following documents:

- .1 MEPC 69/6 (Secretariat), presenting the report of the intersessional working group, containing the full language for the data collection system for fuel consumption that can be readily used for voluntary or mandatory application; noting that the definitions of "distance travelled" and "service hours" require further fine-tuning and recommending that, for ship types which carry cargo, "design DWT" should be used as a proxy of "cargo weight/volume"; stating that for those sectors where cargo is not carried, further consideration is required to ascertain operational energy efficiency; and inviting Japan to submit its proposal for amendments to the SEEMP Guidelines to this session for further consideration (see document MEPC69/6/1);
- .2 MEPC 69/6/1 (Japan and Norway), proposing draft amendments to the *2012 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* to incorporate conforming changes envisioned in the ship fuel consumption data collection programme currently under consideration by the Committee;
- .3 MEPC 69/6/2 (Japan et al.), proposing draft amendments to chapter 4 of MARPOL Annex VI to incorporate mandatory data collection system for fuel consumption for approval at this session, with a view to adoption at MEPC 70;
- .4 MEPC 69/6/3 (IPTA), commenting on operational issues in the chemical tanker industry as background to the discussions on the collection of data on fuel consumption and energy efficiency and suggesting that, given the operational realities of chemical tanker segment, it is impossible to establish a "standard" voyage in terms of fuel consumption and time spent at sea and in port, which does not allow for the comparison of chemical tankers with one another or to compare different voyages on the same ship; and that extreme caution to be exercised in drawing of conclusions with regard to energy efficiency on the basis of fuel consumption collected in respect of chemical tankers;
- .5 MEPC 69/6/4 (India), suggesting the establishment of a robust mechanism for data collection related to fuel consumption of ships only until an effective means of promoting energy efficiency of existing ships is found; fully supporting the development of a mechanism for collecting data related to quantification of GHG emissions from ships, but believing that any effort to establish an energy efficiency standard on the basis of limited work done parameters for existing ships may not result in any benefit, as it is fraught with various problems and implications;
- .6 MEPC 69/6/5 (ICS et al.), requesting the Committee to finalize the global CO₂ data collection system at this session and to approve amendments to MARPOL Annex VI for its mandatory application, so that ships can provide

the required data as soon as possible; reaffirming their continuing support for the "three-step process"; and suggesting that, in a future session of the Committee, a decision is taken to conduct a further GHG study using data collected under the IMO data collection system;

- .7 MEPC 69/6/6 (Argentina et al.), commenting on document MEPC 69/6; proposing an index for monitoring shipping emissions; providing views on the technical, commercial and operational issues related to this subject; and suggesting that the complexity to define a proper and adequate index to monitor the efficiency of maritime transport presents a challenge, and that the use of design deadweight as proxy for cargo weight/volume is appropriate, as defined by the equation provided in paragraph seven of their document;
- .8 MEPC 69/6/7 (ICHCA), welcoming the progress made by the working group; calling for robust transport work data to be included in a data collection system, which will enable IMO to analyse the energy efficiency of the maritime sector; and stating that the proposal to use "design deadweight" as the proxy for cargo volume/weight would not provide sufficiently robust data and would be misleading;
- .9 MEPC 69/6/8 (China), commenting on documents MEPC 69/6, MEPC 69/6/2 and MEPC 69/6/6 and proposing modifications to the full language for the data collection system for fuel consumption;
- .10 MEPC 69/6/9 (China), commenting on the draft amendments to the SEEMP guidelines proposed in document MEPC 69/6/1; suggesting that the term "data reporting period" should be substituted with the term and definition "calendar year", as it is more concise and in line with the practices on board ships; being of the view that "distance travelled" should include all actual distances sailed in nautical miles for the calendar year, and "service hours" would be 24 hours per day, less the number of hours a ship is at berth, at anchor, in drydock, undergoing repairs or out of service; and proposing that the use of BDNs should be combined with periodic stock takes of fuel tanks, which should be recorded consecutively in the engine log-book or other official record books and incorporated into the SEEMP Guidelines;
- .11 MEPC 69/6/10 (Austria et al.), commenting on document MEPC 69/6/2 and supporting the proposed draft amendments to MARPOL Annex VI; urging the Committee to conduct a swift approval of the amendments to MARPOL Annex VI proposed in document MEPC 69/6/2, for adoption at MEPC 70; and stating that further technical work will be needed to facilitate the implementation of the data collection system and that the draft amendments to SEEMP, as proposed in document MEPC 69/6/1, are an important first step;
- .12 MEPC 69/7/3 (CSC), paragraphs 7 and 8, considering the timely establishment of a global system of data collection for shipping CO₂ emissions to be an important first step; stating that the necessary transparency that civil society and the users of shipping services call for in document MEPC 68/4/11 is an essential element that remains missing from the proposed IMO system; and considering the level of secrecy of data to be a serious risk damaging IMO's credibility which will raise questions about the credibility of any conclusions purportedly drawn from the data and prompt the outside world to question what industry is trying to hide, and whether the IMO's regulatory role risks being compromised;

- .13 MEPC 69/INF.21 (India), providing findings from a study conducted by India on the use of transport work parameters, i.e. distance travelled, service hours and tonne-nautical mile of cargo carried in evaluating energy efficiency of 16 oil tankers and seven bulk carriers on worldwide trade and flying the Indian flag;
- .14 MEPC 69/INF.26 (Belgium), presenting a study using data routinely collected and reported from the Royal Belgian Shipowners Association's fleet over the 2008-2014 period, with the objective of better understanding ships' CO₂ emissions and the Energy Efficiency Operational Indicator (EEOI); and
- .15 MEPC 69/INF.28 (Brazil), offering additional information for the definition of an index for monitoring CO₂ emissions from international shipping and views on the technical, commercial and operational issues that are related to this subject.

Report of the Working Group

6.3 The Committee approved the report of the intersessional meeting of the Working Group on Further technical and operational measures for enhancing energy efficiency (MEPC 69/6) in general, having noted that, as instructed, the group had further developed the full language for the data collection system for fuel consumption that can be readily used for the voluntary or mandatory application of the system. The Committee agreed to consider the action requested of it, as set out in paragraph 65 of the report, one-by-one, together with the relevant documents, and took action as described hereunder.

6.4 In considering paragraph 65.1 of the report, the Committee:

- .1 agreed that data forwarded from Administrations to the Organization did not need to be anonymized and that this data, as with the data supplied for the EEDI database, should include the IMO number to enable the Organization to avoid duplication of data inputted to the database; and
- .2 recalled that the Committee agreed that data collected by the Organization, particularly related to transport work, needs to be confidential and not publicly available, and that there is a need to address resulting administrative burdens, impact on industry and the variables that influence energy efficiency (MEPC 68/21, paragraph 4.12).

6.5 In considering paragraph 65.2 of the report, together with paragraphs 7 and 8 of document MEPC 69/7/3, the Committee agreed that there was a need to establish how data could be presented to ensure anonymity to the extent, that the provisions in paragraph 8 of the full language set out in annex 1 to the report are satisfied, and that further work was required to consider this matter.

6.6 In considering paragraphs 65.3 through 65.5 of the report, together with documents MEPC 69/6/6, MEPC 69/6/7, MEPC 69/6/8 and MEPC 69/INF.28, the following comments were, inter alia, made:

- .1 the use of the parameters "distance travelled" and "service hours" is supported, however, fine-tuning is required;
- .2 the parameter "distance travelled" should be defined as distance through the water rather than distance over the ground, and for the former

- approach ships are required to carry instruments under SOLAS chapter V whereas for the latter approach only ships of 50,000 GT and above carry the necessary instruments, and it is important to provide synergies with other regulations;
- .3 the use of the parameter "design DWT" is supported as it is reliable, simple to use, maintains confidentiality and is appropriate as a proxy for cargo weight/volume;
 - .4 the use of the parameter "design DWT" represents the maximum loading capacity only and would not provide accurate ship utilization rates;
 - .5 the use of the parameter "GT" should be considered as the transport work proxy for ro-ro ships and passenger ships;
 - .6 the impact on developing countries, in particular least developed countries (LDCs) and small island developing states (SIDS), including distance to market for remote countries, food security, and possible economic effects should be taken into account and that this has been recognized by the Committee (MEPC 68/21, paragraph 4.16.2) and is to be considered at the policy decision making stage, that is, step 3 of the three-step approach (see paragraph 6.8);
 - .7 it is important to emphasize paragraph 3.3 of document MEPC 69/6/6, where mention is made of transport capacity value, and it is clearly explained that any transfer of capacity, including with ballast voyages, is a movement that creates value for the economy;
 - .8 the methods used for data collection should be included in the information provided by each ship;
 - .9 further consideration should be given to ships such as icebreakers and those navigating in polar waters;
 - .10 cargo handling was not always undertaken at berth, e.g. OSVs/FPSOs, and that time waiting for a berth needed to be considered further;
 - .11 parameters for transport work needed to be clearly defined, and consideration should be given to additional administrative burden, capacity building requirements, development of online reporting tools, and review for further development; and
 - .12 confidentiality of data is crucial and no third-party access to the data should be permitted.

6.7 The Committee endorsed the group's recommendations that the parameter "distance travelled" should be collected and be defined as from "distance travelled from berth to berth" and in this regard further fine-tuning was required; the parameter "service hours" should be collected and be defined as "hours not at berth" and that in this regard further fine-tuning was required; and for ship types which carry cargo, "design DWT" should be used as a proxy of "cargo weight/volume".

6.8 The Committee re-affirmed its agreement that data collection was the first step in a three-step approach, the second step being data analysis and the third step being decision making on what further measures, if any, are required.

6.9 The Committee noted that document MEPC 69/6/3 identifies that the operational demands of different cargoes carried can have a significant effect on fuel consumption and that this should be taken into account when analysing the data in step 2 of the three-step approach.

6.10 The Committee agreed that ship energy efficiency indices should be considered under step 3 of the three-step approach and that, consequently, document MEPC 69/6/6 should be kept in abeyance until a future session.

6.11 The Committee noted that the Organization's technical cooperation activities would seek to address specific needs of LDCs and SIDS with regard to the implementation of ship energy efficiency requirements.

6.12 In considering paragraph 65.6 of the report, the Committee agreed that for shipping sectors where no cargo is carried further consideration was required to ascertain operational energy efficiency.

6.13 In considering paragraph 65.7 of the report, together with documents MEPC 69/6/1 and MEPC 69/6/9, the Committee noted that the group had invited Japan to submit a proposal for amendments to the *SEEMP Guidelines* to MEPC 69 for further consideration, and that Japan and Norway had consequently submitted proposed amendments in document MEPC 69/6/1. The Committee agreed to forward these proposed draft amendments, and those proposed by China (MEPC 69/6/9), to the working group for further consideration.

6.14 In considering paragraph 65.8 of the report, the Committee noted that the group had invited Member Governments to submit proposals for guidelines on transfer of owner/Administration to this session, but that no such proposals had been received.

6.15 In considering paragraph 65.9 of the report, together with documents MEPC 69/6/2, MEPC 69/6/4, MEPC 69/6/5, MEPC 69/6/10, MEPC 69/INF.21 and MEPC 69/INF.26, the Committee discussed the amendments to the full language text of the data collection system, to reflect the agreements made by the intersessional working group, as set out in annex 1 to document MEPC 69/6.

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

- .1 for the Organization to demonstrate continued leadership there was a need to adopt a data collection system without further delay;
- .2 validation of emission reduction was required and the development of further guidelines was imperative to support uniform and effective implementation;
- .3 it is important to note that an agreement for a mandatory system at this stage does not imply agreement regarding the nature of any requirement of energy efficiency that could be adopted in the third step of the three-step approach, and does not preclude future discussion on the issue of the mandatory or voluntary nature of a possible energy efficiency index;

- .4 should it be decided that the data collection system should be mandatory, it is important to recognize and ensure support and flexibility for developing countries, in line with what is considered a fundamental aspect of the implementation of the Paris Agreement, namely Article 13, on transparency measures; and
- .5 for the data collection system to be comprehensive and robust it needed to be mandatory and the annex to document MEPC 69/6/2 should be used as the basis.

6.17 The Committee agreed that the data collection system should be mandatory and to use the draft amendments to chapter 4 of MARPOL Annex VI set out in the annex to document MEPC 69/6/2 to reflect this agreement. Consequently, the Committee instructed the working group to finalize the data collection system for fuel consumption of ships.

Establishment of a Working Group

6.18 The Committee established the Working Group on Further Technical and Operational Measures for Enhancing Energy Efficiency and instructed it, taking into account the comments and decisions made in plenary, to:

- .1 finalize the text of the draft amendments to chapter 4 of MARPOL Annex VI to establish a data collection system for fuel consumption of ships, on the basis of the annex to document MEPC 69/6/2, and taking into account documents MEPC 69/6, MEPC 69/6/4 and MEPC 69/6/8;
- .2 finalize the text of the draft amendments to the *2012 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)*, on the basis of the annex to document MEPC 69/6/1 and taking into account document MEPC 69/6/9; and
- .3 advise on any further work related to the draft amendments to chapter 4 of MARPOL Annex VI to establish a data collection system for fuel consumption.

Report of the Working Group

6.19 Having considered the report of the working group (MEPC 69/WP.10), the Committee approved it in general and took action as indicated hereunder.

Data collection system for fuel consumption of ships

6.20 The Committee approved the draft amendments to MARPOL Annex VI regarding a data collection system for fuel consumption of ships, as set out in annex 7, and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 70.

6.21 Several delegations expressed the view that it would be more appropriate to replace the definition of "registered owner" with the definition of "company", as this would align the requirements with the definitions in the SEEMP Guidelines, and that it is the "company" which is the entity responsible for the ship's Safety Management System (SMS) and development of the SEEMP. Other delegations commented that the use of "registered owner" was the result of an extensive debate in the working group because it is the legal entity with responsibility for the ship and should not be changed. The Committee endorsed the recommendation of the working group to use "registered owner" in the requirements.

6.22 The Committee noted the intention of the delegation of the Bahamas to submit comments on various editorial and technical issues in the text of the approved draft amendments to MEPC 70.

6.23 The full text of a statement made by the delegation of the Cook Islands welcoming the approval of the mandatory data collection system as part of the three-step approach is set out in annex 17.

Information on the collection and supply of data from non-party ships

6.24 The Committee noted that the group had identified the need for guidance on the collection and supply of data from non-party ships to be developed, to provide information to Member Governments that are not a Party to MARPOL Annex VI.

Further work related to the data collection system

6.25 The Committee noted that the group had identified several important items of further work related to the draft amendments to MARPOL Annex VI to establish a data collection system for fuel consumption of ships (MEPC 69/WP.10, paragraph 49).

6.26 In this regard, the Committee, noting the need for guidelines to ensure simple and efficient procedures to avoid administrative burdens, agreed to establish a correspondence group on the data collection system for fuel consumption of ships, under the coordination of Japan⁴, and instructed it to:

- .1 further develop, with a view to finalization at MEPC 70, the draft amendments to the SEEMP Guidelines to include guidance on the methodologies to be included in the SEEMP that will be used to collect the data required by regulations 22A.1 and 22A.3 of MARPOL Annex VI, including definitional issues and the processes that will be used to report the data, based on document MEPC 69/6/1 and taking into account document MEPC 69/6/9;
- .2 if time permits, develop:
 - .1 draft guidelines for Administration data verification procedures, in accordance with regulation 22A.7;
 - .2 electronic communication and standardized data reporting format, in accordance with regulation 22A.9;
 - .3 draft guidelines for the development and management of the IMO Ship Fuel Consumption Database, including means to keep the ships anonymized and to ensure the completeness of the database, in accordance with regulations 22A.9, 22A.11 and 22A.12; and
 - .4 draft guidelines to address non-party ships submitting data to the IMO Ship Fuel Consumption Database; and
- .3 submit a report to MEPC 70.

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6.27 Noting the close proximity of MEPC 69 and MEPC 70 (see paragraph 19.16) and taking into account the workload of the group, the Committee agreed to relax the deadline for the submission of the report to MEPC 70 by two weeks to 5 August 2016.

7 REDUCTION OF GHG EMISSIONS FROM SHIPS

UNFCCC matters

7.1 The Committee considered document MEPC 69/7 (Secretariat), providing information on the outcomes of the United Nations Climate Change Conferences held in Bonn, Germany, in June, August and October 2015; and in Paris, France, from 30 November to 11 December 2015.

7.2 In this regard, the Committee noted a statement by a representative of the UNFCCC Secretariat, set out in annex 17, on the status of the Paris Climate Change Agreement (the Paris Agreement). In this regard, the Secretary-General congratulated the UNFCCC Secretariat, the Government of France, and the Secretary-General of the United Nations, Mr. Ban Ki-moon, on the accomplishment of the Paris Agreement and expressed sincere appreciation to Member States for their efforts on climate change, and that he was proud of the achievements of the Organization and looked forward to further balanced progress.

7.3 The Committee requested the Secretariat to continue its cooperation with the UNFCCC Secretariat, to attend relevant UNFCCC meetings; and to bring the outcome of the work of IMO to the attention of appropriate UNFCCC bodies and meetings, as necessary.

Reduction target for international shipping

7.4 The Committee had for its consideration the following documents:

- .1 MEPC 69/7/1 (ICS), proposing that the Organization should develop an "Intended IMO Determined Contribution" on CO₂ reduction for the international shipping sector as a whole, taking account of the UNFCCC COP 21 Paris Agreement;
- .2 MEPC 69/7/2 (Belgium et al.), inviting the Committee to develop a work plan to define international shipping's fair share of the international community's efforts to curb greenhouse gas emissions;
- .3 MEPC 69/7/3 (CSC), commenting on documents MEPC 69/5/5, MEPC 69/6 and MEPC 69/7/2 and proposing four key areas in which progress is needed at this session if the IMO is to remain relevant and respond in an appropriate and timely manner to the Paris Agreement: agreement on a work plan to identify shipping's fair share of GHG emission reductions, continuation of work leading to revised phase 2 EEDI requirements, agreement to advance consideration of measures for existing ships including MBMs and adoption of a transparent global data collection system; and
- .4 MEPC 69/7/4 (CLIA et al.), commenting on views expressed in document MEPC 69/7/2 concerning the role of international shipping in the reduction of global carbon emissions.

- 7.5 In the ensuing discussion, the following general comments were, inter alia, made:
- .1 noting the Paris Agreement as a starting point there was now a need for a meaningful process and discussion of shipping's "fair share" that should be initiated in parallel to the three-step approach (see paragraph 6.8);
 - .2 the Paris Agreement had confirmed that it was not whether climate change should be addressed but how, and that it was clear that all have to contribute, and as the Organization is responsible for the international regulation of shipping it should develop a work plan to define its "fair share" of global CO₂ contributions and a delivery framework;
 - .3 the maritime sector is unique and IMO is an outstanding organization but to remain credible a work plan needs to be developed, otherwise the issue will be dealt with elsewhere;
 - .4 as international shipping is vital to global trade, any new measures should not restrict international trade or permit carbon leakage, and it is important to consider social, economic, technical and environmental impacts to ensure that developing countries have access to financial resources and technology;
 - .5 Member Governments have already agreed to contribute to limiting/reducing emissions and as this needs to be done in a sustainable way;
 - .6 there needs to be an appropriate balance between differentiated responsibilities and respective capabilities enshrined in the Paris Agreement and the non-discriminatory principle of IMO;
 - .7 the Paris Agreement includes a provision for the contributions to be reviewed every five years and this is an approach that the Organization could adopt to encourage innovation such as the digitization of the shipping sector;
 - .8 IMO has the clear mandate and authority to address GHG emissions from international shipping and has made good progress on the finalization of the data collection system as the first step of the three-step approach which in effect is the work plan for any future action;
 - .9 maritime transportation is vital to support SIDS and important for the development of both SIDS and LDCs and any additional costs imposed on international shipping could have significant economic impacts on these countries and as such there was a need to accommodate the needs of specific countries;
 - .10 the Paris Agreement was a balanced outcome and that there had been significant efforts by the Organization to address GHG emissions from international shipping but that the proposals submitted to this session provided a future possible direction;
 - .11 there was a need to start a conversation on an appropriate contribution from international shipping to reflect the sector's mitigation potential and abatement costs and that shipping's role in the global economy and trade should be recognized;

- .12 there is a range of views in the industry regarding how international shipping should contribute to the goals of the Paris Agreement and the three-step approach should be part of a deliberate and considered discussion of what we seek to achieve over the long term as this has never fully been discussed by the Organization;
- .13 the Kyoto Protocol requires the principle of Common But Differentiated Responsibility to be applied to international shipping and before a long-term objective is considered each step of the logical and well considered three-step approach needs to be fulfilled;
- .14 the long-term objective needs to be realistic and the Organization needs to set the pace and the development of a work plan would support this;
- .15 the work plan should include the methodology to be used to define the required emission reduction effort of international shipping, the type of GHG emissions that should be covered, the reference years, the long-term objective, and the intermediary steps to achieving the objective;
- .16 the statement by the UNFCCC representative was welcome in that it reiterated the bottom-up approach to limit/reduce GHG emissions, and that step 3 of the three-step approach was the correct time to hold a policy debate and to make an informed decision on the basis of the data collected and analysed in steps 1 and 2, and that the development of a work plan at this stage would be inconsistent with the ongoing work on the development of the data collection system;
- .17 UNCTAD has identified that shipping was indispensable to the world, and especially LDCs and SIDS, and was key to global sustainability and resilience, and for shipping to be sustainable it needs to be profitable, and to do so needs economic growth and for higher maritime transport costs to be avoided;
- .18 shipping needs a flexible approach to address GHG emissions as the policy solutions required will be complex;
- .19 a GHG emissions reduction target for international shipping should be aspirational and not legally binding;
- .20 the development of a work plan should involve all stakeholders and the intention is not to interfere with the three-step approach but to consider the shipping sector's scope of responsibility as this would complement the three-step approach;
- .21 the focus should be the data collection system, effective EEDI implementation, innovation of new technology, transfer of technology and capacity building;
- .22 prior to completion of an action plan there was a need to complete the data collection and analysis and to establish a timeframe for the first two steps of the three-step approach;

- .23 the three-step approach would enable an informed and scientific decision on a long-term objective; and
- .24 the development of a work plan is not an issue distinct from the three-step approach which should be the priority of the Organization.

7.6 The full text of relevant statements made by the delegations of Argentina, Brazil and India is set out in annex 17.

7.7 In summarizing the views expressed and conclusions thereof, the Committee:

- .1 welcomed the Paris Agreement under the UNFCCC and acknowledged the major achievement of the international community in concluding the agreement;
- .2 recognized and commended the current efforts and those already implemented by IMO to enhance the energy efficiency of ships;
- .3 widely recognized and agreed that further appropriate improvements related to shipping emissions can and should be pursued;
- .4 recognized the role of IMO in mitigating the impact of GHG emissions from international shipping;
- .5 agreed to the common understanding that the approval at this session and subsequent adoption of the data collection system for fuel consumption of ships was the priority;
- .6 reiterated its endorsement of the three-step approach consisting of data collection, analysis and decision making (see paragraph 6.8); and
- .7 agreed to establish a working group under this item at MEPC 70, with a view to an in-depth discussion on how to progress the matter, taking into account all documents submitted to this session and comments made, and any further related proposals.

7.8 The full text of a relevant statement made by the delegation of Brazil, supported by the delegations of Angola, Argentina, China and Saudi Arabia, is set out in annex 17.

Reporting on the agenda item by external sources

7.9 The Committee noted interventions by the delegations of China and the Cook Islands, supported by several other delegations, expressing concern about how the Committee's deliberations under this agenda item had been reported in an article on a website belonging to a non-governmental organization with affiliations to an international non-governmental organization in consultative status. The delegation considered the article to be extremely irresponsible and its contents counter-productive, failing to mention the efforts made by Member States and specifically diminishing the significant progress made on a mandatory data collection system for fuel consumption of ships. It was also noted, in particular, that social media had been used to report the deliberations as they were happening, violating the private nature of IMO meetings; that country positions had been misrepresented; and that, as delegations needed to feel free to express their views without these being taken out of context, they considered it an abuse of privilege that has been extended to particular groups and individuals who have been given the opportunity to participate in such an important session of the Committee.

7.10 The full text of statements made by the delegations of China and the Cook Islands in this regard is set out in annex 17.

7.11 The Committee noted the intention of the Chairman to report the matter to the Council as the body overseeing the rules governing the relationship with non-governmental international organizations. Furthermore, the Chairman mentioned that starting with the next session of the Committee he would read out the Organization's rules governing media attendance so that Member States could then decide on their presence accordingly.

8 AMENDMENTS TO MARPOL ANNEX V, FORM OF GARBAGE RECORD BOOK

8.1 The Committee recalled that MEPC 65 had considered and approved draft amendments to MARPOL Annex V on the Record of Garbage Discharges, which were circulated by the Secretary-General in accordance with MARPOL article 16(2)(a) under cover of Circular Letter No.3370 of 4 June 2013, with a view to adoption at MEPC 66. However, MEPC 66, based on perceived discrepancies between the text of the Convention and the Form of the Garbage Record Book, as identified in document MEPC 66/6/9 (Bahamas), decided to postpone the adoption of the draft amendments to MEPC 67.

8.2 The Committee also recalled that MEPC 67, having considered documents MEPC 67/7/4 (Bahamas) and MEPC 67/7/8 (Netherlands), proposing further modifications to the Form of the Garbage Record Book, had agreed that more work was needed to fully consider the amendments, and had added an item on "Amendments to MARPOL Annex V, Form of Garbage Record Book" to the agenda for MEPC 68.

8.3 The Committee recalled further that, owing to time constraints, MEPC 68 had deferred the consideration of the documents submitted under the agenda item to this session (MEPC 69/8).

8.4 The Committee had for its consideration the following documents:

- .1 MEPC 68/7 (Australia et al.), providing an alternative proposal for the amendments to MARPOL Annex V, Form of Garbage Record Book, taking into consideration the comments raised during the discussions at MEPC 65, MEPC 66 and MEPC 67;
- .2 MEPC 68/7/1 (Bahamas), commenting on document MEPC 68/7 and recommending that further development of the Garbage Record Book format should be preceded by resolution of the discrepancies between regulations 10.3.2 to 10.3.4 of MARPOL Annex V and section 4 of the existing Form of Garbage Record Book;
- .3 MEPC 69/8 (Secretariat), setting out information and action to be taken on the documents submitted to MEPC 68 under this agenda item, the consideration of which was deferred to this session, owing to time constraints;
- .4 MEPC 69/8/1 (Democratic People's Republic of Korea), commenting on documents MEPC 68/7 and MEPC 68/7/1 and proposing an additional entry of "garbage state before discharges" in regulation 10.3.2 of MARPOL Annex V and paragraphs 4.1.1 and 4.1.3 of the Form of Garbage Record Book; and

- .5 MEPC 69/8/2 (India), addressing the need for clarity on the disposal of E-waste/special waste generated on board which is essential for normal operation and maintenance of the ship, together with development of adequate reception facilities ashore, inclusion in the new format of the Garbage Record Book and development/use of electronic record books.

8.5 Having considered the draft amendments proposed in documents MEPC 68/7 and MEPC 68/7/1, the Committee approved them in principle. With regard to the proposed amendments to regulation 10.3.4 of MARPOL Annex V concerning accidental discharge or loss (MEPC 68/7/1, annex 2), the Committee agreed that the text "details of the items discharged or lost" and "and the reasonable precautions taken to prevent or minimize such discharge or accidental loss" should be retained and that consequential changes should be made to paragraph 4.1.4.5 of the Form of Garbage Record book as well as to the relevant column in the proposed revised Record of Garbage Discharges (MEPC 68/7, annex 1), for consistency.

8.6 During the discussion, the Committee considered a proposal for an addition of a new column to record the name of the cargo in the proposed part II of the Record of Garbage Discharges (MEPC 68/7, annex 1) as well as a proposal for using different measuring units, other than cubic metre, and invited interested Member Governments and international organizations to submit further comments and proposals on these matters to MEPC 70.

8.7 In considering the proposal for an additional entry of "garbage state before discharges" in document MEPC 69/8/1, the Committee, while noting that the proposal might have some merit, nevertheless considered that the proposal would create administrative burdens for unnecessary recording and potentially would make the relevant guidance in the *2012 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63)) mandatory. Consequently, the Committee did not agree to the proposal.

8.8 In considering the proposals contained in document MEPC 69/8/2, the Committee noted that a new category of "E-waste" had been added to the *2012 Guidelines for the implementation of MARPOL Annex V*, through the adoption, at MEPC 65, of resolution MEPC.239(65) on amendments to the *2012 Guidelines*; and that the proposal for the development of an Electronic Garbage Record Format would be part of the considerations under agenda item 9 (Use of electronic record books).

8.9 Having considered the proposal to add "E-waste" as a new category of garbage in the Garbage Record Book, the Committee agreed to the addition in principle, noting that more work would be needed, including the development of a definition of "E-waste" and clarification with regard to the disposal of electronic equipment containing ozone-depleting substances. In this respect, the Committee invited interested Member Governments and international organizations to submit further comments and proposals to MEPC 70.

8.10 Having considered all the submissions under this agenda item, the Committee noted that while MEPC 65 had approved the draft amendments to MARPOL Annex V, which had then been circulated under cover of Circular Letter No.3370, a significant number of further modifications had been introduced, necessitating a re-circulation of the draft amendments. In this regard, the Committee further noted that MEPC 68 had instructed the CCC Sub-Committee to develop draft amendments to MARPOL Annex V concerning classification and declaration of solid bulk cargoes as harmful to the marine environment (HME), which were approved under agenda item 13 (Reports of other sub-committees), and decided that the two sets of amendments to MARPOL Annex V should be circulated together.

8.11 Consequently, the Committee approved the draft amendments to MARPOL Annex V on the Form of Garbage Record Book, as set out in annex 8, and requested the Secretary-General to circulate them, with a view to reducing administrative burdens and facilitating the future implementation of the amendments, together with the draft amendments to MARPOL Annex V approved under agenda item 13 (see paragraph 13.17), in accordance with Article 16(2) of MARPOL, for consideration at MEPC 70, with a view to adoption.

9 USE OF ELECTRONIC RECORD BOOKS

General

9.1 The Committee recalled that MEPC 66 re-established the Correspondence Group on Use of electronic record books under MARPOL and instructed it to finalize the draft Guidance currently under development in this respect. To further facilitate the use of electronic record books, the correspondence group was also instructed to consider and prepare any necessary amendments and/or unified interpretations to MARPOL; and finally to consider the need for any consequential amendments to the *Procedures for Port State Control, 2011* (resolution A.1052(27)) (MEPC 66/21, paragraph 7.5).

9.2 The Committee also recalled that, due to time constraints, MEPC 68 deferred the consideration of the agenda item to this session.

9.3 The Committee had for its consideration the report of the correspondence group (MEPC 68/9, submitted by Australia) and considered the action requested of it in paragraph 24 of the report.

Guidance for the use of electronic record books under MARPOL

9.4 In considering the draft Guidance for the use of electronic record books under MARPOL (MEPC 68/9, annex 1), the Committee recalled that MEPC 65 originally established the correspondence group to prepare such draft Guidance, taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents. In order to finalize the Guidance, the group had highlighted in their report the following issues to be resolved by the Committee:

- .1 language to be used that most appropriately conveys the non-mandatory character of the Guidance (MEPC 68/9, paragraphs 20 to 21);
- .2 appropriate text to clarify the position of MARPOL inspection and enforcement in relation to the use electronic record books (MEPC 68/9, paragraph 6.1.2 of the draft Guidance); and
- .3 flexibility permitted in relation to the format or layout of an electronic record book (MEPC 68/9, paragraphs 22 to 23).

Language to be used

9.5 The Committee, having considered the language to be used that most appropriately conveys the non-mandatory character of the Guidance (MEPC 68/9, paragraphs 20 to 21), i.e. the use of "needs to" or "should", agreed to use "should" throughout the text of the Guidance, in line with the normal practice of the Organization for non-mandatory instruments.

MARPOL inspection and enforcement

9.6 The Committee, having considered paragraph 6.1.2 of the draft Guidance, regarding the inclusion or not of the sentence contained within square brackets, i.e. "The use of and reliance upon electronic record books in no way relieves shipowners of their existing duty to accurately maintain and produce records during an inspection, as required by MARPOL", agreed to include the sentence in the draft Guidance.

Flexibility of format and layout

9.7 The Committee, having considered whether or not the format of an electronic record book, not limited to the paper form specified in MARPOL, may still be considered aligned with the Convention, as raised in paragraphs 22 and 23 of the report of the correspondence group, agreed that, in principle, the format of an electronic record book should follow the format specified in MARPOL; however, noting the different views of delegations on the matter, agreed that further consideration of the issue was needed.

9.8 Consequently, the Committee agreed to refer consideration of the matter to PPR 4, included the output "Use of electronic record books" in the biennial agenda of the PPR Sub-Committee and the provisional agenda for PPR 4, and specifically instructed the Sub-Committee to:

- .1 consider whether or not the forms of record books in MARPOL can be accommodated in electronic formats; and
- .2 explore the extent of flexibility when transferring the forms of record books under MARPOL into electronic formats.

Proposed amendments to the Procedures for port State control, 2011

9.9 The Committee considered the amendments to the *Procedures for Port State Control, 2011* (resolution A.1052(27) proposed by the group (MEPC 68/9, annex 2), specifically in relation to the style of language to be used in paragraphs 2, 6 and 12 thereof, taking into account the decisions just taken by the Committee regarding the draft Guidance (see paragraph 9.5).

9.10 Having considered the matter, and in line with the aforementioned discussion on the Guidance, the Committee agreed to use "should" throughout the text of the proposed amendments to the *PSC Procedures*. The Committee instructed PPR 4 to finalize, as appropriate, any consequential amendments to the *PSC Procedures*, based on its consideration of the issue of flexibility of the format.

Draft unified interpretations to MARPOL Annexes I, II, V and VI

9.11 The Committee noted that, to facilitate the use of electronic record books, draft unified interpretations to each of the relevant MARPOL Annexes had been proposed by the group (MEPC 68/9, annex 3). Having considered the proposed draft interpretations, the Committee, having noted that the majority of the group concurred that the proposed interpretations present a short-term solution and the most appropriate long-term mechanism for allowing the use of electronic record books would be the development of relevant amendments to MARPOL, instructed PPR 4 to develop such draft amendments.

Consideration of permitting additional electronic record books

9.12 The Committee considered the suggestions of the group (MEPC 68/9, paragraph 19) that further consideration be given to permitting the record book of engine parameters to be presented as an electronic record book and the preparation of subsequent amendments to the NO_x Technical Code, 2008, to allow this; and that consideration should also be given to permitting the Cargo Gear Record Book, required under ILO Convention No. 152, concerning *Occupational safety and health in dock work*, to be presented in electronic form.

9.13 With regard to the group's proposal to extend the application of the Guidance to the NO_x Technical Code, the Committee agreed to amend paragraph 3.1 of the Guidance to also cover the NO_x Technical Code and instructed PPR 4 to take the necessary action. With regard to the second suggestion, the Committee requested the Secretariat to inform ILO of the outcome of the discussion on the Cargo Gear Record Book.

10 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PSSAs

Designation of the Tubbataha Reefs Natural Park as a PSSA

10.1 The Committee considered document MEPC 69/10/1 (Philippines), proposing the designation of the marine area known as the Tubbataha Reefs Natural Park (TRNP) located between the islands of the Philippines and North Borneo as a PSSA. The Committee noted that the TRNP is an area with significant ecological, socio-economic, scientific and cultural attributes that are seriously threatened by international shipping activity in the Sulu Sea; was established and maintained by the Philippine Government since 1988; presently encompasses an area comprised of a 97,030 ha "Core Zone" and a 350,000 ha "Buffer Zone" surrounding it; was inscribed as a World Heritage Site in 1993 and in the Ramsar List of Wetlands of International Importance in 1999; and has been designated as a national Marine Protected Area (MPA) through the (Philippines) Republic Act 10067 since 2009.

10.2 The Committee also noted that the proposal includes the implementation of a new "Area to be Avoided" (ATBA) as the most appropriate associated protective measure (APM) to immediately reduce the risk of and/or prevent damage to the atolls and related ecosystems from international shipping activities. The proposed ATBA would apply to ships exceeding 150 GT, which will reduce the risks of collisions within or near the reef, thereby reducing the risk of impacts from marine pollution from operational and accidental discharges and would also significantly reduce the vulnerability of the TRNP to ships' groundings resulting in the physical and chemical destruction of living benthic organisms and corals. The proposed APM would be submitted to NCSR 4 (March 2017), with a view to final approval by MSC 98 (June 2017).

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

10.4 Subsequently, the Committee forwarded the proposal to designate the Tubbataha Reefs Natural Park as a PSSA (MEPC 69/10/1) to the Technical Group on PSSAs, for review, with a view to assessing whether it meets the provisions of the *Revised Guidelines for the identification and designation of Particularly Sensitive Sea Areas* (resolution A.982(24), as amended by resolution MEPC.267(68)) (the *Revised PSSA Guidelines*).

Use of EBSA criteria for PSSAs

10.5 The Committee considered document MEPC 69/10/2 (WWF, IUCN and ACOPS) highlighting the potential for the use of Ecologically or Biologically Significant Marine Areas (EBSAs) criteria, developed under the Convention on Biological Diversity (CBD), to aid in the review of existing or identification of prospective PSSAs, with the aim to enhance the PSSA designation process. A comparative analysis of their criteria highlighted that both EBSAs and PSSAs share common features related to ecological sensitivity; however, they were no substitute for the PSSA criteria which include socio-economic aspects as well as assessing an area's vulnerability to impacts from international shipping. In view of this it is suggested that, when considering potential PSSAs in future, interested parties should consider EBSAs as a valuable reference tool to support the use of the *Revised PSSA Guidelines*.

10.6 Following discussion, the Committee:

- .1 noted the information provided and encouraged Member Governments to use the information derived from the EBSA process regarding potential contributions to the identification and establishment of PSSAs;
- .2 reminded Member Governments with PSSAs that they are required, in accordance with paragraph 8.4 of the *Revised PSSA Guidelines* to bring any concerns and proposals for additional measures or modifications to any APMs or the PSSA itself to the Organization, particularly if the levels of threats from shipping have changed; and
- .3 encouraged Member Governments which have ships operating in the area of designated PSSAs to bring any concerns with the APMs to the Organization so that any necessary adjustments may be made.

Minimizing ship strikes to cetaceans

10.7 The Committee considered document MEPC 69/10/3 (IWC), providing information on developments regarding minimizing ship strikes to cetaceans since the approval of the *Guidance document for minimizing the risk of ship strikes with cetaceans* (MEPC.1/Circ.674) in 2009. This includes identified high-risk areas where measures to reduce risk may come before the Committee, possibly through proposals to establish PSSAs and APMs. IWC is also seeking collaboration on data collection to improve understanding of the issue and inform mitigation measures.

10.8 Several delegations welcomed the information provided by IWC related to measures to mitigate ship strikes, and, in particular, those that focus on the separation of ships and cetaceans in areas where the latter congregate, and the Committee noted that minor routing changes in high-risk areas could lead to substantial reduction in strikes and that this was possibly the best measure of reducing ship strikes. In this regard, the Committee also noted that a number of Member States had taken initiatives to protect whale populations migrating in their coastal waters.

10.9 Following discussion, the Committee noted the information provided and encouraged Member Governments to assist in making mariners and authorities aware of the ship strike issue, including reporting any incidents to the IWC Ship Strike Database⁵ in order to improve understanding of the issue and inform mitigation measures.

⁵ <https://iwc.int/ship-strikes>

Information on PSSAs

10.10 The Committee noted documents:

- .1 MEPC 69/INF.12 (Viet Nam) entitled "Protection of Ha Long Bay (Quang Ninh) – Cat Ba MPA (Hai Phong) Marine Protected Area";
- .2 MEPC 69/INF.14 (Papua New Guinea) entitled "Protection of Jomard Entrance, Louisiade Archipelago"; and
- .3 MEPC 69/INF.19 (Mauritania) entitled "Protection of Banc d'Arguin National Park World Heritage Site and an adjacent sea area".

Establishment of a Technical Group on PSSAs

10.11 The Committee established a Technical Group on PSSAs and instructed it to review the proposal by the Philippines to designate the Tubbataha Reefs Natural Park as a PSSA (MEPC 69/10/1), with a view to assessing whether it meets the provisions of the *Revised PSSA Guidelines* and whether all the information required by the *Guidance document for submission of PSSA proposals to IMO* (MEPC.1/Circ.510) has been provided and advise the Committee on action as appropriate.

Report of the Technical Group

10.12 Having considered the report of the Technical Group (MEPC 69/WP.11), the Committee approved it in general and took the following action:

- .1 noted that the proposal by the Philippines (MEPC 69/10/1) meets the requirements of the *Revised PSSA Guidelines*; and
- .2 designated the TRNP as a PSSA, in principle, having noted that the Philippines would submit detailed proposals for the APM to NCSR 4, with a view to final approval by MSC 98, which would provide recommendations to the Committee with a view to final designation of the PSSA at MEPC 71 in 2017.

Establishment of effective dates and other issues related to the Baltic Sea Special Area under MARPOL Annex IV

Background

10.13 The Committee recalled that MEPC 68 had considered document MEPC 68/10/2 (Denmark et al.), proposing the establishment of the effective dates for part of the Baltic Sea Special Area under MARPOL Annex IV, and had agreed that sufficient notification had been received and, therefore, effective dates could be established for the area as defined in that document, whereas the legal implications would be further considered at this session, following the submission of proposals for relevant amendments to MARPOL Annex IV (MEPC 68/21, paragraph 10.22).

10.14 The Committee noted that the Secretary-General had circulated, following a request from the Governments of the 28 Member States which are Members of the European Union and also Parties to MARPOL Annex IV, proposed amendments to Annex IV in accordance with article 16(2)(a) of MARPOL, under cover of Circular Letter No.3591 and Corr.1 of 7 October 2015 and 19 October 2015, respectively.

Submitted documents

10.15 The Committee had for its consideration eight documents addressing this topic, four submitted under this agenda item, three under agenda item 3 and one under agenda item 16, and agreed to consider them together under this item in order to facilitate the discussion (see paragraphs 3.6 and 16.2). In addition, the Committee agreed to consider information on a compromise that the nine Baltic States had reached after the submission of their respective documents (MEPC 69/WP.12).

Sufficient notification on the adequacy of port reception facilities

10.16 The delegation of the Russian Federation declared that there were adequate reception facilities for the collection of sewage from passenger ships in the Russian ports of the Baltic Sea; thus, the Russian Federation considered that the provisions of regulation 13.2 of MARPOL Annex IV were fulfilled and that the effective dates for the implementation of Special Area provisions could be established for the entire Baltic Sea special area within the framework of said Annex. The full text of the statement by the Russian Federation is set out in annex 17. Consequently, the Committee confirmed that, in light of the information provided by the nine Baltic States at MEPC 68 and at this session, sufficient notification regarding the availability of port reception facilities for sewage in the Baltic Sea Special Area had been received and that, therefore, effective dates for the Special Area requirements could be established.

Effective dates for the Special Area and associated MARPOL Annex IV amendments

10.17 The Committee proceeded to the consideration of the proposed effective dates for the Baltic Sea Special Area and the associated draft amendments to MARPOL Annex IV, which had been submitted in documents MEPC 69/10 (Austria et al.) and MEPC 69/3/3 (Secretariat), with further comments by the Russian Federation in documents MEPC 69/10/4, MEPC 69/10/5 and MEPC 69/3/5. However, in light of the compromise reached by the nine Baltic States (see paragraph 10.15), the Committee agreed to use document MEPC 69/WP.12 as the basis for its consideration.

10.18 In the ensuing discussion, all the delegations that spoke expressed their appreciation to the nine Baltic States for their constructive work and cooperation that led to the compromise proposal in document MEPC 69/WP.12. The Committee agreed that, consequently, effective dates as proposed in document MEPC 69/WP.12 could be established for the Baltic Sea Special Area at this session and forwarded the document to the Drafting Group on Amendments to mandatory instruments for finalization of the resolution on the establishment of the effective dates. Several delegations expressed concern about the possible lack of clarity in operative paragraph 1.3 of the resolution (MEPC 69/WP.12, annex 2), i.e. that it could be made more precise and clearer with regard to its applicability to voyages both entering and leaving the Special Area, and the Committee instructed the drafting group to also consider this issue.

10.19 The Committee further considered the related draft amendments to regulations 1 and 11 of MARPOL Annex IV, together with the associated draft MEPC resolution for their adoption (MEPC 69/WP.12, annex 1) and instructed the drafting group to prepare their final text.

Consequential changes to the ISPP Certificate and the certificate of type approval for sewage treatment plants

10.20 In discussing document MEPC 69/3/4 (IACS), the Committee agreed to consider the two proposals in the document, namely the consequential changes and editorial improvements to the Form of the International Sewage Pollution Prevention (ISPP) Certificate, and the development of a new form of certificate of type approval for sewage treatment plants, separately.

10.21 With regard to the proposal for consequential changes and editorial improvements to the Form of the ISPP Certificate, the Committee concluded that the proposed modifications were consequential and minor and instructed the drafting group to include these modifications in the draft amendments to MARPOL Annex IV (see paragraph 10.19).

10.22 In considering the proposal for the development of a new form of certificate of type approval for sewage treatment plants, the Committee decided to consider the matter further under agenda item 14 (Promotion of implementation and enforcement of MARPOL and related instruments), along with a related submission by IACS (MEPC 69/14) addressing the uniform implementation of the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (resolution MEPC.227(64)). The Committee requested the Secretariat to work with IACS intersessionally and submit draft amendments to the 2012 Guidelines, based on annex 2 of document MEPC 69/3/4, for consideration at MEPC 70, taking into account the outcome of the consideration of this topic under agenda item 14 (see paragraph 14.4).

10.23 In this regard, some delegations suggested that certain consequential amendments to the 2012 Guidelines could be agreed at this session. However, following discussion, the Committee agreed not to proceed with such amendments at this stage, recalling its earlier request to the Secretariat to submit draft consequential amendments to the 2012 Guidelines to MEPC 70 for consideration (see paragraph 10.22).

Instructions to the Drafting Group on Amendments to mandatory instruments

10.24 The Committee instructed the drafting group to:

- .1 prepare the final text of the draft amendments to MARPOL Annex IV, regulations 1 and 11 related to the Baltic Sea Special Area, together with the associated MEPC resolution on their adoption, based on document MEPC 69/WP.12, annex 1;
- .2 prepare the final text of the draft MEPC resolution on the establishment of the effective dates for the Special Area provisions, based on document MEPC 69/WP.12, annex 2; and
- .3 prepare the final text of the draft amendments to the Appendix to MARPOL Annex IV, Form of International Sewage Pollution Prevention Certificate, based on annex 1 to document MEPC 69/3/4.

Exceptional discharge provisions

10.25 In considering the proposal in document MEPC 69/10/6 (CLIA) to establish an exceptional discharge provision, in addition to the requirements of regulation 3 of MARPOL Annex IV, the Committee invited CLIA to submit more information to justify its proposal as well as a draft circular setting out the provisions for such exceptional discharges, for consideration at MEPC 70.

Capacity-building implications of the draft amendments to MARPOL Annex IV

10.26 The Committee, having considered document MEPC 69/16/Add.1 (Vice-Chairman), which had been prepared to assess the need for capacity building with regard to the draft amendments to regulations 1 and 11 of MARPOL Annex IV concerning the Baltic Sea Special Area, agreed that these draft amendments had no major capacity-building implications and there was no need to establish the Ad hoc Capacity-building Needs Analysis Group (ACAG) at this session (see also paragraph 16.3).

Statement by the delegation of the Bahamas

10.27 The delegation of the Bahamas made a statement, reiterating their concerns about the way in which this matter has been progressed and urging the Baltic States to ensure the full and proper communication of adequate port reception facilities so that passenger ships can continue to plan and provide their services in an environmentally sustainable way without delay or excessive cost. The full text of the statement is set out in annex 17.

Report of the Drafting Group on Amendments to mandatory instruments

10.28 Having considered the report of the drafting group related to the Baltic Sea Special Area (MEPC 69/WP.7/Add.1), the Committee approved it in general and took action as indicated hereunder.

10.29 The Committee considered the final text of the draft amendments to regulations 1 and 11 of MARPOL Annex IV, along with the consequential amendments to the Form of the International Sewage Pollution Prevention (ISPP) Certificate, prepared by the drafting group (MEPC 69/WP.7/Add.1, annex 1), and adopted the amendments by resolution MEPC.274(69), as set out in annex 9.

10.30 In adopting resolution MEPC.274(69) the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to regulations 1 and 11 of MARPOL Annex IV shall be deemed to have been accepted on 1 March 2017, (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 September 2017, in accordance with article 16(2)(g)(ii) of the Convention.

10.31 The Committee, having considered the final text of the draft MEPC resolution concerning the effective dates for the Baltic Sea Special Area, prepared by the drafting group (MEPC 69/WP.7/Add.1, annex 2), adopted resolution MEPC.275(69) on *Establishment of the date on which regulation 11.3 of MARPOL Annex IV in respect of the Baltic Sea Special Area shall take effect*, as set out in annex 10.

Instructions to the Secretariat

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

11 INADEQUACY OF RECEPTION FACILITIES

Revision of the Manual on Port Reception Facilities

11.1 The Committee recalled that MEPC 68, having considered the draft revised IMO Comprehensive Manual on Port Reception Facilities (MEPC 67/11), had agreed to change the title of the manual to "Port reception facilities – How to do it"; had deferred further consideration, including the proposed amendments submitted by the Secretariat of the Basel Convention to MEPC 67 (MEPC 67/11/1), to this session; and had requested the Secretariat, taking into account the comments made at MEPC 68, to prepare an updated version of the revised manual for consideration at this session.

11.2 The Committee had for its consideration the following documents:

- .1 MEPC 69/11 (Secretariat), providing an updated version of the revised manual on port reception facilities; and
- .2 MEPC 67/11/1 (Secretariat of the Basel Convention), proposing amendments to the revised manual, with a view to ensuring consistency with regard to cross-references to the Basel Convention.

11.3 Following consideration, the Committee approved the manual "Port reception facilities – How to do it", as set out in the annex to document MEPC 69/11, and requested the Secretariat to carry out the final editing and publish the manual through the IMO Publishing Service. In this regard, the Committee invited Member Governments to submit further proposals for editorial improvements of the manual they may have directly to the Secretariat.⁶

Cooperation between the Basel Convention and IMO

11.4 The Committee considered document MEPC 69/11/1 (Secretariat of the Basel Convention), presenting the decision of the Conference of the Parties to the Basel Convention on "Cooperation between the Basel Convention and the International Maritime Organization", as adopted at its twelfth meeting in May 2015; and the draft guidance manual on "How to improve the sea-land interface to ensure that wastes falling within the scope of MARPOL, once offloaded from a ship, are managed in an environmentally sound manner".

11.5 The Committee requested the Secretariat to further consider the aforementioned draft manual and provide comments to the Secretariat of the Basel Convention.

Port reception facilities for HME cargoes

11.6 The Committee recalled that A 29 had considered document A 29/12/1 (Liberia et al.), drawing its attention to circular MEPC.1/Circ.810 on *Adequate port reception facilities for cargoes declared as harmful to the marine environment under MARPOL Annex V*, and expressing concerns regarding its expiry date of 31 December 2015 which would leave a guidance gap.

⁶ **Contact:** Mr. Jun Sun, Technical Officer, Marine Environment Division (jsun@imo.org).

11.7 The Committee recalled further that A 29 had encouraged Member Governments to continue applying the provisions of MEPC.1/Circ.810 until further action was taken by MEPC 69; invited Member Governments and international organizations to submit information on the availability of reception facilities for HME residues to MEPC 69; and invited MEPC 69 to consider this issue as a matter of urgency.

11.8 In this regard, the Committee considered document MEPC 69/11/2 1 (Liberia et al.), proposing the continuation of the existing arrangements set out in MEPC.1/Circ.810 until 1 January 2019 through the issue of a new circular, with a view to addressing the industry's concerns over the lack of port reception facilities for cargo residues classified as HME.

11.9 The observer from INTERCARGO informed the Committee that they had conducted a survey on the availability of reception facilities for HME residues, which indicated that, of the 204 ports in the 55 countries/regions surveyed, 181 ports were reported by bulk carriers with difficulties in finding adequate port reception facilities for HME cargo residues and for hold washing water containing HME substances, while only 23 ports were confirmed as having adequate reception facilities.

11.10 Those delegations that supported the issuance of a new circular were of the view that problems experienced by shipowners and operators in finding adequate reception facilities needed to be addressed, preferably by the extension of the application of circular MEPC.1/Circ.810, until ports/terminals had fulfilled their obligation under MARPOL Annex V to provide adequate facilities.

11.11 However, the majority of delegations was of the view that an increased number of port reception facilities for HME residues is in place in ports/terminals and that the proposed extension of the application of MEPC.1/Circ.810 would not only not encourage ports/terminals to provide the needed facilities but might even prove to be a disincentive.

11.12 Following consideration, the Committee did not approve the proposal to extend the application of MEPC.1/Circ.810 and invited Member Governments to report to the Organization any alleged inadequacies, using the *Format for reporting alleged inadequacies of port reception facilities* (MEPC.1/Circ.834, appendix 1), and to consider making corresponding submissions to the Committee to bring the issue of such inadequacies to the attention of all parties concerned.

12 POLLUTION PREVENTION AND RESPONSE

12.1 The Committee recalled that the Sub-Committee on Pollution Prevention and Response (PPR) had held its third session from 15 to 19 February 2016 and the report of that session had been issued as documents PPR 3/22 and PPR 3/22/Add.1.

12.2 The Committee noted that, due to the close proximity of PPR 3 and MEPC 69 and in accordance with the Committees' Guidelines, the outcome of PPR 3 would be reported to MEPC 70, while the urgent action requested of the Committee (MEPC 69/12, paragraph 2), would be considered under agenda item 19 (see paragraphs 19.8 and 19.9).

13 REPORTS OF OTHER SUB-COMMITTEES

Outcome of III 2

13.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Implementation of IMO Instruments (III) (III 2/16, III 2/16/Add.1 and MEPC 69/13) and took action as indicated hereunder.

List of certificates and documents to be carried on board ships

13.2 The Committee endorsed III 2's conclusion that there was no need to align the *List of certificates and documents required to be carried on board ships* (FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462) with the *Guide for the use of electronic certificates* (FAL.5/Circ.39/Rev.1) at this time.

Countries Survey Questionnaire

13.3 The Committee, having considered that the questionnaire mainly concerns maritime safety aspects of marine casualties, noted the Countries Survey Questionnaire (III 2/16, annex 3).

In-the field job aid for investigators

13.4 The Committee noted III 2's decision to post the in-the-field job aid for investigators (III 2/16, annex 4) on the GISIS Marine Casualties and Incidents (MCI) module and to include it as reference material for the delivery of IMO Model Course 3.1, as well as in a future revision of the course.

Guidelines for PSC officers on the ISM Code

13.5 The Committee considered the approval of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* and, having noted that the input of the HTW Sub-Committee had not been taken into account in its preparation, requested the Secretariat to provide the relevant outcome of HTW 2 to MEPC 70, so that an informed decision can be taken at that session; and to inform MSC 96 accordingly, for concurrent action.

Results of CICs

13.6 The Committee, having considered that the proposed process for putting forward recommendations resulting from the reports of CICs to relevant IMO bodies should not prejudice the Committees' Guidelines, in particular concerning the submission of proposals for new outputs, agreed that III.2/Circ.1 on *Revised process for putting forward recommendations to the relevant IMO bodies resulting from the reports of Concentrated Inspection Campaigns (CICs)* was not necessary, and consequently did not endorse the issuing of the circular.

Survey Guidelines under the HSSC 2015

13.7 The Committee noted that III 2 had submitted the draft *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) 2015*, together with the draft requisite Assembly resolution, directly to A 29, as authorized by MEPC 67 and MSC 94; and that the Guidelines were consequently adopted by A 29 by resolution A.1104(29).

2015 Non-exhaustive list of obligations under instruments relevant to the III Code

13.8 The Committee noted that III 2 had submitted the draft *2015 Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code* resolution A.1070(28)), together with the draft requisite Assembly resolution, directly to A 29, as authorized by MEPC 67 and MEPC 94; and that the list was consequently adopted by A 29 by resolution A.1105(29).

Exemption of UNSP barges from MARPOL survey and certification requirements

13.9 The Committee noted that, as requested by MEPC 68, III 2 finalized draft amendments to MARPOL concerning the exemption of UNSP barges from survey and certification requirements and associated draft *Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention*, with a view to approval by the Committee (MEPC 69/13, paragraphs 2.6 and 2.7).

13.10 In this regard, the Committee considered the following documents commenting on the draft amendments to MARPOL Annexes I, IV and VI and the associated draft Guidelines:

- .1 MEPC 69/13/2 (Japan and Republic of Korea), proposing substantial modifications to the draft amendments to MARPOL Annexes I, IV and VI as well as the related Guidelines agreed by III 2, and to transform the draft guidelines into a resolution; and
- .2 MEPC 69/13/3 (India), commenting on the draft amendments to MARPOL Annexes I, IV and VI and the associated draft Guidelines and suggesting that in place of a single exemption certificate covering all relevant MARPOL annexes, as proposed by III 2, the exemption should be provided under individual annexes.

13.11 In considering the proposals in the aforementioned documents, the Committee discussed several outstanding issues raised relating to the draft MARPOL amendments and the associated draft Guidelines and agreed that:

- .1 any exemption should be limited to no more than five years;
- .2 exemption certificates should be provided under individual MARPOL annexes;
- .3 MARPOL Annex IV should be included in the exemption from survey and certification requirements; and
- .4 the reference to regulation 17.1 of MARPOL Annex I regarding the Oil Record Book should be retained; and
- .5 the draft guidelines, once approved by the Committee, should be issued as an MEPC circular.

13.12 Consequently, the Committee instructed III 3 to finalize the draft MARPOL amendments concerning exemption of UNSP barges from MARPOL survey and certification requirements and the associated draft guidelines, taking into account documents MEPC 69/13/2 and MEPC 69/13/3 and the decisions taken at this session, for submission to MEPC 70.

Outcome of CCC 2

13.13 The Committee approved, in general, the report of the second session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 2/15 and MEPC 69/13/1) and took action as indicated hereunder.

Requirements for classification and declaration of solid bulk cargoes as HME

13.14 The Committee recalled that MEPC 68 had agreed that classification criteria for HME (harmful to the marine environment) cargoes and the shipper's declaration of solid bulk cargoes identifying whether or not they were harmful to the marine environment should be made mandatory under MARPOL. The Committee noted, however, that CCC 2 was split on whether to make section 4 of the IMSBC Code, which relates to the cargo declaration, mandatory under MARPOL Annex V and had asked it to consider the matter.

13.15 Having considered several options, the Committee agreed to make only the criteria for the classification of solid bulk cargoes as HME and the shipper's declaration mandatory under MARPOL Annex V, without specifying the means for making the declaration.

13.16 Further to the above decision, the Committee agreed to modify the wording for the proposed new regulations 4.3 and 6.1.2.2 of MARPOL Annex V (which are identical) and to include a corresponding footnote, as follows:

"Solid bulk cargoes as defined in regulation VI/1-1.1 of the International Convention for the Safety of Life at Sea, 1974, as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared* by the shipper as to whether or not they are harmful to the marine environment.

* For ships engaged on international voyages, refer to section 4.2.3 of the International Maritime Solid Bulk Cargoes (IMSBC) Code; for ships not engaged in international voyages, other means of declaration may be used, as determined by the Administration."

13.17 With regard to a view expressed that the draft amendment should refer to the definition of "solid bulk cargoes" as set out in the IMSBC Code rather than to that in SOLAS, the Committee, having noted that the definition is identical in the two instruments, resolved to keep the reference to SOLAS.

Draft amendments to MARPOL Annex V related to HME substances

13.18 Having agreed to the amended wording of the proposed new regulations 4.3 and 6.1.2.2 (see paragraph 13.16), the Committee approved the draft amendments to MARPOL Annex V related to HME substances, as set out in annex 8, and requested the Secretary-General to circulate them together with the draft amendments on the Form of Garbage Record Book approved under agenda item 8 (see paragraph 8.11), in accordance with MARPOL Article 16(2), for consideration at MEPC 70, with a view to adoption.

Draft amendments to the IMSBC Code related to HME substances

13.19 The Committee noted the draft amendments to the IMSBC Code related to HME substances prepared by CCC 2 (CCC 2/15, annex 8), and instructed CCC 3 to finalize them, taking into account the approved draft amendments to MARPOL Annex V (see paragraph 13.18).

Draft amendments to the 2012 Guidelines for the implementation of MARPOL Annex V

13.20 Having considered the draft amendments to the *2012 Guidelines for the implementation of MARPOL Annex V* prepared by CCC 2, the Committee instructed CCC 3 to review them, with a view to ensuring that they are brought in line with the amendments to MARPOL Annex V approved earlier (see paragraph 13.18).

Outcome of HTW 3

13.21 The Committee recalled that the Sub-Committee on Human Element, Training and Watchkeeping (HTW) held its third session from 1 to 5 February 2016 and that its report on that session had been circulated as document HTW 3/19.

Revised guidelines on the implementation of the ISM Code by Administrators

13.22 The Committee considered the action requested of it emanating from HTW 3 (MEPC 69/13/4, paragraph 2) and consequently approved, subject to concurrent approval by MSC 96, the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrators*, for submission to A 30 with a view to adoption.

14 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

14.1 The Committee recalled that this was a standing item in its work programme with the purpose of fostering compliance and promoting the implementation of MARPOL and other related instruments, mandatory or recommendatory.

Provisions for sewage treatment plants

14.2 The Committee considered document MEPC 69/14 (IACS), providing a revised version of IACS Unified Interpretation (UI) MPC 88 to facilitate the uniform implementation of the phrase "installed on or after 1 January 2016" as specified in operative paragraph 2.1 and paragraph 1.2.2 of the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (resolution MEPC.227(64)) which superseded the *Revised Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (resolution MEPC.159(55)).

14.3 The Committee, having noted that the revised IACS UI had been developed using the same principles as the earlier IACS UI of resolution MEPC.159(55) with regard to the term "date of installation", approved in principle the clarification contained in MEPC 88.

14.4 Having recalled that under agenda item 10 it had requested the Secretariat to work with IACS intersessionally and prepare consequential amendments to the *2012 Guidelines on the new form of type-approval certificate for sewage treatment plants* (see paragraph 10.22), the Committee requested the Secretariat to also develop relevant amendments to cover the clarification contained in IACS UI MPC 88 and include them in the set of amendments to be submitted to MEPC 70.

Provisions for pollution prevention equipment for machinery space bilges of ships

14.5 The Committee considered document MEPC 69/14/1 (IACS), providing the text of IACS UI MPC 127, developed to facilitate the uniform implementation of paragraph 4.2.11 of the *Revised Guidelines and Specifications for pollution prevention equipment for machinery space bilges of ships* (resolution MEPC.107(49)), which in the view of IACS should be interpreted as the accuracy of 15 ppm bilge alarms be checked by calibration and testing of the equipment conducted by a manufacturer, or persons authorized by the manufacturer, at intervals not exceeding a maximum of five years.

14.6 Following consideration, the Committee approved in principle the interpretation contained in IACS UI MPC 127 and instructed the Secretariat to prepare relevant draft amendments to the *Revised Guidelines and Specifications*, for consideration at MEPC 70.

Stability instrument as required by regulation 28.6 of MARPOL Annex I

14.7 The Committee considered document MEPC 69/14/2 (IACS), seeking clarification on the scope of the application of the stability instrument requirements in regulation 28.6 of MARPOL Annex I to FPSOs, FSUs and unmanned ships not propelled by mechanical means.

14.8 While a number of the delegations concurred with IACS's analysis that under normal conditions regulation 28.6 of MARPOL Annex I should not apply to FPSOs and FSUs, a number of other delegations expressed caution that on certain occasions the stability instrument requirements should apply to those ships and, therefore, further consideration of the matter was needed. Subsequently, the Committee invited interested Member Governments and international organizations to submit a proposal for a relevant new output to a future session.

14.9 In this regard, the Committee also considered document MEPC 69/14/3 (India), proposing a format of the Document of Approval for the stability instrument required on tankers, based on regulation 28.6 of MARPOL Annex I, section 2.2.6 of the IBC Code and section 2.2.1.2 of the BCH Code. Having agreed that the issue should be further clarified, including the voluntary nature of the proposed format, as well as its application to other types of ships, the Committee invited interested Member Governments and international organizations to submit a relevant proposal for a new output to a future session.

Implementation of the IBTS concept

14.10 The Committee noted the information contained in document MEPC 69/INF.24 (INTERTANKO), providing a summary of the views of members of INTERTANKO following consideration of the use and implementation of the integrated bilge water treatment system (IBTS) concept.

Procedural matters

14.11 The Chairman invited Member Governments and international organizations to avoid using this agenda item for the submission of proposals for new outputs (see also paragraph 19.15.4).

15 TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT

15.1 The Committee noted the information provided in document MEPC 69/15 (Secretariat) on the Organization's technical cooperation activities related to the protection of the marine environment implemented between 1 February 2015 and 15 January 2016 under the Integrated Technical Cooperation Programme (ITCP), as well as under major projects financed through external sources. The Committee noted in particular that these activities were aimed at assisting Member States in the implementation of the provisions of relevant IMO Conventions (AFS, BWM, MARPOL, OPRC, OPRC-HNS, Ship Recycling), also including the London Protocol; and that several regional organizations partnered with the Secretariat and contributed towards the implementation of these activities, including BSC, CPPS, PEMSEA, PERSGA, RAC-REMPEITC-Caribe, REMPEC, ROPME, SACEP and SPREP, among others.

15.2 The Committee further noted with appreciation that, during the period under review, significant progress has been achieved in executing a number of major projects, such as the GloBallast and GloMEEP projects, financed mainly by external sources and implemented under the direct supervision of the Marine Environment Division. The Committee also noted with appreciation the financial support from the European Union to implement a new global project on "Capacity Building for Climate Mitigation in the Maritime Shipping Industry".

15.3 Having noted that the GloBallast Project would come to an end in June 2017, the Committee encouraged the Secretariat to discuss with potential bilateral and/or multilateral donors possibilities for extending some of the critical components of the project and in particular the continuation of the GloBallast R&D Forum.

15.4 The Committee also noted the information provided in document MEPC 69/15/1 (Secretariat) on additional activities carried out during the reporting period with support from REMPEC, related to the implementation of the Protocol to the Barcelona Convention concerning cooperation in preventing pollution from ships and, in case of emergency, combating pollution of the Mediterranean Sea.

15.5 In the ensuing discussion, the delegations of Indonesia, Malaysia, Thailand and Viet Nam expressed their appreciation for the IMO-Norad projects and highlighted the significant benefits that these projects have brought about. The delegation of Indonesia requested the Secretariat to discuss with Norad and other potential donors the possibility of extending their funding to support the implementation aspects of marine environmental conventions.

15.6 The delegation of Brazil highlighted the need to enhance capacity building efforts in order to address the issue of biofouling and to assist with the implementation of related IMO guidelines; requested the Secretariat to continue the discussions with potential donors, such as the GEF, regarding the potential funding of a related global project; and expressed an interest in participating in such a project as a pilot country and encouraged other interested Member States to consider doing the same.

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

15.8 The Secretary-General, recalling that the central theme of his election campaign had been "A voyage together", similar to the UN's sustainable development goals pledge "No one left behind", stated that while rule-making was very important, effective implementation was even more important, and that in order to have effective implementation, proper capacity building programmes should be developed for those Member States in need of such technical cooperation, particularly LDCs and SIDS. The delegation of Malta stated its support for this principle and reiterated the importance of ITCP activities to ensure globally effective implementation.

16 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

16.1 The Committee recalled that MEPC 68 (MEPC 68/21, paragraph 16.3) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit to MEPC 69 a preliminary assessment of the capacity-building implications and technical assistance needs related to the amendments to mandatory instruments and to outputs related to mandatory instruments that had been approved at that session.

16.2 The Committee, having noted that document MEPC 69/16/Add.1 (Vice-Chairman) had been considered under agenda item 10 (see paragraph 10.26), considered document MEPC 69/16 (Vice-Chairman), providing the outcome of the preliminary assessment referred to above and noted that generally, the items in annexes 2 and 3 relating to amendments to mandatory instruments and to outputs related to mandatory instruments, had been found to have no capacity-building implications. However, there was an identified need for technical assistance related to updates to domestic legislation that could be undertaken through the Organization's technical cooperation and assistance to Member States.

16.3 The Committee, having agreed that it would not be necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG), requested the Vice-Chairman, in consultation with the Chairman and with the assistance of the Secretariat, to submit to MEPC 70 a preliminary assessment of capacity-building implications or technical assistance needs related to the amendments to mandatory instruments and the new outputs related to proposed new measures approved at the current session.

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

17.1 The Committee recalled that MEPC 68 had considered the relevant requirements in environment-related IMO instruments as compiled by the Secretariat, along with the recommendations of the SG-RAR on how to alleviate the burden and a summary of feedback obtained during the public consultation, subsequently analysed by the SG-RAR (MEPC 68/13/2, annex).

17.2 The Committee recalled also that MEPC 68 had requested the Secretariat to analyse the information in the annex to document MEPC 68/13/2, taking into consideration resolution A.1074(28) on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)* and the outcome of the work of the Correspondence Group on the Use of electronic record books under MARPOL (see section 9), and to report the outcome to MEPC 69.

17.3 Having considered document MEPC 69/17 (Secretariat), providing the Secretariat's analysis of the information in the annex to document MEPC 68/13/2, together with recommendations for each reporting requirement identified as administrative burden by the SG-RAR, the Committee took action as follows:

- .1 encouraged Member Governments to use GISIS modules to fulfil relevant reporting requirements, taking into consideration resolution A.1074(28);
- .2 requested the Secretariat to extend the GISIS module on "Pollution prevention equipment" to also cover anti-fouling systems and to modify the access specification for the module on "Port reception facilities" to enable Member State self-management;

- .3 deferred the consideration of the issue of use of electronic record books to address administrative burdens to a future session when the Guidance for the use of electronic record books under MARPOL is finalized and approved;
- .4 instructed PPR 4 to consider the feasibility of using electronic documentation and advise the Committee accordingly under its agenda item "Use of electronic record books" (see paragraph 9.8);
- .5 agreed that no action was necessary with regard to reporting requirements concerning the Condition Assessment Scheme (CAS);
- .6 agreed that no action was necessary with regard to notification or declaration concerning acceptance of or objection to amendments to conventions, for the time being; and
- .7 invited Member Governments and international organizations to submit further comments and proposals on how best to deal with the perceived administrative burdens of the remaining reporting requirements, as set out in items 3, 8, 30, 31, 38, 44, 45 and 49 of the table in the annex to document MEPC 69/17, to MEPC 70, whereby the Committee would consider the work on this item as completed in the case that no proposals are received.

18 APPLICATION OF THE COMMITTEES' GUIDELINES

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

18.2 The Committee also noted that the Secretariat, following the request of the Assembly, had prepared relevant draft amendments to the Committees' Guidelines (MEPC 69/18) for the consideration of the Committee.

18.3 In this regard, the Committee noted further that FAL 40 had revised the *Guidelines on the organization and method of work of the FAL Committee* in line with resolution A.1099(29) and approved the revised text, for circulation by means of a FAL.3 circular.

18.4 The Committee noted that a document (MSC 96/22) similar to document MEPC 69/18 had been issued for consideration at MSC 96 and, taking this into account, deferred the consideration of possible amendments to the Committees' Guidelines to MEPC 70 when the outcome of MSC 96 on the matter would be available.

19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Proposals for new outputs

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

Review of the 2015 Guidelines for exhaust gas cleaning systems

Guidance in respect of the accidental breakdown, instrumentation malfunction, and perceived non-compliance of EGCS

19.2 The Committee, having noted that the two proposals for new outputs submitted in documents MEPC 69/19 (Austria et al.) and MEPC 69/19/2 (Norway) are interrelated, as both deal with exhaust gas cleaning systems (EGCS), agreed to consider them together.

19.3 Consequently, the Committee considered documents:

- .1 MEPC 69/19 (Austria et al.) proposing a new output on review of the *2015 Guidelines for Exhaust Gas Cleaning Systems* (resolution MEPC.259(68)); and
- .2 MEPC 69/19/2, proposing a new output on the need for guidance in respect of accidental breakdown, instrumentation malfunction and perceived non-compliance of EGCS, together with document MEPC 69/19/5 (United States), supporting the proposal.

19.4 Having considered the two proposals and taking into account the Chairman's preliminary assessment (MEPC 69/WP.5) and the views expressed in plenary, the Committee agreed to include a new output on "Review of the 2015 Guidelines for Exhaust Gas Cleaning Systems (resolution MEPC.259(68))" in its post-biennial agenda, with three sessions needed to complete the work.

19.5 In agreeing to the new output, the Committee also agreed that the scope of the work under the output would be as follows:

- .1 further refinement of the EGCS Guidelines, including clarification of the terms "EGC system" and "EGC unit"; PAH (polycyclic aromatic hydrocarbons) monitoring; emission testing; approval of scrubbers in accordance with Schemes A and B;
- .2 development of specific guidance on accidental breakdown, instrument malfunction and perceived temporary non-compliance and transient performance of EGCS; if appropriate; and
- .3 development of consequential amendments to the *2009 Guidelines for port State control under the revised MARPOL Annex VI* (resolution MEPC.181(59)).

Guidelines for the use of more than one Engine Operational Profile (Map)

19.6 The Committee considered document MEPC 69/19/1 (Norway), proposing the development of guidelines for the use of more than one Engine Operational Profile (Map) in order to optimize the fuel consumption depending on the operational profile of a ship, together with documents MEPC 69/19/3 (EUROMOT) and MEPC 69/19/4 (United States) stating that the proposal would weaken the effectiveness of MARPOL regulation 13 and that the use of multiple engine maps would result in increased NO_x emissions.

19.7 While some delegations urged caution with regard to the proposal, supporting the comments made in documents MEPC 69/19/3 and MEPC 69/19/4, other delegations were of the view that the matter should be further discussed, considering the fact that some engines

are using more than one Map. Following discussion and taking into account the preliminary assessment of the Chairman (MEPC 69/WP.5), the Committee referred the proposal, together with documents MEPC 69/19/1, MEPC 69/19/3 and MEPC 69/19/4 and the views expressed in plenary, to PPR 4 for consideration and advice to MEPC 71, so that an informed decision with regard to the proposed new output could be taken at that session.

Sub-Committee on Pollution Prevention and Response (PPR)

Biennial agenda for 2016-2017 and provisional agenda for PPR 4

19.8 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for PPR 4, as set out in annex 11, taking into account the referral of the output on "Use of electronic record books" to PPR 4 (see paragraph 9.8).

19.9 Having considered the relevant request in paragraph 2.3 of document MEPC 69/12, the Committee also approved the holding of an intersessional meeting of the ESPH Working Group in 2017, subject to endorsement by the Council.

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

Biennial agenda for 2016-2017 and provisional agenda for CCC 3

19.10 The Committee confirmed the biennial status report and approved the biennial agenda of the CCC Sub-Committee for the 2016-2017 biennium and the provisional agenda for CCC 3, as set out in annex 12, and requested the Secretariat to inform MSC 96 accordingly.

Sub-Committee on Implementation of IMO Instruments (III)

Biennial agenda for 2016-2017 and provisional agenda for III 3

19.11 The Committee confirmed the biennial status report and approved the biennial agenda of the III Sub-Committee for the 2016-2017 biennium and the provisional agenda for III 3, as set out in annex 13, and requested the Secretariat to inform MSC 96 accordingly.

Items on the biennial agendas of the HTW, NCSR, SDC and SSE Sub-Committees relating to environmental issues

19.12 The Committee, having considered document MEPC 69/WP.3 and taking into account the outcome of HTW 3, NCSR 3, SDC 3 and SSE 3, noted the list of environment-related items on the biennial agendas of the HTW, NCSR, SDC and SSE Sub-Committees for the 2016-2017 biennium, as set out in the annex to the document.

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

19.13 Having recalled that the status of outputs would only be produced after the session as an annex to the Committee's report, in accordance with paragraph 9.1 of the *Application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)), to avoid any unnecessary duplication of work, the Committee invited the Council to note the biennial status report of the outputs of the Marine Environment Protection Committee, as set out in annex 14.

Items to be included in the agendas of MEPC 70 and MEPC 71

19.14 The Committee, having considered document MEPC 69/WP.4 and taking into account the decisions made at this session, approved the items to be included in the agendas of MEPC 70 and MEPC 71, as set out in annex 15.

19.15 In this regard, the Committee agreed in particular to the deletion of the following items from its agenda:

- .1 item 8 (Amendments to MARPOL Annex V, Form of Garbage Record Book) since work on this item has been completed (see section 8);
- .2 item 9 (Use of electronic record books) since the output was referred to PPR 4 for completion (see paragraph 9.8);
- .3 item 11 (Inadequacy of reception facilities), since the biennial agenda of the III Sub-Committee includes an item on "Consideration and analysis of reports on alleged inadequacy of reception facilities" and the outcome of the Sub-Committee meetings is considered by the Committee; and
- .4 item 14 (Promotion of implementation and enforcement of MARPOL and related instruments), considering that:
 - .1 submissions relating to unified interpretations should be made to the relevant Sub-Committees under their dedicated agenda items on unified interpretations, except for those that are considered to be of a policy, rather than a solely technical nature, which could be submitted to the Committee under the agenda item on "Any other business" or a related substantive item, if on the agenda; and
 - .2 requests for clarification regarding the global and consistent implementation of MARPOL and related instruments could be submitted to the Committee under the agenda item on "Any other business", recognizing that such requests may subsequently require a new output if substantive work to address the issue in question is considered necessary.

Tentative dates for MEPC 70 and MEPC 71

19.16 The Committee noted that MEPC 70 and MEPC 71 have been tentatively scheduled to take place from 24 to 28 October 2016 and from 8 to 12 May 2017, respectively.

Groups expected to be established at MEPC 70

19.17 The Committee, taking into account the decisions made under the respective agenda items, anticipated that groups to be selected from the following may be established at MEPC 70:

- .1 Working Group on Air pollution and energy efficiency;
- .2 Working Group on Further measures to enhance the energy efficiency of international shipping;
- .3 Working Group on Reduction of GHG emissions from ships;

- .4 Drafting Group on Amendments to mandatory instruments;
- .5 Ballast Water Review Group; and
- .6 Technical Group on PSSAs,

whereby the Chairman, taking into account the submissions received on the respective subjects, will advise the Committee well in time for MEPC 70 on the final arrangements for such groups.

Correspondence groups established

19.18 The Committee recalled that it had established the following intersessional correspondence groups, which would report to MEPC 70 or MEPC 71, as appropriate:

- .1 Correspondence Group on Review of the Guidelines for approval of ballast water management systems (G8) (paragraph 4.37);
- .2 Correspondence Group on Fuel oil quality (paragraph 5.21);
- .3 Correspondence Group on EEDI review (paragraphs 5.40 and 5.55); and
- .4 Correspondence Group on Data collection system for fuel consumption of ships (paragraph 6.26).

Intersessional meetings approved

19.19 The Committee, taking into account the decisions made under the respective agenda items, approved the following intersessional meetings and invited the Council to endorse this decision:

- .1 Working Group on Review of the Guidelines for approval of ballast water management systems (G8), to be held from 17 to 21 October 2016 (see paragraph 4.38); and
- .2 ESPH Working Group, to be held in 2017 (see paragraph 19.9).

20 ANY OTHER BUSINESS

Proposed amendments to the IOPP Certificate

20.1 The Committee recalled that MEPC 68 had considered document MEPC 68/20/1 (Liberia et al.) on proposed changes to the format of Form B of the Supplement to the International Oil Pollution Prevention (IOPP) Certificate and had noted that there were a number of detailed technical questions which would need to be reviewed before the proposals could be approved. Owing to time constraints, the Committee had invited Member Governments and international organizations to submit further comments and proposals on the matter to this session.

20.2 In this regard, the Committee considered document MEPC 69/20 (Norway et al.), which followed up on the previous discussion and provided updated proposals on the consistent completion of Form B of the Supplement to the IOPP Certificate. Following a brief discussion, the Committee approved the proposed amendments to Appendix II of MARPOL Annex I concerning Form B of the Supplement to the IOPP Certificate, as set out in annex 16, and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 70.

Use of heavy fuel oil in Arctic waters

20.3 The Committee considered document MEPC 69/20/1 (FOEI et al.), expressing concerns about the use of heavy fuel oil on ships operating in Arctic waters. In the ensuing discussion, several delegations shared the concerns expressed in the document and supported the further consideration of this matter, while one delegation expressed the view that the effects of the use of heavy fuel oil in Arctic waters as outlined in the document were incorrectly reflected.

20.4 In conclusion, the Committee noted the information provided in document MEPC 69/20/1 and invited interested Member Governments and international organizations to submit proposals for a relevant new output to address this matter to a future session.

Guidance on oil spill preparedness and response

20.5 The Committee considered document MEPC 69/20/2 (IOGP and IPIECA), providing information on the outcome of an initiative to review existing guidance on oil spill preparedness and response and suggesting to explore the possibility of jointly publishing additional titles with the Organization. Having noted the information provided, the Committee expressed its appreciation to the co-sponsors for their work and referred the document for information to the PPR Sub-Committee, as the organ dealing with matters related to oil spill preparedness and response. With regard to the possibility of jointly publishing any additional titles, the Committee noted that this would need to be considered under a new output and invited interested Member Governments and international organizations to submit proposals for such outputs to a future session.

Inauguration of the expanded Panama Canal

20.6 The delegation of Panama made an announcement regarding the inauguration of the expanded Panama Canal in June 2016, outlining the benefits this would have for the reduction of GHG emissions from international shipping, and informing the Committee that they would conduct an assessment of global shipping routes with regard to their corresponding GHG emissions. The full text of the statement is set out in annex 17.

21 ACTION REQUESTED OF OTHER IMO BODIES

21.1 The Council, at its 116th session, is invited to:

- .1 consider the report of the sixty-ninth session of the MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirtieth session of the Assembly;
- .2 note the action taken by the Committee pursuant to the outcome of A 29 (section 2);
- .3 note that the Committee adopted amendments to MARPOL Annexes II, IV and VI and the 2008 NO_x Technical Code (section 6, paragraph 10.29 and annexes 1 to 3 and 9);
- .4 note the action taken by the Committee on issues related to ballast water management (section 4);
- .5 note the action taken by the Committee on issues related to air pollution and energy efficiency measures for ships and the completion of the work of the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (section 5);

- .6 note the action taken by the Committee on issues related to further technical and operational measures for enhancing energy efficiency of international shipping, in particular the approval, with a view to adoption at MEPC 70, of the mandatory data collection system for fuel consumption of ships under MARPOL Annex VI (section 6 and annex 7);
 - .7 note the action taken by the Committee on issues related to the reduction of GHG emissions from international shipping, in particular the agreement to establish, at MEPC 70, a working group with a view to an in-depth discussion on how to progress the matter (section 7);
 - .8 note the concerns expressed by delegations on how the Committee's deliberations under the agenda item on "Reduction of GHG emissions from ships" had been reported in the media (paragraphs 7.9 to 7.11);
 - .9 note that the Committee designated the Tubbataha Reefs Natural Park (Philippines) as a PSSA, in principle, with a view to final designation at MEPC 71, when the outcome of NCSR 4 and MSC 98 with regard to the proposed associated protective measure (APM) would be available (paragraph 10.12);
 - .10 note that the Committee established effective dates for the Baltic Sea Special Area under MARPOL Annex IV and adopted associated amendments to that Annex (paragraphs 10.29 and 10.31 and annexes 9 and 10);
 - .11 note the action taken by the Committee on the reports of sub-committees (sections 12 and 13, paragraphs 19.8 to 19.11 and annexes 11 to 13);
 - .12 note the action taken by the Committee with regard to the analysis and consideration of recommendations to reduce administrative burdens in environment-related IMO instruments (section 17);
 - .13 note the action taken by the Committee with regard to the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4), following the request by A 29 to review and revise them, taking into account the *Application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)) (section 18);
 - .14 note the biennial status report of the planned outputs of the MEPC for the 2016-2017 biennium (paragraph 19.13 and annex 14); and
 - .15 endorse the holding of an intersessional meeting of the Working Group on Review of the Guidelines for approval of ballast water management systems (G8), to be held from 17 to 21 October 2016, and of the ESPH Working Group, to be held in 2017 (paragraph 19.19).
- 21.2 The Maritime Safety Committee, at its 96th session, is invited to:
- .1 note that the Committee approved in principle amendments to section 7.1 of the *Methodology for information gathering and conduct of work of the GESAMP-BWWG* (BWM.2/Circ.13/Rev.3) based on the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (PSPC)

- (resolution MSC.215(82)), proposed by the Seventh Stocktaking Workshop on the activity of the GESAMP-BWWG (MEPC 69/4/3, annex 3) to be incorporated in the next revision of the Methodology (paragraph 4.35.7);
- .2 note the outcome of the Committee's discussion on fuel oil quality, in particular the re-establishment of the correspondence group on the matter (paragraphs 5.10 to 5.22);
 - .3 note that the Committee designated the Tubbataha Reefs Natural Park (Philippines) as a PSSA, in principle, with a view to final designation at MEPC 71, when the outcome of NCSR 4 and MSC 98 with regard to the proposed associated protective measure (APM) would be available (paragraph 10.12);
 - .4 note, for concurrent action as appropriate, the decisions taken with regard to the report of III 2 (paragraphs 13.1 to 13.12), in particular that the Committee:
 - .1 deferred consideration of the approval of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* to MEPC 70, having requested the Secretariat to provide the relevant outcome of HTW 2 to that session (paragraph 13.5); and
 - .2 did not endorse the issuing of circular III.2/Circ.1 on *Revised process for putting forward recommendations to the relevant IMO bodies resulting from the reports of Concentrated Inspection Campaigns (CICs)* (paragraph 13.6);
 - .5 note, for concurrent action as appropriate, the decisions taken with regard to the report of CCC 2 (paragraphs 13.13 to 13.20), in particular that the Committee:
 - .1 approved draft amendments to MARPOL Annex V related to HME substances, with a view to adoption at MEPC 70 (paragraph 13.20 and annex 9); and
 - .2 instructed CCC 3 to finalize the draft amendments to the IMSBC Code and to the *2012 Guidelines for the implementation of MARPOL Annex V* related to HME substances prepared by CCC 2, taking into account the aforementioned draft amendments to MARPOL Annex V (paragraphs 13.19 and 13.20);
 - .6 concurrently approve the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrators* prepared by HTW 3, for submission to A 30 with a view to adoption (paragraph 13.22);
 - .7 note that the Committee deferred the consideration of possible amendments to the Committees' Guidelines to MEPC 70 when the outcome of MSC 96 on the matter would be available (paragraph 18.4);
 - .8 concurrently approve the biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 3 (paragraph 19.10 and annex 12); and
 - .9 concurrently approve the biennial agenda of the III Sub-Committee and the provisional agenda for III 3 (paragraph 19.11 and annex 13).

- 21.3 The Technical Cooperation Committee, at its sixty-sixth session, is invited to:
- .1 note that the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (TT-EG) has completed its work (paragraphs 5.2 to 5.7); and
 - .2 note that the Committee noted, with appreciation, information provided on the Organization's TC activities related to the protection of the marine environment, implemented between 1 July 2014 and 31 January 2015 under the ITCP, as well as under the major projects financed through external sources, and invited Member Governments and international organizations to continue and, if possible, increase their support for IMO's TC activities (section 15).

(The annexes to this report have been issued as document MEPC 69/21/Add.1)
