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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	77th session of the IMO Marine Environment Protection Committee (22-26 November 2021) - EU coordination

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (02.12.2021)

Delegations will find attached a non-paper from the Commission drafted to facilitate co-ordination between the EU Member States and the Commission in respect of the subject mentioned above**, revised in the light of the discussions at the EU coordination meeting on 12 November 2021**.[1]

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[1] General scrutiny reservation: BE, DE, DK, ES, FI, MT, SE.

ANNEX

NON-PAPER

ON THE POSITION OF THE UNION FOR THE 77TH SESSION OF THE IMO MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC 77, 22 to 26 NOVEMBER 2021)

The annotated agenda is presented to the Council with the view to establishing the EU positions on agenda items for the 77th session of the IMO Marine Environment Protection Committee (MEPC 77).

This document lists all received documents on issues of EU relevance[2].

The comments by the Commission are printed in *italics*. The proposed position of the Union is printed in ***bold italics*.**

Should Member states wish to express a position on matters not covered by the Union position, in accordance with the principle of loyal cooperation they shall refrain from any measure that may jeopardise the attainment of the Union's objectives.[3] [4] [5] [6]

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2 Based on documents received up to 15 October 2021.

3 Member States urge the Commission to use agreed and long-established wording for the EU coordination documents, including the initial paragraphs of IMO coordination non-papers, namely: "Non-restrictive list of items for which EU, common or coordinated positions could be established. This document lists all received documents. **DELETED**

4 Reservation: all delegations (pending the outcome of discussions on IMO – EU coordination procedural matters within the framework of the SWP in Brussels).

5 At BLG 17, the Commission and the Council Secretariat informed the EU Member States' delegations about emerging changes resulting from the adaptation to the requirements of the Lisbon Treaty to the EU IMO coordination process and the scope of EU competence over issues addressed in IMO. Many delegations expressed serious concerns about these changes, including their immediate effect on the current and upcoming EU-IMO coordination exercise(s), and requested the Commission to clarify and elaborate these changes in writing for further consideration. Consequently, the following delegations entered a reservation or a scrutiny reservation against EU competency claims in this document and the procedural changes until their further clarification:
Scrutiny reservation: ES, FI, FR, IT, PL.
Reservation: BE, CY, DE, DK, EL, MT, NL, SE.

6 The Commission considers the matter of EU coordination sufficiently clear, based on existing Treaty provisions and extensive discussions and written exchanges within the Shipping Working Party which took place during the first half of 2013. It therefore does not see the need of the above footnotes and requests the matter to be resolved by the Council.

Agenda item 1 – Adoption of the agenda

Docs: MEPC 77/1, MEPC 77/1/1

MEPC 77/1 (Secretariat): provides the provisional agenda of MEPC 77.

MEPC 77/1/1 (Chair): sets out the proposals by the Chair with regard to arrangements for the remote session.

Consideration at MEPC 77

In MEPC 71/1/1, the Chair proposes how he would deal with submissions postponed from previous sessions of MEPC as well as submissions to this session: by correspondence prior to the virtual meeting; during the virtual meeting; or deferred to MEPC 78. The document also proposes the establishment of the following groups:

a. *Working Group on Air Pollution and Energy Efficiency;*
b. *Working Group on Marine Plastic Litter; and*
c. *Ballast Water Review Group.*

Draft positions for documents deferred to MEPC 78 are put in brackets and noted in a footnote.

Agenda item 2 – Decisions of other bodies

Docs: MEPC 77/2, MEPC 77/2/1-3

MEPC 77/2 (Secretariat): provides information on the outcome of MSC 103 relevant to the work of the Committee.

MEPC 77/2/1 (Secretariat): provides information on the outcome of FAL 45 relevant to the work of the Committee.

MEPC 77/2/2 (Secretariat): provides information on the outcome of C 125 relevant to the work of the Committee.

MEPC 77/2/3 (Secretariat): provides information on the outcome of LEG 108 relevant to the work of the Committee.

In MEPC 77/1/1, the Chair proposes to note the decisions and outcomes of MSC 103, FAL 45, C 125 and LEG 108 set out in the four papers for this agenda item and to take action as appropriate under the relevant agenda item of each document. The relevant EU positions established for previous Committees and Sub-Committees remain valid. For those agenda items of EU relevance, the Chair's proposal is in line with the EU positions. By way of reminder, the positions and a background are set out below.

a. *New outputs proposed by the III Sub-Committee*

In MEPC 77/2 (Secretariat) the Committee is asked to concur with the decision of MSC 103 to approve two new outputs proposed by the III Sub-Committee - "Development of an entrant training manual for PSC personnel" and "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" - for inclusion in the biennial agenda of the III Sub-Committee for 2022-2023. The EU had adopted a position on these new outputs at MSC 102 (Non-paper 11781/5/20 Rev 5 of 5 November 2020):

1. ***Support the justification for including a new output on "Producing a new entrant training manual for PSC personnel" subject to concurrent decision by MEPC (Action point 2.3 in MSC 102/14).***

2. ***Support the justification for including a new output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code", subject to concurrent decision by MEPC (Action point 2.5 in MSC 102/14).***

Therefore, these positions are still valid for this session.

b. *Process of updating the Survey Guidelines under the Harmonized System of Survey and Certification*

An issue postponed from MEPC 76, within MEPC 75/2/6 (Secretariat), which concerns EU competence is the decision taken by the 31st session of the IMO Assembly (A 31) in respect of proposals made in document A 31/10/2 (Liberia et al.) on the process of updating the Survey guidelines under the Harmonized System of Survey and Certification (HSSC). This issue is considered hereunder.

EU relevance

The Union has competence in the matter.

The survey guidelines under the harmonised system of survey and certification (HSSC) are a requirement under Regulation (EC) No 391/2009 on common rules and standards for ship inspection and survey organisations. For this reason, on 28 November 2019, the Council adopted the Decision (EU) 2019/2008 on the position to be taken on behalf of the European Union at the IMO during (A 31) on the adoption of a resolution on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC).

Background

A 31 noted that a number of delegations supported the proposals in document A 31/10/2 (Liberia et al.), to consider the need to amend MSC.1/Circ.1500/Rev.1 and MSC.1/Circ.1587 so that draft amendments to the HSSC Guidelines should be linked to mandatory requirements. A 31 therefore invited MSC 102 and MEPC 75 to consider document A 31/10/2 and take action as appropriate. **DELETED**

MSC 102 noted the outcome of A 31 (MSC 102/2/2), in particular that A 31 had invited MSC 102 and MEPC 75 to consider the proposals made in document A 31/10/2 (Liberia et al.) on the process of updating the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and take action as appropriate. The Committee also noted that, in this connection, documents MSC 102/2/3 and MSC 102/2/4 (Russian Federation et al.) had been submitted to this session. **DELETED**

Taking into account the time constraints, MSC 102 agreed to postpone consideration of this matter, including documents A 31/10/2, MSC 102/2/3 and MSC 102/2/4, to MSC 103 and requested the Secretariat to inform MEPC 75 accordingly. In line with this outcome, MEPC 75 also agreed to postpone consideration of this matter to MEPC 76.

MSC 103 had further postponed the consideration of its relevant agenda item to MSC 104, therefore, MSC 76 agreed, also in line with the agreed EU position, to defer the consideration of this matter to MEPC 77 to take into account the relevant outcome of MSC 104.

In its submission (MSC 103/2/2), the Union considers that it would be beneficial for maritime safety, if guidance were also provided for items, which are not specifically mentioned in the mandatory instruments but are intrinsically linked to them. The inclusion of such items should still be allowed and should be determined on a case-by-case basis by the relevant committees when their omission might lead to a lower safety level. Therefore, the Union, in its document MSC 103/2/2, proposed, amongst others, that, before any decision is taken, the III Sub-Committee is asked to identify existing gaps between the HSSC Survey Guidelines and the mandatory requirements, affected by the approach proposed in documents MSC 102/2/3 and MSC 102/2/4 to further elaborate what should be conceived as a direct link between survey items in the Survey Guidelines under the HSSC and the mandatory requirements, to ensure that a high level of safety and environmental protection is maintained.

Moreover, given the risk of a lower level of safety or protection of the marine environment, it was considered worthwhile to consider further discussion of the draft amendments to MSC.1/Circ.1587 and MSC.1/Circ.1500/Rev.1 with the exception of the last phrase:

> *"The HSSC Survey Guidelines should not include survey instructions for items which do not have a direct link to mandatory instruments",*

provided a high level of safety and environmental protection is maintained. In particular, the direct link to mandatory requirements should not mean that in describing how the items should be surveyed, additional details and items intrinsically linked to the mandatory requirements are excluded from the scope of the Survey Guidelines under the HSSC.

In preparation for MSC 102 and MSC 103, the EU had adopted the below-mentioned set of positions. At MSC 104, following a proposal by the Chair in MSC 104/1/2, it was agreed that III 8 be instructed to consider the matter, taking into account the related documents including MSC 103/2/2 submitted by the EU. To note also in their responses to the Chair's proposal set out in Annex 1 of MSC 104/1/2 Add.1 that both UAE and IACS clarified that their intention is that "The HSSC Survey Guidelines should include survey instructions for items based on mandatory instruments". This clarification will also be sent to III 8 for consideration. **DELETED**

DELETED

Consideration at MEPC 77

DELETED

Agenda item 5 – Air pollution prevention

Docs: MEPC 75/5, MEPC 75/5/Add.1, MEPC 75/5/1, MEPC 75/5/3-7, MEPC 75/INF.4, MEPC 75/INF.9-10, MEPC 75/INF.13, MEPC 76/5, MEPC 76/5/5, MEPC 77/5, MEPC 77/INF.8, 10, 20

MEPC 75/5 (Secretariat): contains recommendations to improve reporting under MARPOL Annex VI based on a report prepared by the Secretariat that gives a preliminary overview of data on fuel oil quality and availability currently available in the MARPOL Annex VI module in GISIS, as set out in document MEPC 75/INF.9.

MEPC 75/5/Add.1 (Secretariat): the annex to this document contains an updated report prepared by the Secretariat (further to the information set out in documents MEPC 75/5 and MEPC 75/INF.9) providing an overview of data on fuel oil quality and availability currently available in the MARPOL Annex VI module in GISIS, based on data exported from GISIS for analysis on 1 July 2020.

MEPC 75/5/1 (Secretariat): contains the report of the Correspondence Group on Data Collection and Analysis under regulation 18 of MARPOL Annex VI.

MEPC 75/5/3 (Republic of Korea): proposes an amendment to the Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the Exhaust Gas Cleaning System (EGCS) fails to meet the provisions of the 2015 EGCS Guidelines (resolution MEPC.259(68)) (MEPC.1/Circ.883), and recommended actions to allow the tentative use of non-compliant fuel oil when the exhaust gas cleaning system (EGCS) fails to meet the provisions of the 2015 EGCS Guidelines.

MEPC 75/5/4 (FOEI, WWF, Pacific Environment and CSC): discusses the implications for the Arctic of a recent study indicating that blended low sulphur residual fuels that have been developed to meet the IMO 2020 sulphur limit requirement will result in a significant increase in Black Carbon

emissions, and calls on IMO to mandate an urgent switch to distillates for ships operating in the Arctic to avoid a sharp rise in emissions of short-lived climate forcers in this vulnerable area.

MEPC 75/5/5 (FOEI, WWF, Pacific Environment and CSC): responds to a recent study showing that new blended low sulphur residual fuels designed to meet the IMO 2020 mandated 0.50% global sulphur limit will result in very significant increases in ships' Black Carbon emissions, reflects on the implications of this for shipping's contribution to the climate crisis and calls on IMO to regulate to stop their use.

MEPC 75/5/6 (ICS): comments on documents MEPC 75/5/4 and MEPC 75/5/5 and recommends to the Committee that a proposed prohibition on the use of low sulphur fuel oils not be supported. Such a prohibition cannot be supported based on available data or analysis. It is recommended that the Committee should instead support the ongoing work of the PPR Sub-Committee and in addition request that ISO consider the aromatic content of marine fuel oils and Estimated Cetane Number (ECN) of marine fuel oils when reviewing the international standard for such fuels, ISO 8217.

MEPC 75/5/7 (IPIECA and IBIA): responds to claims that Very Low Sulphur Fuel Oils (VLSFOs) introduced to the market to meet the 0.50% sulphur limit of regulation 14 of MARPOL Annex VI would generally be of a highly aromatic nature and could lead to an increase in Black Carbon emissions. This submission documents that these claims are based on flawed assumptions about the nature of the fuels that were expected to come on the market and that, contrary to the claims made, early data suggests that VLSFOs on average are more paraffinic in nature than the High Sulphur Fuel Oils (HSFOs) they have replaced.

MEPC 75/INF.4 (Secretariat): contains the comments received from the Correspondence Group on Data Collection and Analysis under regulation 18 of MARPOL Annex VI.

MEPC 75/INF.9 (Secretariat): the annex to this document contains a report prepared by the Secretariat that gives a preliminary overview of data on fuel oil quality and availability currently available in the MARPOL Annex VI module in GISIS, based on data exported from GISIS for analysis on 31 October 2019.

MEPC 75/INF.10 (Sweden): presents a comprehensive study conducted by the Swedish Environmental Research Institute (IVL), containing a risk assessment of discharge water from exhaust gas cleaning systems (EGCS). The study is part of the EU-funded project "Scrubbers: Closing the loop" and consists of several reports describing a number of various activities conducted during the project, including cost benefit analysis of different alternatives and air emission measurements. The results of the investigation, including toxicity tests of discharge water and its environmental impact assessment, show that there is a risk that discharge water from EGCS will have serious consequences for the marine ecosystem. The purpose of this document is to provide input to the IMO decision-making process.

MEPC 75/INF.13 (Greece): summarizes the key findings of the bulk of a bigger study on options to meet 2020 fuel sulphur regulations. This study was carried out by a team of researchers affiliated with the Massachusetts Institute of Technology (MIT), the United States. The bulk of the study (Part B-Sections 1 and 2) was devoted to assessing the environmental impact of Exhaust Gas Cleaning Systems (EGCS), also known as scrubbers, effluent discharges by modelling pollutant dispersion. The key findings are summarized in paragraphs 7 and 8 of this document. The relevant Part of the study is included in the annex to this document.

MEPC 76/5 (ISO): provides information on the distribution of RM and DM fuels with a focus on the main characteristics of VLSFO bunkers as supplied during the period January to June 2020 and in comparison to 2018 HSFO. Data has been gathered from most of the major global testing agencies including those contributing to the IMO sulphur monitoring programme.

MEPC 76/5/5 (EU): comments on the proposals set out in document MEPC 75/5/3 (Republic of Korea) and its annex concerning draft amendments to MEPC.1/Circ.883. It also suggests alternative amendments to the draft circular and proposes its possible integration into the draft 2020 EGCS guidelines to be adopted at this session.

MEPC 77/5 (China, Japan and the Republic of Korea): provides comments on deferred document MEPC 76/5/5 and compromise proposals to paragraphs 6, 11 and 12 of the Guidance outlined in MEPC.1/Circ.883 regarding recommended actions to take when the EGCS malfunctions.

MEPC 77/INF.8 (Netherlands): The Dutch Inspectorate sampled several bunker tanks to gain experience for inspections of the carriage ban. Sampling was done through the sounding pipe. The vacuum method works for tanks with less than 8 meters of empty pipe above the fuel. For deeper tanks, the flow through method is more suitable. It is possible to sample all kinds of tanks and fuels. The method is safe, feasible and affordable.

MEPC 77/INF.10 (China): Traditional shipboard exhaust gas cleaning systems (EGCSs) use diesel engines as the power source, which undoubtedly increases the processing load and processing costs of the equipment. This document introduces a technology for the application of the photovoltaic power generation in the removal of sulphur pollutants in shipboard exhaust gas, as well as its application in China, so as to further promote the application of photovoltaic technology as a means of preventing and controlling ship exhaust pollutants.

MEPC 77/INF.20 (China): In order to promote ship energy conservation and emission reduction, China formulated and issued the "Port Onshore Power Supply Layout Plan" in 2017, illustrating an action plan for onshore power development. As of 2020, China's port onshore power construction has made great progress, playing an important role in reducing greenhouse gas emissions and air pollution prevention, and has accumulated relevant experience.

a) Sulphur in marine fuel oil

EU relevance

The Union has competence in the matter.

The sulphur-in-fuel-related requirements and implementing provisions of the revised MARPOL Annex VI have been reflected in Directive (EU) 2016/802 as regards the sulphur content of certain liquid fuels (codifying Directive 1999/32/EC and all subsequent amendments including Directive 2012/33/EU of 21 November 2012).

a. Implementation of regulation 18 of MARPOL Annex VI

Background

MEPC 73 invited proposals on how to enhance the implementation of regulation 18 of MARPOL Annex VI, in particular on fuel oil quality and reporting of non-availability of compliant fuel oils, including the enhancement of the GISIS MARPOL Annex VI module to support data collection and analysis. In view of this invitation, the EU submitted MEPC 74/5/18 setting out concrete suggestions on data collection, including the enhancement of the GISIS MARPOL Annex VI module.

MEPC 74 instructed the Secretariat to update the existing tabs for regulations 18.1, 18.2.5 and 18.9.6 in the MARPOL Annex VI GISIS module, including:

.1 updating the types of fuels and sulphur contents listed;
.2 allowing for multiple ports to be entered in a single entry;
.3 allowing searching by port or compliant fuel;
.4 aligning with the format of the FONAR;
.5 adding checkboxes on fuel oil quality; and

.6 improving the selection of regulations.

MEPC 75 agreed to approve the amendments to the 2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils. In view of time constraints the only other issue discussed under this sub-agenda item during the virtual meeting was the terms of reference for the correspondence group on air pollution and energy efficiency and its re-establishment.

In view of time constraints at MEPC 76, the Committee focused only on the report of the Correspondence Group on Air Pollution and Energy Efficiency (MEPC 76/5/1) and the report by the Secretariat on the fuel oil consumption data submitted to the IMO Ship Fuel Oil Consumption Database in GISIS.

When considering the report of the Correspondence Group on Air Pollution and Energy Efficiency, the Committee approved the amendments to the Guidance for best practice for Member State/coastal State, which contained the indicative example of a licence for fuel oil supply. This was in line with the EU position. The Correspondence Group also proposed a possible way forward on determining the proxy of offshore and marine contracting vessels and cruise passenger ships for developing possible parameters and templates for reporting, verification and submission of data for trial CIIs of individual ships on a voluntary basis, as specified in the G1 guideline and for other trial metrics for offshore and marine contracting vessels. However, in view of the overlap with work carried out under Agenda item 7, the Chair referred this matter to the Correspondence Group on carbon intensity reduction.

The Committee also:

i. Approved the Work Plan to progress the work on the Shaft/Engine Power Limitation concept;
ii. Approved amendments to the guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions;
iii. Approved of amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships; and
iv. Approved the unified interpretation to clarify the dates related to EEDI Phase 2 and 3 for "new ships", as draft amendments to circular MEPC.1/Circ.795/Rev.4.

Consideration at MEPC 77

In MEPC 75/5, the Secretariat reported on the improvements that it implemented in GISIS MARPOL Annex VI module. In this document the Secretariat also recommended additional improvements based on the preliminary overview of data on fuel oil quality and availability currently available in GISIS, provided in document MEPC 75/INF.9 (based on data up to 31 October 2019). The Correspondence Group on Data Collection and Analysis under regulation 18 of MARPOL Annex VI in MEPC 75/5/1 also made a number of recommendations on how to improve the GISIS MARPOL Annex VI module. **DELETED**

The information provided in document MEPC 75/5/Add.1 (Secretariat) reports on reporting by Member States up to 1 July 2020 on sulphur-related data in compliance with MARPOL obligations and so is an update of the information provided in documents MEPC 75/5, MEPC 75/INF.9 and MEPC 75/5/1. The Secretariat notes that the number of reporting Member States is low. **DELETED**

b. Exhaust Gas Cleaning System (draft revised MEPC.1/Circ.883)

EU relevance

This issue falls within the exclusive external competence of the Union.

Directive EU 2016/802 relating to a reduction in the sulphur content of certain liquid fuels, in particular Article 8 and Annex I on equivalent emission values for emission abatement methods and Annex II which defines the criteria for use of the emission abatement methods. As regards the conditions for the use of Exhaust Gas Cleaning Systems (EGCS), the Directive makes a reference to the IMO Resolution MEPC.184(59) 2009 on Guidelines for exhaust gas cleaning systems on EGCS.

Consideration at MEPC 77

The Republic of Korea (MEPC 75/5/3) comes back to the long debate on the type of fuel that ships can use when the EGCS malfunctions. According to the Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the Exhaust Gas Cleaning System (EGCS) fails to meet the provisions of the 2015 EGCS Guidelines (resolution MEPC.259(68)) (MEPC.1/Circ.883) require the ship to use compliant fuel. The Republic of Korea proposes that the Guidance be amended to allow the ship to use non-compliant fuel oil until the consultation between ship operators and the relevant Administration is completed. **DELETED**

In this context, the Union's document MEPC 76/5/5 comments on deferred document MEPC 75/5/3 and suggests alternative amendments to the revised draft guidance outlined in MEPC.1/Circ.883/Rev.1 aiming at preserving its rigour and ambition by taking into account quantifiable and verifiable criteria, and operational and technical limitations. It also suggests the incorporation of the draft circular into the draft 2020 EGCS Guidelines (this proposal is reiterated in positions under agenda item 9) to be adopted at this session thereby avoiding the necessity for inappropriate and confusing "guidance-about-guidelines".

In MEPC 77/5, China et al. further comment on the alternative amendments as suggested in the Union's document MEPC 76/5/5. **DELETED**

Note: the issue of EGCS Guidelines is further addressed under agenda item 9.

b) Black Carbon (BC)

EU relevance

This matter falls within EU competence.

Black Carbon is of great relevance for the EU in view of the on-going developments of the EU's air quality policy and the interlinkages to EU climate change policy (referred to in other sections of this position paper).

EU legislation addresses Black Carbon in Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe by setting binding air quality standard requirements on particulate matter: PM10 and PM2.5 which include BC. In addition, Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC sets national reduction commitments for total PM2.5 emissions for Member States to be attained by 2020 and 2030 and transposes the Protocol's reporting requirements, stressing that in the National Air Pollution Control Programmes, Member States shall prioritise emission reduction measures for BC. Data on emissions of BC shall be reported where available as part of the emission inventories. Although the Directive excludes PM emissions from international maritime shipping, Article 15 invites the Commission and the Member States to pursue multilateral cooperation with international organisations, including the IMO, to promote the achievement of future reductions of PM emissions from maritime transport, which will contribute to a decrease of long-range transboundary air pollution affecting background concentrations of air pollution in the EU.

Furthermore, the 1999 Gothenburg Protocol to the 1979 Geneva Convention on Long-Range Transboundary Air Pollution (CLRTAP) to which the EU is a Party, as amended in 2012, explicitly includes obligations to reduce BC in the context of achieving binding emission targets for particulate matter (PM2.5). Currently, an evaluation of BC reduction measures is being carried out in the framework of the on-going review of the amended Gothenburg Protocol.

The joint Communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (JOIN (2016)21 final) on 'An Integrated European Policy for the Arctic' of April 2016 outlines that the EU should contribute to international efforts to limit emissions of short-lived climate pollutants such as BC and methane that further accelerate climatic changes in the Arctic.

On 9 December 2019, the Foreign Affairs Council adopted conclusions that invited the High Representative and the Commission to continue to actively implement the EU's 2016 Arctic Strategy and to initiate a process in order to update the Strategy of the EU and to continue to report to the Council regularly. With the view to also respond to climate change and safeguarding the Arctic environment, promoting sustainable development in the region and further strengthening international cooperation, the revision work was recently completed on 13 October 2021 with a Joint EEAS Commission Communication (JOIN(2021) 27 final) calling for a stronger EU engagement for a peaceful, sustainable and prosperous Arctic

The EU-funded Action on Black Carbon in the Arctic (EUA-BCA), funded through the EU's Partnership Instrument from January 2018 to June 2021, is contributing to the development of collective responses to reduce BC emissions in the Arctic, of a process of setting clear commitments and/or targets on major black carbon sources with the potential to affect the Arctic, and to reinforce international cooperation to protect the Arctic environment, which is a central theme running through all three priorities of the 2016 integrated EU policy for the Arctic. Action on BC overall provides and communicates knowledge about sources and emissions of BC. It contributes to policy development by reaching out and participating in relevant international policy processes with an aim at setting clear commitments and/or targets for reducing BC emissions from major sources. The main focus of action is to address black carbon emissions from gas flaring and from domestic heating. However, black carbon emissions from international shipping are also addressed in the project. Moreover, the EU participates to the protection of the Arctic through its membership to the OSPAR Convention, which has Arctic waters in its maritime area, and which is an observer to the Arctic Council.

On 2 December 2020, the Commission adopted under its European Green Deal and the 2030 Climate Ambition, the Sustainable and Smart Mobility Strategy (COM(2020) 789 final, SWD(2020) 331 final) to foster a green transition to zero emissions, including from maritime transport. The strategy encompasses a variety of initiatives to decarbonise and de-pollute the sector, including the Fuel EU Maritime for the deployment of alternative and cleaner low and zero carbon marine fuels. In synergy with this, the strategy, as well as the Zero Pollution Action Plan (COM/2021/400 final of 12 May 2021) also stress the relevance of the establishment of 'Emission Control Areas' in all EU waters to deliver on zero pollution to air and water from shipping for the benefits of sea basins, coastal areas and ports.

In addition, its Communication on the Sustainable Blue Economy of 17 May 2021[7] states: "Decarbonising maritime transport (and fishing operations) will abate not only greenhouse gas emissions, but also air and water pollution and underwater noise, while opening up new economic opportunities.

Reducing the impacts of human activities on the sea is a collective responsibility. The blue economy can play a vital role in many aspects of the work to combat pollution and can benefit from new opportunities arising from that work."

Finally, the Fourth IMO GHG Study (MEPC 75/7/15, 2020) finds that total greenhouse gas (GHG) emissions from maritime shipping rose about 10% from 2012 to 2018. The study shows significant increases in short-lived climate pollutants, including a 12% increase in black carbon emissions and a 150% increase in methane emissions.

It is therefore evident that there is overall clear and revamped momentum for the EU and globally in pushing a climate neutral and zero-pollution vision for the Arctic region and in continuing to support the reduction of BC from international shipping through the proposal of concrete regulatory measures. Current focus includes the quality, type, combustion performance of new and advanced fuels to achieve a staged and holistic decarbonisation and to reduce pollution, as clearly there is a decreasing place for fossil and polluting heavy fuel oils.

Background

MEPC 67, having considered the outcome of PPR 1 regarding the impact on the Arctic of emissions of Black Carbon from international shipping, had instructed PPR 2 to further consider the matter and to recommend a definition of Black Carbon. The definition of Black Carbon (Bond et al. definition) for international shipping was agreed at MEPC 68 and the next step focused on gaining experience with the application of the definition and measurement methods. IMO Member States and observers subsequently initiated, on a voluntary basis, black carbon measurement methods to collect data and to develop relevant measurement protocols to enable a comparison.

PPR 3 agreed to the use of a draft Black Carbon Measurement Reporting Protocol and invited interested Member Governments and international organizations to submit data derived from its application to PPR 4. The work on the reporting protocol for voluntary measurement studies to collect Black Carbon data (measurement reporting protocol) was continued and finalised at PPR 5. PPR 5 also identified three methods as being the most appropriate for additional follow-up work on potential control measures.

PPR 6 identified a list of control measures and recommended that MEPC 74 should consider what further steps were required to implement them. Further work was required to categorise and prioritize the control measures, to identify which measures would lead to a high reduction of black carbon, and to determine what would be the time frame for their implementation.

MEPC 74 approved, in principle, the draft terms of reference on reducing the impact on the Arctic of Black Carbon emissions from international shipping for further consideration by PPR 7, and with a view to advising the Committee accordingly. It noted that the required action could include non-mandatory instruments such as guidance.

[7] COM/2021/240 final

PPR 7 and PPR 8, in view of time limitations, and despite some push from the EU, did not succeed to progress much on this issue. PPR 8 finally agreed to revise the Terms of Reference to include further work on the development of regulatory measures addressing the reduction of the impact on the Arctic of Black Carbon Emissions from international shipping with a view of approval at MEPC 76. **DELETED**

As regards to the development of a standardized sampling, conditioning and measurement protocol, PPR 8 invited interested parties to carry out additional studies and submit the results to future sessions of the Sub-Committee. The Sub-Committee also agreed to recommend to MEPC to extend the target completion date.

DELETED

Consideration at MEPC 77

MEPC 75/5/4 (FOEI, WWF, Pacific Environment and CSC) discusses the implications for the Arctic of a recent study indicating that blended 0.50% sulphur residual fuels will result in an increase in Black Carbon emissions, and calls for an urgent switch to distillates for ships operating in the Arctic. The same co-sponsors in MEPC 75/5/5 respond to a recent study outlined in document PPR 7/8 (Finland and Germany) which was extensively discussed at PPR 7 and PPR 8. In both documents the co-sponsors reiterate issues already submitted to PPR 7 in documents PPR 7/8 and PPR 7/8/1 and to PPR 8. In fact, PPR 8/5/4, FOEI et al, reiterates that the IMO should concentrate on the switch to cleaner fuels, such as the designation of the Arctic Sea as an Emission Control Area for sulphur oxides to be implemented exclusively with low sulphur distillates and not with exhaust gas cleaning systems.

As a follow-up to PPR 7/8, Finland and Germany provided in document PPR 8/5/1 the final results of a BC measurement campaign carried out to analyse the impact of fuel oil quality on BC emissions. In particular, the document proposes the implementation and limitation of the aromatic content of H/C ratio in marine fuels and requests the International Organization for Standardization to review ISO 8217 to include specifications that consider the results of the study.

ISO (PPR 8/5/2) disputes the main conclusions of the latter study. For example, while ISO recognizes that there is a correlation between the tendency to form BC emissions and the aromatic content of fuels, it notes that other factors such as engine type, its maintenance condition, and operational performance can contribute significantly more to BC emission. In addition, ISO highlights that the fuels tested in the campaign were not representative of the VLSFOs currently being supplied to ships. This view was corroborated by IPIECA and IBIA in document PPR 8/5/3. The co-sponsors of both documents are of the opinion that the introduction of a ban to use and carry HFO in the Arctic, agreed at MEPC 75, will result in prohibiting the use of the vast majority of VLSFOs as they typically exceed the density limit used in the definition of HFO. IPIECA and IBIA also recommend the use of LNG-fuelled ships where possible and to avoid the use of ships equipped with older mechanical injection engines as well as the voluntary switch to distillate fuel products.

The above views are also reflected in MEPC 75/5/6, where ICS maintains its objection to the proposal to prohibit the use of fuels with high aromatic/low hydrogen content since such a prohibition cannot be based on available data.

DELETED

Chair proposals

In MEPC 71/1/1, the Chair proposes that this agenda item is dealt with by the Working Group on Air Pollution and Energy Efficiency as from the first day of the meeting based on the terms of reference proposed by the Chair. Therefore, Member States are reminded that the agreed EU positions would have to be expressed during the proceedings of the working group.

DELETED

Agenda item 6 – Energy efficiency of ships

Docs: MEPC 75/6/4, MEPC 76/6, MEPC 76/6/2-3, MEPC 76/6/5-10, MEPC 76/INF.27, MEPC 77/6, MEPC 77/6/1-2, MEPC 77/INF.3, MEPC 77/INF.29

MEPC 75/6/4 (INTERTANKO): is in response to the ongoing activity on EEDI review beyond Phase 2. It provides information on a study assessing options VLCCs may have to meet the EEDI Phase 3 required values using traditional design techniques. The study could not find solutions to challenges assessed in this document. Since the main difficulty in achieving EEDI Phase 3 levels rests with the initial definition of the EEDI baseline for tankers, the document indicates that VLCCs may fall out of use in favour of smaller tankers. The Committee is invited to note the inherent consequences which may eliminate the VLCC design which is the most fuel and energy efficient ship type ever built.

MEPC 76/6 (Japan as coordinator of the Correspondence Group): provides the final report of the Correspondence Group on Possible Introduction of EEDI Phase 4 established at MEPC 74.

MEPC 76/6/2 (China, Germany and Japan): proposes draft amendments to 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC.1/Circ.815), based on documents MEPC 62/INF.34 and MEPC 74/5/30, with a view to reflecting the effect of the wind propulsion system by providing the global wind probability matrix and technical guidance for the conduction and the verification of performance tests.

MEPC 76/6/3 (China): seeks clarification on the requirements of EEDI data reporting specified in regulation 20.3 of MARPOL Annex VI, as adopted by resolution MEPC.324(75) and proposes a unified interpretation to address this issue.

MEPC 76/6/5 (CESA): highlights the need to consider one unresolved issue regarding the application of EEDI Phase 3 requirements to cruise passenger ships having non-conventional propulsion. CESA recommends expanding the time interval between contract and delivery date with a view to addressing problems related to the COVID-19 pandemic, which induced reduction of productivity and prolongation of building schedules, in particular in relation to series production of cruise ships.

MEPC 76/6/6 (Finland and Germany): proposes additional suggestions for document MEPC 76/6/2 which proposes draft amendments to 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC.1/Circ.815), based on documents MEPC 62/INF.34 and MEPC 74/5/30, with the aim of incentivizing wind propulsion systems within the EEDI framework.

MEPC 76/6/7 (France): proposes amendments to the 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI(MEPC.1/Circ.815) additional to those already proposed in MEPC 76/6/2, consisting mainly of the addition of a second option regarding wind tunnel model test methods.

MEPC 76/6/8 (France): proposes amendments to the 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC.1/Circ.815) additional to those already proposed in MEPC 76/6/2, consisting of the consolidation of the calculation of the wind propulsion system force matrix and the extension of the scope of that circular to EEXI.

MEPC 76/6/9 (IACS): proposes amendments to the revised 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships, to add a CF conversion factor between fuel consumption and CO_2 emissions to be applied for ethane fuel.

MEPC 76/6/10 (Comoros and RINA): provides comments on documents MEPC 76/6/2 and MEPC 76/6/6, which propose amendments to MEPC.1/Circ.815 in relation to wind assisted ship propulsion. Depending on the type and size of wind propulsors, as well as the ship design, the described methods may in some cases not yet be completely adequate. Joint developments towards a holistic approach are envisaged.

MEPC 76/INF.27 (Japan): provides comments received during the work of the Correspondence Group on Possible Introduction of EEDI Phase 4 after the submission of the interim report to MEPC 75.

MEPC 77/6 (Comoros, Finland, France, Germany, Japan, Spain, Netherlands and RINA): proposes draft amendments to the 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC.1/Circ.815), based on documents MEPC 62/INF.34 (Germany), MEPC 74/5/30 (China) and all documents submitted to MEPC 76 on the issue of Wind Assisted Propulsion Systems (WAPS) with a view to reflecting the effect of the wind assisted propulsion systems by providing the global wind probability matrix and by recently updated and available technical guidance, also for the purpose of reflecting more realistically the positive effect of Wind Assisted Propulsion Systems in the attained EEDI.

MEPC 77/6/1 (Secretariat): provides a report of the fuel oil consumption data for 2020 submitted to the IMO Ship Fuel Oil Consumption Database in GISIS, in accordance with regulation 22A.10 of MARPOL Annex VI and the 2017 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database (resolution MEPC.293(71)).

MEPC 77/6/2 (Germany): describes the revision of the shaft power limitation concept. After introduction of the shaft/engine power limitation for EEXI requirements, a comparison with the corresponding concept for EEDI compliance is performed and similarities and differences are highlighted.

MEPC 77/INF.3 (Secretariat): provides the tenth summary of data and graphical representations of the information in the EEDI database.

MEPC 77/INF.29 (Germany): provides changes to the related Guidelines for the Shaft Power Limitation concept for EEDI as described in document MEPC 77/6/2.

EU relevance

The Union has competence in the matter.

The Energy Efficiency Design Index (EEDI) is linked to Regulation (EU) 2015/757 on the monitoring, reporting and verification of CO_2 emissions from maritime transport, as it is one of the parameters to be reported and published on a per-ship basis. The commitment by the EU and the relevant legal instruments and policies adopted to reduce GHG emissions, including from shipping, are further described under agenda item 7.

The Commission's Sustainable Blue Economy Communication notes that "A sustainable blue economy offers many solutions to achieve the European Green Deal objectives. Many of the current activities need to reduce their carbon footprint, while new, carbon-neutral activities need to take centre stage. The blue economy can contribute to carbon neutrality by developing offshore renewable energy and by greening maritime transport and ports."

Background

All documents related to EEDI Phase 4 are deferred to MEPC 78, so the following sections deal only with the agenda for the meeting, namely the wind propulsion systems.

Wind propulsion systems

The issue of wind propulsion is one of the key innovative technologies enabling the improvements in carbon intensity of shipping. Further developing and demonstrating wind propulsion solutions to reduce the fuel consumption of waterborne transport is one of the objectives of the new Zero-Emission Waterborne Transport Partnership established under the Horizon Europe program. It is therefore of utmost importance to develop a holistic regulatory framework that covers all set of requirements including all wind technologies and also allows for the verification of their performance – both in the framework of EEDI and in the framework of Technical Guidelines on Carbon Intensity Reduction (see agenda item 7 for further details).

At MEPC 76, several submissions have been put forward to reflect the wind propulsion systems in the 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC.1/Circ.815).

*For the background, the established position of the Union on wind propulsion at MEPC 76 (Non-paper 8277/7/21 REV 7 of 14 June 2021) is as follows: "**Support discussion on the treatment of wind propulsion systems based on submissions MEPC 76/6/2, MEPC 76/6/6, MEPC 76/6/7, MEPC 76/6/8, MEPC 76/6/10 and MEPC 76/7/31 and taking into account MEPC/INF.30, which should be further developed into one proposal that can be agreed by MEPC as a matter of urgency."***

Although this issue was deferred, this also allowed the co-sponsors to further work together and submit a revised proposal to MEPC 77 (MEPC 77/6 by Comoros, Finland, France, Germany, Japan, Spain, Netherlands and RINA).

Consideration at MEPC 77

In MEPC 77/6, the co-sponsor propose draft amendments to the 2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC.1/Circ.815), based on documents MEPC 62/INF.34 (Germany), MEPC 74/5/30 (China) and all documents submitted to MEPC 76 on the issue of Wind Assisted Propulsion Systems (WAPS). Nevertheless, due to the time constraints, the co-sponsors still identify an outstanding issue, giving two options to the Committee for consideration on how to update the calculation procedure aiming to correctly display real fuel savings in the EEDI result for ships equipped with WAPS technology. At the same time, the co-sponsors indicate that they will keep working with the aim of providing a final guidance to the Committee when the submission is introduced at the session, or earlier, as appropriate.

DELETED

Agenda item 7 – Reduction of GHG emissions from ships

Docs: MEPC 75/7/10, MEPC 75/INF.25, MEPC 75/INF.26, MEPC 76/7/1, MEPC 76/7/17, MEPC 76/7/22, MEPC 76/7/31-32, MEPC 76/INF.25, MEPC 76/INF.30-31, MEPC 77/7, MEPC 77/7/1-32, MEPC 77/INF.2, 19, 22-24

MEPC 75/7/10 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC): contains a proposal to include all greenhouse gases emitted from ships in future phases of the Energy Efficiency Design Index, beginning with Phase 4.

MEPC 75/INF.25 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC): summarizes the key findings of a new study by the International Council on Clean Transportation entitled "The climate implications of using LNG as a marine fuel".

MEPC 75/INF.26 (Comoros): the decarbonization of shipping is the defining issue of the coming decade; however, currently, one of the leading decarbonization technologies, direct wind propulsion, is receiving only very limited consideration in this critical debate over the future of shipping. Direct thrust from wind propulsion technologies offers a technically and commercially viable near-term solution that can already save 5% to 20% of fuel and associated emissions as wind assistance, with the potential for much higher benefits as the technology develops or is deployed on optimized newbuild ships. Wind solutions are cost-effective, do not depend on alterations to port infrastructure and ensure shipowners have improved operational autonomy in mitigating the risks and uncertainties of being commercially dependent on the unknown cost and availability of alternative fuels. Therefore, the adoption of wind solutions will greatly assist the global fleet in

reducing net emissions in the short-term, reducing the carbon intensity of the whole fleet, and better enable to meet IMO GHG reduction targets.

MEPC 76/7/1 (Norway): since the submission of the Norwegian National Action Plan (NAP) to MEPC 75 (MEPC 75/7/7) there have been several developments on the national level on green shipping. The policies have been further developed as part of the recently published climate action plan for 2030, and development and implementation of low and zero emission solutions in the Norwegian maritime sector are moving forward.

MEPC 76/7/17 (Republic of Korea): provides proposed amendments to the current EEDI and EEXI calculation formulas to reflect on board CO_2 capture (CO_2 removal).

MEPC 76/7/22 (Denmark, France, Greece, Japan, Singapore and ICS): draws the attention of the Committee to the conditions for maintaining the NO_x certification of engines in the context of the use of biofuels which could be used by ships to comply with the short-term measures NOx.

MEPC 76/7/31 (Comoros and RINA): presents the key findings of a Joint Industry Project on the performance assessment of wind propulsion systems and associated regulatory issues, including EEDI.

MEPC 76/7/32 (India): MARPOL Annex VI regulation 3.2 contains provisions for undertaking "Trials for ship emission reduction and control technology research". India has utilized the said provision with the aim to gather information on NO_x emission results for biodiesel blends in existing ship's diesel engines. Since the environmental conditions of test beds are difficult to achieve on board, the NO_x measurement was carried out for both LSHSD (low sulphur high speed diesel) and biodiesel blends under similar environmental conditions and the results compared. The results obtained under regulation 3.2 provide realistic evidence of the impact of NO_x emissions of such biodiesel blends as compared to LSHSD (DM-grade according to ISO 8217).

MEPC 76/INF.25 (Secretariat): informs the Committee of the recently finalized Ship-Port Interface Guide – Practical Measures to Reduce GHG Emissions which was developed by the Global Industry Alliance to Support Low Carbon Shipping (Low Carbon GIA) within the framework of the IMO-Norway GreenVoyage2050 Project.

MEPC 76/INF.30 (Comoros and RINA): presents the key findings of a Joint Industry Project on the performance assessment of wind propulsion systems and associated regulatory issues, including EEDI.

MEPC 76/INF.31 (WWF): prepared by the Sustainable Shipping Initiative sets out a series of sustainability principles for the zero- and low-carbon marine fuels under consideration as substitutes for conventional fossil-based fuels. It seeks to contribute to the debate on incentivizing and enabling the uptake of sustainable marine fuels, ensuring that the sustainability of a marine fuel over its entire lifecycle is considered alongside its price, availability and technical feasibility.

MEPC 76/INF.69 (Brazil): addresses several aspects of the LCA methodology and its importance for better assessing and understanding the environmental impacts of fuels for international shipping. The study presents a brief definition of LCA, then a structure of an LCA study and a history of how LCA has gained importance in Brazil and around the world. Finally, it discusses the importance of considering LCA to assess environmental impacts of shipping fuels and a brief literature review on the application of LCA in the context of fuels for international navigation.

MEPC 76/INF.70 (Brazil): presents a study on alternative fuels for ship propulsion with low/zero greenhouse gas (GHG) emissions, to support the discussion on medium/long term measures for the decarbonisation of international maritime transport.

MEPC 77/7 (ICS): ICS has developed a prototype for an automated IMRF R&D contribution system to demonstrate to Member States how this would work in the context of the proposal set out in document MEPC 76/7/7 (Denmark et al.) to establish an International Maritime Research and Development Board (IMRB) and an IMO Maritime Research Fund (IMRF). The prototype is intended to demonstrate that the proposed establishment of the IMRF would involve minimal administrative burdens for Member States, who are invited to explore how the R&D contribution system would work via the internet link provided in this document.

MEPC 77/7/1 (ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC): The co-sponsors have commissioned an independent analysis, by the consultancy Ricardo, which demonstrates the magnitude and complexity of the challenge of decarbonizing shipping within the timeline set by the Initial IMO GHG Strategy due to the need to rapidly increase Technology Readiness Levels (TRLs) to the level of maturity required. This analysis therefore demonstrates the urgent need to accelerate R&D of zero-carbon technologies through the proposed establishment of an International Maritime Research and Development Board (IMRB). This analysis also provides the Committee with a detailed understanding of the projects which the IMRB might commission, coordinate and administer within a collaborative global R&D programme and contains a comprehensive analysis of the projects that will be required to increase TRLs for zero-carbon technologies suitable for maritime application.

MEPC 77/7/2 (Japan, BIMCO and RINA): proposes draft amendments to the EEXI calculation guidelines and the EEXI survey and certification guidelines to incorporate an alternative method to determine a reference speed (Vref) for EEXI, based on in-service ship performance measurements.

MEPC 77/7/3 (Kiribati, Marshall Islands and Solomon Islands): proposes that the Committee – in recognition of the recent reports of the IPCC – recognize that international maritime transport must reach zero GHG emissions no later than 2050.

MEPC 77/7/4 (Marshall Islands and Solomon Islands): is aimed at implementing the proposal set out in document MEPC 76/7/12 (Marshall Islands and Solomon Islands) for a mandatory levy on all greenhouse gas (GHG) emissions from international shipping and proposes the creation of an International Greenhouse Gas levy Fund (GHGF) to collect and manage the levy.

MEPC 77/7/5 (Secretariat): provides a draft MEPC circular on the cross-referencing tables showing the correlation between 2021 Revised MARPOL Annex VI and the previous MARPOL Annex VI for paragraph numbers in regulation 2 (definitions) and regulation numbers in chapter 4 (Regulations on the carbon intensity of international shipping) and chapter 5 (Verification of compliance with the provisions of this Annex).

MEPC 77/7/6 (Japan, Liberia, Nigeria, Palau, Singapore, Switzerland, ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC): MEPC 77 will continue consideration of the comprehensive proposal set out in document MEPC 76/7/7 to establish the IMRB and IMRF. In this document, the co-sponsors comment on issues raised at MEPC 76 and emphasize the vital importance of MEPC 77 approving the proposed amendments to MARPOL Annex VI, if the Organization is to successfully deliver the current level of ambition for 2050 and maintain its leadership for the decarbonization of international shipping.

MEPC 77/7/7 (IACS): proposes a draft unified interpretation of regulation 18.3 of MARPOL Annex VI, related to the use of biofuels.

MEPC 77/7/8 (Bangladesh, China, India and Panama): highlights the need for continued maintenance of a comprehensive global maritime regulatory framework for the development of GHG reduction measures under IMO, free of any regional extraterritorial regulatory patchwork that undermines efficient maritime transport.

MEPC 77/7/9 (India): proposes to include a correction factor for sludge for calculation of CO2 emissions in the CII framework more accurately.

MEPC 77/7/10 (China, Japan and European Commission): provides the interim report of the Correspondence Group on Carbon Intensity Reduction.

MEPC 77/7/11 (EU): suggests to include information on the ship′s required and attained Energy Efficiency Existing Ship Index (EEXI) and Carbon Intensity Indicator (CII) values and rating in the IMO Data Collection System (DCS). It further suggests to possible amendments to Appendix IX of MARPOL Annex VI and draft terms of reference for a work stream for amending the IMO DCS to pave the way for the review of the Carbon Intensity framework by 1 January 2026.

MEPC 77/7/12 (EU): suggests a number of criteria for assessment and comparison of carbon pricing measures. It builds on the list of criteria identified in document MEPC 76/7/15 (Denmark et al.), developing them further to address specific issues related to market-based measures. The aim is to use the suggested criteria to guide and enhance future discussions on carbon pricing measures, namely a GHG levy and a cap-and-trade scheme.

MEPC 77/7/13 (Norway): Combination carriers have a steeper CII reference line than tankers and bulk carriers, and large combination carriers will be subject to stricter CII requirements than similarly sized bulk carriers. The key feature of combination carriers is cargo tanks designed to be able to either carry wet bulk commodities as a tanker or carry dry bulk commodities as any dry bulk ship. A combination carrier is in essence similar to standard tanker and bulk carrier designs, with same hull shape and propulsion systems. Due to having the same fundamental design, the CII of a combination carriers of similar size should be comparable to tankers and bulk carriers. Norway proposes to review and update the reference line parameters for combination carriers.

MEPC 77/7/14 (Norway): Using the AER as CII with deadweight as proxy for cargo penalizes ships which manage to optimize their trade patterns to have a higher utilization. These ships will spend more time in laden condition with a significantly higher consumption per distance sailed than if the ships were sailing in ballast condition, and in addition higher consumption related to port and cargo operations. This document proposes a cargo utilization correction factor for standard tankers, bulk carriers and combination carriers above 70,000 DWT.

MEPC 77/7/15 (Costa Rica, Norway, United Kingdom and United States): previously agreed to initiate the revision of the Initial Strategy at MEPC 77 and to adopt a revised strategy at MEPC 80 in 2023. This document identifies those aspects of the Initial Strategy that should be revised, including the need to strengthen the levels of ambition for 2030 and 2050, and to introduce new levels of ambition for 2040. In this regard, and recognizing the urgency reflected in recent scientific assessments, the co-sponsors propose that the Committee adopt a 2050 level of ambition of zero emissions for the international shipping sector, along with 2030 and 2040 levels of ambition on a trajectory to achieve zero emissions, at the latest, by 2050. This document also identifies a process to undertake the revision, including its scope and terms of reference.

MEPC 77/7/16 (Norway): proposes a fuel GHG intensity limit and an emissions cap and trading as a package of mid- and long-term measures to be considered further. The package establishes a cap and a price on GHG emissions through trading of allowances, while the fuel GHG intensity limit sets a mandatory technical requirement. Both measures work together providing a robust framework to ensure the supply and uptake of sustainable low- and zero-carbon fuels. The proposal needs to be further developed, including the legal framework, and assess key issues, such as impacts on States and implications for various parts of the maritime industry.

MEPC 77/7/17 (CSC): summarizes the key principles that any market-based measure (MBM) agreed at IMO level needs to follow in order for it to be a fair and effective tool for contributing to the decarbonization of international shipping.

MEPC 77/7/18 (WWF, Pacific Environment and CSC): draws attention to the UN Intergovernmental Panel on Climate Change′s publication of the first part of three working group reports published as part of the Sixth Assessment Cycle. The Working Group I report focuses on the physical science basis of climate change. The Committee is invited to note the findings from the report, together with the views of the co-sponsors, and is urged to support the urgent action outlined.

MEPC 77/7/19 (World Bank): summarizes recent World Bank research on bunker fuels. The related reports have been submitted separately: Summary for policymakers and industry (MEPC 77/INF.22); Vol. 1: The potential of zero-carbon bunker fuels in developing countries (MEPC 77/INF.23); and Vol. 2: The role of LNG in the transition toward low- and zero-carbon shipping (MEPC 77/INF.24). The research highlighted three key findings: (1) green ammonia and green hydrogen are currently the most promising options to decarbonize international shipping; (2) LNG is likely to play a limited role in shipping′s decarbonization, and countries should avoid new public policy that supports LNG as a bunker fuel, reconsider existing policy support, and continue to regulate methane emissions to put shipping on a Paris-aligned GHG emissions trajectory; and (3) many countries – both developed and developing – could seize business and development opportunities in shipping's energy transition, and enter the global market for zero-carbon bunker fuels.

MEPC 77/7/20 (EU): comments favourably on and supports in general the aims set out in document MEPC 77/7/15 (Costa Rica et al.) suggesting to expedite the revision of the Initial IMO Strategy and document MEPC 77/7/3 (Kiribati et al.) calling for an MEPC resolution on reducing emissions from shipping.

MEPC 77/7/21(ICS): commenting on document MEPC 77/7/1 (ICS et al.), ICS provides an illustrative example of how intellectual property issues could be addressed for R&D projects commissioned by the IMRB, as proposed in document MEPC 76/7/7 (Denmark et al.), and how knowledge generated from these projects could be shared for the benefit of all Member States.

MEPC 77/7/22 (ICS): commenting on document MEPC 77/7/3 (Kiribati et al.), ICS supports the development of an MEPC resolution which focuses on a net-zero CO2 target while recognizing the need to phase out other GHG emissions too. ICS also supports increasing the level of ambition in the revised IMO GHG Strategy, including consideration of a target of net-zero annual CO2 emissions by 2050. But for such a high level of ambition to be plausible, the Committee must adopt the necessary measures to accelerate R&D of zero-carbon technologies and expedite their deployment, including immediate approval at this session of the IMRB/F (as set out in document MEPC 76/7/7(Denmark et al.) and development of an appropriate global MBM.

MEPC 77/7/23 (ICS): the cap-and-trade system proposed in document MEPC 77/7/16 (Norway) raises many questions, and needs to be considered alongside the proposal for a carbon levy set out in document ISWG-GHG 10/5/2 (ICS and INTERCARGO) and the similar proposal by the Marshall Islands and the Solomon Islands. The Work plan agreed at MEPC 76 requires collation and initial consideration of all proposed measures. It will thus be premature, and inconsistent with the Work plan, for MEPC 77 to agree "in principle to establishing a fuel GHG intensity limit and an emissions cap and trading [sic] as a package of mid- and long-term measures to be considered further.

MEPC 77/7/24 (India): provides comments on document MEPC 77/7/2 (Japan et al.) and supports the proposed in-service measurement method. It also highlights an inconsistency in the EEXI Guidelines and suggests an amendment to resolve it.

MEPC 77/7/25 (Republic of Korea): provides comments on document MEPC 77/7/2 (Japan et al.), supporting the proposed environment conditions for in-service performance measurement with double runs in principle. This document also provides a case study of in-service performance measurement for a large-sized container ship and a further recommendation regarding on-board witness issue.

MEPC 77/7/26 (IACS): comments on document MEPC 77/7/2 (Japan et al.) containing the draft amendments to the EEXI calculation guidelines and associated guidance to incorporate the in-service measurement method.

MEPC 77/7/27 (Iceland, Jamaica, New Zealand, Tuvalu, Ukraine, United Kingdom and United States): reiterates recent scientific findings related to climate change and supports the proposals contained in document MEPC 77/7/3 (Kiribati et al.) for the Organization to reach zero GHG emissions from international shipping by 2050.

MEPC 77/7/28 (IAPH): comments and builds on the findings of document MEPC 77/7/19 (World Bank) in order to highlight some of the key considerations from the ports′ perspective when addressing proposals for mid- and long-term measures. The submission stresses the need of an early adoption of a global market-based measure and advocates that the targeted allocation of generated revenues to port-related investments for low- and zero-carbon fuels has the potential to both serve the targets of the Initial IMO Strategy while contributing to an equitable energy transition of shipping.

MEPC 77/7/29 (Pacific Environment and CSC): comments on the issue of public accessibility for a ship's attained Carbon Intensity Indicator (CII) and associated rating. The co-sponsors propose the creation of a public database to resolve this issue.

MEPC 77/7/30 (Turkey): comments on document MEPC 77/7/6 (Japan et al.) and provides principles on IMRB in terms of intellectual property rights (IPRs) and benefit sharing mechanism.

MEPC 77/7/31 (Turkey): comments on document MEPC 77/7/6 (Japan et al.) and provides information regarding principles on the establishment of the International Maritime Research Board (IMRB).

MEPC 77/7/32 (IMarEST): supports and comments on the proposal made in document MEPC 77/7/3 (Kiribati et al.) while recognizing that significant increase in RD&D support is required as demonstrated in document MEPC 77/7/1 (ICS et al.). The document links that proposal′s justification to earlier IMarEST submissions, the work of IPCC and recent announcements by certain industry coalitions. This justification includes evidence of similar and greater levels of ambition that have been expressed across the shipping industry′s stakeholders, as well as evidence for investment and action already happening in zero-emission fuels/shipping. The evidence in this document is also recommended for use when considering next steps on mid-term measures, as well as working arrangements.

MEPC 77/INF.2 (Belgium): provides the results of an analysis undertaken by Belgium on the potential decarbonization methods for the Belgian maritime sector for small vessels (<5000 GT). The study made an estimation of emissions, focused on possible technical and operational measures and concluded with a legal analysis of possible national programmes.

MEPC 77/INF.19 (China): proposes different potential technical routes of methane slip treatment devices for different types of marine LNG engines, based on tests related to marine engines using LNG as fuel.

MEPC 77/INF.22 (World Bank): presents the World Bank report Summary for policymakers and industry: charting a course for decarbonizing maritime transport. The report summarizes recent World Bank research on decarbonizing maritime transport. Crucially, the research reveals that decarbonizing maritime transport offers unique business and development opportunities for many countries, including many developing countries. It highlights that developing countries with large renewable energy resources could take advantage of the new and emerging future zero-carbon bunker fuel market to establish new export markets while modernizing their own energy and industrial infrastructure. The report emphasizes the need for strategic policy interventions to accelerate the sector's energy transition.

MEPC 77/INF.23 (World Bank): presents the World Bank report Vol. 1: The potential of zero-carbon bunker fuels in developing countries. The report examines a range of zero-carbon bunker fuel options that are considered to be major contributors to shipping's decarbonized future and concludes that green ammonia and green hydrogen are the most promising options today. Furthermore, the report finds that many countries, including developing countries, are very well positioned to become future suppliers of these zero-carbon bunker fuels. By leveraging their potential, these countries would be able to tap into an estimated USD 1 trillion + future fuel market while decarbonizing and modernizing their own domestic energy and industrial infrastructure. The report highlights the need for strategic policy interventions to unlock these potentials.

MEPC 77/INF.24 (World Bank): presents the World Bank report Vol. 2: The role of LNG in the transition toward low- and zero-carbon shipping. The report analyses the potential of LNG as a bunker fuel to play either a transitional or a temporary role to reduce GHG emissions from ships in line with the Paris Agreement's temperature goals, and finds that LNG is likely to play a limited role only. The report also discusses the potential role of LNG as a feedstock to kickstart the production of zero-carbon bunker fuels. Finally, the report recommends that countries should avoid new public policy that supports LNG as a bunker fuel, reconsider existing policy support, and continue to regulate methane emissions.

Chair's proposals in MEPC 77/1/1 (Annex 3): the working arrangements foreseen for MEPC 77 are that the majority of GHG issues will be dealt in the Plenary, with the submissions related to Carbon intensity technical guidelines referred to the ongoing Correspondence Group on Carbon intensity reduction, with the fuel-related issues referred to ISWG-GHG 11:

- *Short-term GHG reduction measure and carbon intensity*

  .1 instruct the Correspondence Group on Carbon Intensity Reduction, established by MEPC 76, to consider documents MEPC 77/7/2 (Japan, BIMCO and RINA), MEPC 77/7/9 (India), MEPC 77/7/13, MEPC 77/7/14 (Norway), MEPC 77/7/24 (India), MEPC 77/7/25 (Republic of Korea) and MEPC 77/7/26 (IACS) as part of the terms of reference agreed at MEPC 76, to be reflected in its final report to be submitted to MEPC 78;

- *With regard to matters related to LNG and low- and zero-carbon fuels*

  .4 instruct ISWG-GHG [11] to consider documents MEPC 77/7/19 (World Bank), MEPC 77/INF.19 (China), MEPC 77/INF.22, MEPC 77/INF.23, MEPC 77/INF.24 (World Bank), MEPC 76/INF.31 (WWF) and MEPC 75/INF.25 (FOEI et al.), and to advise the Committee accordingly;

- *With regard to National Action Plans to address GHG emissions*

  .6 note the (updated) National Action Plan (NAP) by Norway as set out in documents MEPC 75/7/7 and MEPC 76/7/1, and invite other Member States to submit their NAPs to the Secretariat to be uploaded on the dedicated space for Member States' National Action Plans on the IMO website as well as to use IMO's capacity-building initiatives to support developing States with the development of a NAP in accordance with resolution MEPC.327(75) on the Encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships

EU relevance

The Union has exclusive competence for GHG emissions in shipping.

There is a clear commitment by the EU to reduce GHG emissions, including emissions by shipping, as evidenced by the adoption of various legal instruments and policies:

i. The Renewable Energy Directive (2009/28/EC) establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU MS must also ensure that at least 10% of their transport fuels come from renewable sources by 2020. This Directive was revised in 2018 (Directive 2018/2001/EU) entering into force in December 2018 as part of the Clean energy for all Europeans package, aiming to keep the EU a global leader in renewables and, more broadly, helping the EU to meet its emissions reduction commitments under the Paris Agreement. The new Directive establishes a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023. Among the proposals of 14 July 2021, the Commission proposed to amend Directive 2009/28/EC again to bring the renewable energy target to 40% by 2030.

ii. In April 2015, the European Parliament and the Council adopted Regulation (EU) 2015/757 to establish the legal framework for an EU system to monitor, report and verify (MRV) CO2 emissions and energy efficiency from shipping. The regulation aims to deliver robust and verify CO2 emissions data, inform policy makers and stimulate the market up-take of energy efficient technologies and behaviours by addressing market barriers such as the lack of information. This Regulation entered into force on 1 July 2015 and started to be implemented in 2018. Related delegated Commission regulations on verification and accreditation of verifiers and on the refinement of monitoring methods were adopted on 22 September 2016. Two additional implementing regulations on cargo parameters and templates were adopted by the Commission on 4 November 2016. The EU MRV Regulation provides for emission factors for fuels on board. Recital (4) of Directive (EU) 2018/410 amending the EU ETS Directive calls on the EU to review the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement.

iii. Directive (EU) 2018/410 on enhancing cost-effective emission reductions and low-carbon investments mandates the EU to review the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement.

iv. In the Climate Diplomacy – Council Conclusions of 18 February 2019, the EU also calls on the IMO to implement its initial greenhouse gas emission strategy consistent with the temperature goals of the Paris Agreement.

v. The Communication on the European Green Deal of 11 December 2019 states that greenhouse gas emissions from shipping need to be reduced and that actions by the EU to achieve this should be coordinated with the IMO.

vi. The Smart and Sustainable Mobility Strategy of 9 December 2020 calls for the EU to strive at IMO for high standards, including in the field of safety, security, and environmental protection, notably climate change. Its accompanying Action Plan includes actions to foster development of energy efficiency and alternative fuel measures at IMO and to put forward market-based measures (MBMs) for shipping at IMO.

vii. In line with the European Union's commitment to global climate action under the Paris Agreement, the EU decided to become a climate-neutral economy by 2050, by enacting the European Climate Law (Regulation 2021/1119). This objective is at the heart of the European Green Deal and the Climate Law aims to keep the global temperature increase to well below 2°C and pursue efforts to keep it to 1.5°C. The Climate Law also addresses the necessary steps to get to the 2050 target, including the new EU target for 2030 of reducing greenhouse gas emissions by at least 55% compared to levels in 1990. To achieve these ambitious levels of reduction, all sectors of the economy will need to contribute, including shipping.

viii. On 14 July 2021, the Commission adopted the Fit for 55 package of proposals to reduce GHG emissions to deliver on the 2030 climate target under the EU Green Deal. The package includes a number of Commission's proposals that specifically target the shipping sector, such as the revision of the EU Emission Trading System (ETS) to include the maritime transport sector (and the corresponding amendments to the EU MRV Regulation) but also the FuelEU maritime proposal, which focuses specifically on the use of renewable and low-carbon fuels in the maritime sector and mandates the uptake thereof by the ships calling EU ports.

ix. In addition to the legislative efforts, stepping up Research and Innovation efforts is essential to develop and make market ready the solutions needed for shipping to become zero emission. Addressing this challenge, Horizon Europe R&I Framework Program for 2021-2027 will increase its focus on greening waterborne transport. On 26 June 2021 a new Zero Emission Waterborne Transport public-private partnership was launched under the Horizon Europe program with the objective to develop and demonstrate zero-emission solutions for all main ship types and services before 2030, which will enable zero-emission waterborne transport before 2050. This objective is in line with the European Green Deal and the Smart and Sustainable Mobility Strategy. The Partnership will address a range of solutions comprising improvement to energy efficiency, new fuels, renewable energies, electrification and energy storage. To this aim, the EU envisage €530 million of investment and the private partners committed to €3.3 billion in Research and Innovation and other activities within the partnership's scope.

In view of the above, the Union has exclusive competence for GHG emissions in shipping, notably if there is a risk of affectation of the EU MRV Regulation. Furthermore, Member States should not act individually at the level of the IMO insofar as this would interfere with the EU strategy on the EU ETS in maritime transport, Fuel EU Maritime or infringe their duty of sincere cooperation (Art 4(3) TEU).

<u>Background</u>

At the Paris climate conference (COP21) in December 2015, 195 countries adopted a legally binding global climate agreement. Governments agreed to limit global temperature increase to well below 2°C compared to pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5°C. Furthermore, it has been agreed that all anthropogenic emissions ought to be addressed, meaning that efforts have to be done by all countries but also by all emitting sectors, including international aviation and shipping. The international shipping sector is therefore expected to contribute its fair share of emission reductions against the well below 2°C objective. Otherwise, efforts achieved in other sectors would be severely undermined.

(a) Initial IMO Strategy on GHG Emissions reduction from ships

Following the adoption and entry into force of the Paris Agreement, the Initial IMO strategy on reduction of GHG emission from ships was adopted at MEPC 72. It defines an emission reduction objective of at least 50% reduction by 2050 compared to 2008 annual GHG emissions coupled with a vision for the decarbonisation of the sector, and a list of possible short-, mid- and long-term further measures to achieve such objectives. In addition, the strategy acknowledges certain guiding principles and the need to assess the impact of any emission reduction measure on States.

For this purpose, MEPC 74 approved the Procedure for assessing impacts on States of candidate measures (MEPC.1/Circ.885). The first application of this procedure for short-term measures already showed that it needs to be further developed to better reflect the needs of the IMO decision-making process, including exceptional circumstances such as the ones brought about by the COVID-19 pandemic.

The revision of this strategy is planned for spring 2023, with the review process to be kicked off at MEPC 77.

(b) Concrete measures

At MEPC 76, the Committee adopted the short-term measure in the form of amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping along with associated guidelines. A number of other guidelines, which MEPC 75 had also tasked a Correspondence Group to consider, were unable to be completed due to time constraints and additional tasks were identified during discussions at MEPC 76. It was therefore decided to re-establish the Correspondence Group under the co-coordination of China, Japan and the European Commission. The Correspondence Group was requested submit an interim report to MEPC 77 to be first considered by ISWG-GHG 10, and a final report to MEPC 78 in 2022, to be first considered by ISWG-GHG 11.

DELETED

This was followed-up by an EU submission to MEPC 77 (see further below).Furthermore, as part of the agreement on the short-term measure, the Committee agreed to undertake a lessons-learned exercise from the comprehensive impact assessment that was carried by UNCTAD on behalf of the IMO and overseen by a Steering Committee comprising a number of IMO member states. Interested parties were invited to submit concrete proposals on how to undertake a lessons-learned exercise to the next session of the Committee, to be firstly considered by ISWG-GHG 10.

Moving on to the next step in the implementation of the IMO GHG Strategy, MEPC 76 approved a Workplan on mid- and long-term measures (MEPC 76/7/10). The workplan had been co-sponsored by a large number of Member States (22) representing both developed and developing States and various geographical regions, putting forward a concrete process on how to structure the Organization's discussion on mid- and long-term measures in three distinct phases. The Committee requested ISWG-GHG 10 to use the work plan as a basis and as guidance for its further work on the consideration of concrete proposals for mid- and long-term measures, including further consideration of working arrangements as proposed in MEPC 76/7/9 (Australia et al.).

(c) Lifecycle GHG/carbon intensity guidelines

In parallel to initial consideration of mid- and long-term measures, MEPC 76 also tasked the next session of the Intersessional Working Group on GHG (ISWG-GHG 9) to further consider the development of a robust life cycle GHG/carbon intensity guidelines for all types of fuels, in order to prepare for an implementation programme for effective uptake of alternative low-carbon and zero-carbon fuels. While the life-cycle approach is of key importance to enable a complete picture of the environmental performance of alternative fuels and a pre-requisite to the implementation of IMO mid- and long-term measures, this issue has been several times deferred due to time constraints.

To progress on the above-mentioned issues, MEPC 76 approved the Terms of Reference for two intersessional meetings, ISWG-GHG 9 focusing on the life cycle guidelines (scheduled between 15 to 17 September 2021) and ISWG-GHG 10 (scheduled from 18 to 22 October 2021). The corresponding position papers are Council Working Documents 11519/2/21 of 13 September 2021 and 12316/2/21 of 15 October 2021 respectively.

(d) International Maritime Research and Development Board and Fund

MEPC 76 also continued the discussion on the development of an International Maritime Research and Development Board (IMRB) and the IMO Maritime Research Fund (IMRF). Due to the large number of interventions and time constraints, the *Committee could not finish the full consideration of the revised IMRB proposal and related commenting documents as not all delegations were able to express their views. Consequently, the Committee agreed that the discussion would be resumed at MEPC 77. Among the interventions, following issues have been raised: loose management mechanism; unclear funding distribution; lack of oversight; need to be considered as part of the mid-and long-term measures; beneficial only to developed countries, where research would be carried out; transfer of technology was not considered; implications for intellectual property rights; need to explore alternative ways to generate funds consistent with CBDR-RC principle, etc.*

(e) COP 26

Ahead of MEPC 77, several declarations and commitments have been launched during COP 26 including on international shipping, driven by national governments, industry as well as non-governmental organisations. The results of COP 26 are also expected to set the tone for the forthcoming discussions at IMO.

Consideration at MEPC 77

a) Report of ISWG-GHG 9

(See position paper in Council Working Document 11519/2/21 REV 2 of 13 September 2021)

ISWG-GHG 9 was tasked to consider concrete proposals to encourage the uptake of alternative low-carbon and zero-carbon fuels, including the development of life cycle GHG/carbon intensity guidelines for all relevant types of fuels and incentive schemes, as well as proposals to reduce methane slip and emissions of volatile organic compounds (VOCs). The focus was on two main submissions proposing the life cycle guidelines, one by the EU in ISWG-GHG 9/2 and another one in ISWG-GHG 9/2/8 (Australia et al). The group also noted several other documents referred from ISWG-GHG 7 and MEPC 76.

Finally, the Group agreed to use the annex to document ISWG-GHG 9/2/3 as a base document for the further development of the guidelines, together with elements of other documents, in particular document ISWG-GHG 9/2, as highlighted in annex 1 to the Group's report. In this context, and due to time constraints, the Group had no time to fully consider how to incorporate relevant text from document ISWG-GHG 9/2 in the proposed annex of ISWG-GHG 9/2/3. The co-sponsors of both documents were invited to further work on such guidelines, including other interested Member States and international organizations, and to submit further proposals to the next session (ISWG-GHG 11).

The Group also agreed to further address methane slip in the context of the LCA guidelines. Concerning the emissions of Volatile Organic Compounds (VOCs), and in the absence of specific proposals, the Group invited the Committee to consider whether the PPR Sub-Committee might be tasked to investigate how this issue could be further addressed.

The Group requests the Committee to approve its report in general, noting a number of points discussed in particular and asks the Committee to:

.4 request the Secretariat to provide an overview of existing processes within the Organization for review of substances and/or technologies by means of scientific expert groups (paragraph 70.1);

.5 invite interested Member States and international organizations to involve expert advice, as appropriate, to inform the development the draft LCA guidelines (paragraph 70.2);

.6 invite interested Member States and international organizations to submit proposals on the further development of the LCA guidelines to a next session (paragraph 70.3);

.9 invite interested Member States and international organizations to provide more information in particular on technical opportunities to reduce VOC emissions from shipping and proposals on how to best improve the current IMO regulatory framework (paragraph 80); and

.10 consider whether the PPR Sub-Committee may be tasked to investigate how the reduction of VOC emissions could be further addressed (paragraph 81).

DELETED

b) Report of ISWG-GHG 10 and related documents submitted to MEPC 77

[See position paper in Council Working Document 12316/2/21 of 15 October 2021]

ISWG-GHG 10 was tasked to consider a number of issues to prepare and facilitate the discussion at MEPC 77, ranging from carbon intensity and lessons learned exercise to more in-depth initial consideration of proposals for mid- and long-term measures submitted to MEPC 76 (and commenting papers thereon).

DELETED

Second, the Group considered the proposal by the US in ISWG-GHG 10/3, providing a timeframe for the development of the Code, in view of its adoption by MEPC 79 in 2022 and following on the indicative time line for the development of such Code included in Annex 3 of ISWG-GHG 7/WP.1 Rev.1. The Group agreed that it was premature at this stage to initiate the work on the development of the code, in line with the established EU position. In this regard, the Group requested the Secretariat to identify a possible timeline for the development of a code and to review the content of guidelines from a technical/legal point of view to identify a possible scope, for the Group's consideration at a future session. **DELETED**

Third, the Group considered how to keep the impacts of the short-term measure under review and how to undertake a lessons-learned exercise of the Comprehensive Impact Assessment of the short-term measure. The discussion took place on the basis of two main documents, ISWG-GHG 10/4 (Denmark, France, Germany, Netherlands, Spain and United States) and ISWG-GHG 10/4/1 (Argentina, Brazil, Chile, China, Saudi Arabia and United Arab Emirates). As this issue proved highly sensitive and conflictual, several deliberations were need to reach a consensus on the way forward, embedded in the Group's final report. The Group recommended to the Committee to (text subject to the finalisation of the Group's report):

.7 invite interested Member States and international organizations to submit concrete proposals on how to keep the impacts of the short-term measure under review to a future session of ISWG-GHG and to submit relevant information on the observed impacts, as appropriate, when the short-term measure enters into effect (paragraph 31);

.8 invite interested Member States and international organizations to submit concrete proposal to a future session of ISWG-GHG on how to address data gaps in conducting impact assessments (paragraph 32);

.9 with regard to the lessons-learned exercise of the short-term measure, invite the Technical Cooperation Committee to request Member States to provide resources and nominate experts for a roster in order to assist developing countries, in particular LDCs and SIDS, to conduct an initial impact assessment of proposals for a measure which they would put forward, as necessary (paragraph 43);

.10 invite the Secretariat to liaise with UNCTAD, as well as other international organizations, as appropriate, to consider the possibility of making relevant data and models available (paragraph 43);

.11 endorse the Group's recommendation that the outcome of this lessons learned exercise also serves as the outcome of the review of MEPC.1/Circ.885, and that the lessons-learned exercise of the comprehensive impact assessment of the short-term measure should be completed by MEPC 79 in order to apply the improved procedure from Phase II of the Work plan for the development of mid- and long-term measures (paragraph 48);

The above recommendations are broadly in line with the established EU positions.

In addition, and as part of the lessons learned exercise, the Group proposed ToR for an ad-hoc expert workshop on impact assessments (tentatively scheduled for the week of 14-18 February 2022), to be followed up by the eleventh meeting of the intersessional Working Group on GHG. **DELETED**

Fourth, the Group held two rounds of consideration of mid-term GHG reduction measures in the context of Phase I of the workplan for the development of mid- and long-term measures. During the meeting, delegations were invited in their interventions to reflect on 9 key issues identified in ISWG-GHG 10/J-3, whilst also referring to the relevant documents to be considered by the Group. Numerous interventions have been made on mid-term measures in general and specifically on pros and cons of the three main proposals considered by the Group, namely a levy on GHG emissions, a cap-and-trade scheme and a low-GHG fuel standard. An overview of all interventions is attached to the Group's report.

In accordance with the established EU position, EU member states actively supported the EU proposal for a low-GHG fuel standard (as proposed by the EU in ISWG-GHG 10/5/3) as a technical, standard-based measure, highlighting the benefits of its possible combination with a market-based measure (in this respect several EU member States and third country delegations quoted an example of the basket of measures that could consist of the low-GHG emission standard and a levy on GHG emissions). In this regard, the EU submission to MEPC 77 on principles for a market-based measure was also referred to (MEPC 77/7/12), highlighting in particular the priorities for revenue allocation.

In his summing up, the Chair highlighted among others that the impact on States of proposed measures, or a combination thereof, would need to be assessed, as identified in the Initial Strategy and using the Procedure for assessing impacts on States of candidate measures, as reviewed; that at this stage, all proposed measures were welcomed and would be kept on the table for further consideration under Phase I of the Work plan, without selecting nor excluding any proposal; that there could be a benefit for the Organization to follow a holistic approach, and to develop a basket of measures to fulfil its ambitions; and that several approaches for measures have been proposed: technical and operational measures, market-based measures, and a combination of both; but the Group was not in a position to recommend any preferred option of these approaches at this stage.

On this basis, the Group agreed to:

".13 request the Secretariat to prepare an information document for ISWG-GHG 12 summarizing previous discussions on market-based measures which took place in the Organization and the collation of views expressed at ISWG-GHG 10 on proposed mid-term measures in accordance with the key issues and elements listed in paragraph 7 of the Work plan; (paragraph 60 and annex2);

.14 invite the proponents of concrete proposals for mid-term measures that had not done so yet to prepare an initial impact assessment of their proposal in accordance with the Procedure for assessing impacts on States of candidate measures for consideration by ISWG-GHG (paragraph 60); and

.15 encourage proponents of candidate mid-term measures, as well as any other delegations, to further consider the development/refining proposals for midterm measures for consideration during Phase I of the Work plan, also taking into account the views expressed at this session (paragraph 60);"

The Group proposed this agenda item to be addressed again at ISWG-GHG 12 (tentatively scheduled from 16 to 20 May 2022) and proposed ToR for such session accordingly.

DELETED

Additional documents on mid-and long-term measures submitted to MEPC 77

A number of documents have been submitted to MEPC 77 that have not been considered formally by ISWG-GHG 10, but which have been referred to during the interventions of their co-sponsors, namely:

- *Principles for a market based measure (by EU in MEPC 7/7/12 and CSC in MEPC 7/7/17);*
- *Proposal for MARPOL amendments on a GHG levy (by SI in MEPC 77/7/4) and its benefits compared to a cap-and-trade scheme (by ISC in MEPC 77/7/23);*
- *Similarly to ISWG-GHG 10/5/6 (Norway), a proposal for a combination of a fuel standard with a cap-and-trade scheme (MEPC 77/7/16 by Norway); and*
- *Ports' perspective on mid- and long-term measures and equitable energy transition (MEPC 77/7/28 by IAPH).*

DELETED

Furthermore, in MEPC 77/7/8, Bangladesh, China, India and Panama put forward arguments on the need that GHG reduction measures for international shipping should only be developed at the international level, thus by the IMO. They invite the IMO Member States to agree to this concept, and to commit to a policy of not implementing national or regional measures that affect international shipping. The document does not make reference to any national or regional initiatives in this regard but it could be taken to refer primarily to the measures being contemplated in the EU.

DELETED

Finally, the group also discussed the proposal for new working arrangements based on ISWG-GHG 10/5/1 by Finland, which addressed concerns that some delegations raised when MEPC 76 considered document MEPC 76/7/9 (Australia et al.). On this basis, the Group is requesting the Committee to:

".17 note the Group's discussion and the support from a majority of delegations that took the floor for the proposal for a Standing Technical Group on reduction of GHG emissions from ships (ST-GHG) to replace the ISWG-GHG in the future, and also note the concerns raised by several delegations (paragraph 72);

.18 provide instructions for the Group on how to further proceed on matter of addressing the increasing workload and consideration of possible alternative working arrangements, taking into account the Group's consideration of documents MEPC 76/7/9 and ISWG-GHG 10/5/1 as well as comments made at this session (paragraph 73)."

DELETED

c) Review of the Initial IMO GHG Strategy and 2050 GHG emission reduction target

In MEPC 77/7/15 (Costa Rica, Norway, United Kingdom and United States), the co-sponsors suggest to revise the Initial IMO Strategy, focusing on the need to increase the ambition for emission reductions by 2030 and 2050. The submission also suggests to introduce levels of ambition for 2040 to be on track for the revised 2050 objective. The co-sponsors also propose that the Committee adopts a 2050 level of ambition of zero total annual GHG emissions from the international shipping sector.

In MEPC 77/7/3 (Kiribati, Marshall Islands and Solomon Islands), the co-sponsors propose a resolution committing to reduce greenhouse gas emissions from shipping in line with the temperature goals set by the Paris Agreement. The draft resolution states that the emissions from shipping should equal zero by 2050 at the latest.

In MEPC 77/7/20, the EU comments on both documents MEPC 77/7/15 and MEPC 77/7/3, highlighting the need to launch the review of the Initial IMO Strategy swiftly, with the aim of increasing its level of ambition and reducing GHG emissions from international shipping as soon as possible, in line with the Paris Agreement goals. It is also supported to set intermediate goals for GHG emissions reduction from international shipping and keep the goals of the Initial IMO Strategy technology-neutral.

MEPC 77/7/18 (WWF, Pacific Environment and CSC) urge IMO to: a) make immediate cuts to Black Carbon emissions from shipping in and near the Arctic, and urgently develop measures to reduce black carbon emissions from shipping globally (see point (c) in agenda item 5) ; b) revise the levels of ambition in the recently agreed short-term carbon intensity reduction measures to include a 1.5°C-compatible 7% annual improvement in the carbon intensity of ships; and c) revise its climate targets to ensure full decarbonisation of international shipping well before 2050, with intermediate absolute emission reduction targets that provide a clear trajectory for the industry.

In MEPC 77/7/22, ICS supports the development of a Resolution which focuses on net-zero CO2 target for the agreement of the Committee at a later stage (in 2023) and subject to the agreement on the International Maritime Research Board and Fund by MEPC 77 (for the latter, see the next point below).

Finally, in MEPC 77/7/27 by Iceland et al. and MEPC 77/7/32 by IMarEST, the co-sponsors comment on the proposed Resolution on zero emissions no later than 2050 by Kiribati et al. in MEPC 77/7/3, urging the Committee to adopt this Resolution at MEPC 77 in order to signal to the shipping industry and wider society that GHG emissions from international shipping must reach zero by 2050. In view of the co-sponsors, deferring the adoption of the Resolution to a later session is not an option, which may undermine the Organization's continued commitment to reducing GHG emissions from international shipping in line with science-based evidence.

DELETED

d) International Maritime Research Board and Fund

In MEPC 75/7/4, the shipping industry (ICS, BIMCO, CLIA, INTERCARGO, INTERFERRY, INTERTANKO, IPTA, and WSC) proposed the development of an International Maritime Research and Development Board (IMRB) and the IMO Maritime Research Fund (IMRF), with a contribution of $2 per tonne of fuel oil consumed, to fund essential research and prototype development of low-carbon and zero-carbon fuels and technologies. In MEPC 76/7/7-8, DK et al aimed proposed draft amendments to MARPOL Annex VI to establish the IMRB as well as a comprehensive impact assessment. The proposal was discussed extensively at MEPC 75 and MEPC 76, with a number of concerns and issues raised.

The background information can be found in the Non-paper 8277/7/21 REV 7 of 14 June 2021 and for the sake of brevity is not repeated here.

Given that the discussion at MEPC 76 has not been concluded (with more than 27 delegations still wishing to speak), the Chair suspended the discussion and concluded that in view of the number of concerns raised, it would be impossible to finish this issue. Therefore, interested parties were invited to submit further clarifications to MEPC 77, taking into account the concerns expressed by delegations. All the corresponding documents have been deferred to MEPC 77.

In this context, a number of documents have been submitted to MEPC 77:

i. *MEPC 7/7 (ICS) announcing that it had developed a prototype for the IMRF. The prototype intends to demonstrate that the operation of the IMRF would involve minimal administrative burdens for IMO Member States, and for shipping companies who would use the system to submit verified fuel consumption data and make annual R&D contributions.*

ii. *MEPC 77/7/1 (ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC) providing the results of a study which identified potential projects which could be financed through the IMRF to move towards the aim of achieving zero carbon (and near zero carbon) fuels & propulsion systems technologies for shipping.*

iii. *MEPC 77/7/6 (Japan, Liberia, Nigeria, Palau, Singapore, Switzerland, ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC) providing comments on some of the issues raised at MEPC 76. In their submission, the co-sponsors also include a reference to the EU/EC as follows "the European Commission (EC) has signalled an intention to fund additional R&D in the European maritime sector, potentially using some of the income raised from the proposed extension of the EU emissions trading system to international shipping. But this is only a fraction of the amount that would be available via the IMRF for the benefit of all international shipping globally – including shipping in developing countries – and only a proportion of this EC funding will be directed to the specific challenges of making zero-carbon technologies practicable for use by ships, as opposed to supporting GHG reduction efforts in the rest of the maritime supply chain."*

iv. *MEPC 77/7/21 by ICS and MEPC 77/7/30 by Turkey on IPR, as well as MEPC 77/7/31 by Turkey on the IMRB principles.*

DELETED

It is in this context, it is also to be noted that the EU submission on principles of market-based measures (MEPC 77/7/12) foresees a criterion on revenue allocation, including actions, which would lower the cost of climate change for the industry, e.g. R&D, fuel infrastructure, fuel production, etc.

e) IMO Data Collection System (DCS)

The EU submitted document MEPC 77/7/11 proposing amendments to the IMO Data Collection System (DCS) to include information on the ship's required and attained Energy Efficiency Existing Ship Index (EEXI) and Carbon Intensity Indicator (CII) values and rating and a new work stream to discuss further improvements to the IMO DCS. The current provisions on the implementation of IMO DCS limit the capability of IMO Members to access, analyse and comprehend the dataset on the basis of which policy decisions are made. Amending the IMO DCS should be undertaken as a matter of urgency to maximize the opportunity for more comprehensive data to be used in the review of the CII framework to be conducted by 1 January 2026 and to improve as soon as possible consideration and decision-making of future additional measures for reduction of GHG emissions from ships. Such changes would also require consequential amendments to MARPOL Annex VI. The submission further suggests draft terms of reference for a work stream to amend the IMO DCS to pave the way for the review of the Carbon Intensity framework by 1 January 2026.

MEPC 77/7/29 by Pacific Environment and CSC comments on the issue of public accessibility for a ship's attained Carbon Intensity Indicator (CII) and associated rating. The co-sponsors propose the creation of a public database to resolve this issue. **DELETED**

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Agenda item 8 – Follow-up work emanating from the Action Plan to address marine plastic litter from ships

Docs: MEPC 75/8, MEPC 75/8/1-5, MEPC 75/INF.19, MEPC 75/INF.23, MEPC 76/8, MEPC 77/8, MEPC 77/8/1-4

MEPC 75/8 (Secretariat): provides an update on recent work carried out by the Secretariat in cooperation with other United Nations entities, on issues relating to marine plastic litter.

MEPC 75/8/1 (FAO): provides information on the requirements for the effective reporting on abandoned, lost or otherwise discarded fishing gear (ALDFG), which is a crucial part of an effective fishing gear marking system in the context of FAO's Voluntary Guidelines on the Marking of Fishing Gear (VGMFG). This document also provides some examples of different gear reporting systems at regional, sub-regional and national levels. Please also refer to the FAO companion document (MEPC 75/8/2) on "Progresses in the implementation of the Voluntary Guidelines on the Marking of Fishing Gear to reduce ALDFG and its impact".

MEPC 75/8/2 (FAO): provides information on fishing gear marking and abandoned, lost and otherwise discarded fishing gear (ALDFG) in the context of FAO's Voluntary Guidelines on the Marking of Fishing Gear. This document also reports results of two stakeholder surveys regarding gear marking and measures to combat ALDFG and challenges facing Member States.

MEPC 75/8/3 (Singapore): contains the report of the Correspondence Group on Development of a Strategy to Address Marine Plastic Litter from Ships.

MEPC 75/8/4 (Vanuatu): proposes to address measure 2 contained in the Action Plan i.e. "Consider making mandatory, through an appropriate IMO instrument (e.g. MARPOL Annex V), the marking of fishing gear with the IMO Ship Identification Number, in cooperation with the Food and Agriculture Organization of the United Nations (FAO)".

MEPC 75/8/5 (Secretariat): provides a progress report by the GESAMP Working Group on Sea-based Sources of Marine Litter (WG 43). A first interim report of the Working Group is found in document MEPC 75/INF.23.

MEPC 75/INF.19 (Secretariat of the Basel Convention): provides an overview of the decisions addressing plastic waste adopted by the fourteenth meeting of the Conference of the Parties to the Basel Convention (29 April to 10 May 2019).

MEPC 75/INF.23 (Secretariat): sets out, in its annex, a first, interim report of the GESAMP Working Group on Sea-based Sources of Marine Litter (WG 43). An accompanying progress report on the work of the Group is provided in document MEPC 75/8/5.

MEPC 76/8 (Secretariat): provides an updated report on progress made by the GESAMP Working Group on Sea-based Sources of Marine Litter (WG 43).

MEPC 77/8 (Cook Islands, Cyprus, France, Germany, Iceland, Monaco, Norway, Palau, Saudi Arabia, South Africa, Spain, Tuvalu, United Arab Emirates, Vanuatu, SPREP, ACOPS, Greenpeace International and WWF): proposes to address measure 9 contained in the Action Plan, i.e. "making the Garbage Record Book mandatory for ships of 100 GT and above". The overall goal of this proposal is to take actions to further reduce shipping's contribution to marine plastic litter. To do so, the co-sponsors propose to expand the obligation to carry a Garbage Record Book to all ships of

100 gross tonnage and above by amending the chapeau of regulation 10.3 and regulation 10.3.6 of MARPOL Annex V.

MEPC 77/8/1 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC): highlights the need for further investigation into the prevalence and impact of microplastics from paints and anti-fouling coatings used on ships. It urges the Committee to prioritize within the Action Plan to address marine plastic litter from ships (resolution MEPC.310(73)) the need for further investigation and for action.

MEPC 77/8/2 (Japan and UK): provides comments on document MEPC 75/8/4, specifically, raising the issue of definition of garbage for fishing gear under MARPOL Annex V and pointing out that it is not appropriate to uniformly regulate marking of fishing gear by MARPOL Annex V regardless of the respective actual fishing situations of Member countries/regions.

MEPC 77/8/3 (Sri Lanka): in May 2021, the MV X-Press Pearl spilt 11,000 tonnes of plastic pellets off the shore of Colombo, Sri Lanka. The ensuing pollution has caused an overwhelming economic, social and environmental impact, and a legacy of pollution that will continue to have profound and enduring impacts for generations to come. This document highlights the hazardous nature of plastic pellets and the need to establish international guidelines and requirements for loading, unloading, packaging, and emergency response protocols, with clear labelling of containers carrying pellets, and improved stowage instructions.

MEPC 77/8/4 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC1): comments on documents submitted to MEPC 75, MEPC 76 and MEPC 77 and requests an update on progress against all measures contained in resolution MEPC.310(73), adequate time for discussion and identification of next steps, and an update on engagement with the UNEP-led work related to global governance on plastic pollution and a potential negotiating mandate for a new global agreement on plastic pollution.

EU relevance

This agenda item is subject to Union exclusive competence.

The issue of marine litter from ships is covered by Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships (PRF Directive), which includes garbage as defined in MARPOL Annex V. This Directive takes into consideration MARPOL requirements, and specifically addresses the problem of marine litter from ships and seeks to maximise garbage deliveries to ports. In fact, ships need to deliver all their garbage waste to ports before departure, as set out in Article 7 of the Directive, while Article 4 of the Directive requires provision of adequate port reception facilities to receive the garbage waste. The fishing and recreational sector, given their contribution to the occurrence of marine litter, have also been included in this system. As stipulated above, ports will need to provide for separate collection of Annex V waste in view of further re-use and recycling. The port fees must be independent of waste delivered. This includes passively-fished waste, the delivery of which must be recorded and reported separately. Finally, it has been decided to further develop the "Green Ship" concept to encourage better waste management on board the vessel, which should build on MARPOL Guidelines and international standards.

Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy

Framework Directive) makes assessment and monitoring of marine litter and its impacts mandatory for EU MS and also obliges them to take measures to reduce them.

To address plastic litter from single-use plastics and fishing gear, accounting for almost 70% of beach litter, the EU adopted Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment. This Directive regulates the use, production, consumption and waste management of single-use plastics and fishing gear. It provides for market restrictions for certain single-use plastic products, consumption reduction targets, obligations for producers, including extended producer responsibility schemes to help cover the costs of waste management and litter clean-up, awareness-raising and data gathering. As regards waste fishing gear, the Directive requires extended producer responsibility (EPR) schemes to be set up to cover the costs of separate collection, transport and further treatment of waste fishing gear, with national collection targets to be set at Member State level, as well as the monitoring and reporting of fishing gear with a view to a later EU-wide collection target. The Directive also calls for the development of a harmonized standard on the circular design of fishing gear.

Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 lays down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy. This regulation includes detailed rules on the marking of fishing gear and related reporting requirements, including retrieval and reporting of lost gear.

In addition, Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, requires Union fishing vessels to have the equipment on board to retrieve lost gear, and the retrieval by the master of the vessel in case where gear is lost. If the lost gear cannot be retrieved, the Regulation requires the master to inform the authorities of its flag Member State within 24 hours, who will subsequently have to inform the competent authority of the coastal Member State. The Commission has submitted a proposal for amendment of the Regulation, COM(2018)368 of 30 May 2018, which provides for reporting by the fishing vessel in an electronic logbook and requires Member States to collect and record the information concerning lost gear and provide it to the Commission on request. The proposal also extends the obligation to carry on board necessary equipment for the recovery of lost fishing gear to all fishing vessels, including small scale.

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste (Waste Framework Directive), provide relevant provisions that should be taken into account, such as the call on Member States to ensure, by 2020, that properties and quantities of marine litter do not harm the marine or coastal environment. The latter is specifically reflected in the Marine Strategy Framework Directive in its descriptor 10 and the associated four criteria identified to achieve good environmental status in European marine waters. Both Directives call on Member States to prevent and significantly reduce marine pollution, including marine debris as a contribution to the UN Sustainable Development Goals "Conserve and sustainably use the oceans, seas and marine resources for sustainable development" (see specifically SDG Target 14.1 and indicator 14.1.1). Furthermore, UNEP defines 'Marine litter' as 'any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and costal environment.'

The marine litter initiative is also in line with the Commission's Joint Communication on international ocean governance: an agenda for the future of our oceans (JOIN/2016/049 final) and more specifically action 9 on the fight against marine litter. In addition, the Commission's Communication on Sustainable Blue Economy indicates that the new European Maritime Fisheries and Aquaculture Regulation will continue to provide financial support for fishers to retrieve and collect litter and lost fishing gears. One of the actions envisaged is to ensure that litter caught in fishing operations is reported at port and that fishing gear made from plastic is collected and recycled after use. The Commission will prepare the relevant implementing acts and has asked industry standardisation bodies to develop standards for recyclable fishing gear.

Background

At the 30th session of the IMO Assembly in December 2017, France and Spain amongst others submitted a document calling on the IMO Assembly for an enhanced commitment at Assembly level as related to UN Sustainable Development Goal 14 and plastic marine litter. The document also advocated that IMO commit to enhanced coordination between IMO and other agencies with regard to Ocean governance. The Assembly responded favourably to this request and forwarded it to MEPC for further consideration.

MEPC 72 approved a new output on the "Development of an action plan to address marine plastic litter from ships" in the 2018-2019 biennial agenda of MEPC, assigning the PPR Sub-Committee as the associated organ, with a target completion year of 2020.

At MEPC 73, the Union submitted document MEPC 73/8/3 setting out elements for an IMO action plan with a number of specific recommendations, which broadly reflect the measures that the Union has developed with a view to increasing the delivery of MARPOL Annex V waste by all ships (including fishing vessels and recreational craft) to adequate port reception facilities in Union ports. The Committee adopted an action plan on marine litter (resolution MEPC.310(73)) which included proposals to address marine litter from shipping, including fishing vessels; the effectiveness of port reception facilities; improving treatment of marine litter; enhanced awareness, education and seafarer training; improving the understanding of the contribution of ships to marine plastic litter; understanding of the regulatory framework applicable to marine plastic litter from ships; strengthening international cooperation; and technical cooperation and capacity-building. The envisaged timeline was that the action plan should be completed by 2025. In view of the agreement on the developed action plan, MEPC 73 amended the title of output 4.3 to "Follow-up work emanating from the Action Plan to address marine plastic litter from ships".

Following the consideration of the submissions under this agenda item, MEPC 74 approved a number of measures, including:

- *the terms of reference for the IMO Study on marine plastic litter from ships;*
- *Invited FAO to make information on fishing gear and logging schemes available to MEPC and/or to the GESAMP Working Group 43, as appropriate, and to collaborate with IMO and provide advice on the voluntary or mandatory application of marking of fishing gear, including costs associated with the implementation of a mandatory requirement and the most appropriate FAO or IMO instrument for potentially introducing such a requirement.*

- *Requested GESAMP to provide a report to MEPC 74 on the work of GESAMP Working Group 43 and to review term of reference 3 of the IMO Study on marine plastic litter from ships, with a view to determining if there was any additional work that GESAMP could undertake to progress the work.*

- *Invited Member States and international organizations to provide relevant information to the Secretariat, for inclusion in the regulatory framework matrix.*

- *Invited FAO to submit to future sessions of MEPC or the PPR Sub-Committee relevant information on existing reporting mechanisms of accidentally lost or discharged fishing gear, including the challenges and benefits of such systems, as well as information that could help clarify details on losses that should be reported.*

- *Invited interested Member States and international organizations to submit to the PPR Sub-Committee proposals on reporting mechanisms for accidentally lost or discharged fishing gear, including the challenges and benefits of such systems, as well as existing and potential ways to encourage fishing vessels to report.*

- *Approved the scope of work the PPR, III and HTW Sub-Committees to progress the work of the relevant short-term actions in the Action plan to address marine plastic litter from ships (resolution MEPC.310(73)).*

- *Established a Correspondence Group on Development of a Strategy to Address Marine Plastic Litter from Ships, under the coordination of Singapore.*

MEPC 75 postponed the consideration of all documents submitted under this Agenda item to MEPC 76. However, in view of time limitations at MEPC 76, this Agenda item was again deferred to MEPC 77.

Consideration at MEPC 77

The report of the correspondence group which is provided in document MEPC 75/8/3, includes a draft strategy to address marine plastic litter from ships. However, the group notes that this draft strategy is not finalised and since there are still a number of open issues, further work was required to complete it at MEPC 75.

The other three documents (MEPC 75/8 (IMO) and MEPC 75/8/1-2 (FAO) provide information on the initiatives undertaken by international organisations to reduce marine litter. In its document FAO (MEPC 75/8/2) provides extracts from Commission Implementing Regulation (EU) No 404/2011 dealing with the marking and reporting of fishing gear.

FAO in MEPC 75/8/2, maintains that fishing gear marking is one of the most important tools to combat abandoned, lost or otherwise discarded fishing gear (ALDFG) and its harmful impact on the marine environment. In MEPC 75/8/4, Vanuatu proposes that MARPOL Annex V is amended to mandate the marking of fishing gear to prevent and/or reduce MARPOL Annex V violations. The EU has already adopted legislation regarding mandatory gear marking. Therefore, it is important that any amendments to MARPOL Annex V are not to be in conflict with EU legislation. In addition, when amending MARPOL Annex V, requiring any marking of fishing gear, standardisation and consistency with the international regime should be ensured. In order for any reporting to be able to take place in accordance with regular reporting and standards, the Revised International Standard Classification of Fishing Gears (ISSCFG, Rev.1, 21 October 2010) adopted at the 25th Session of FAO's Coordinating Working Party, Rome 2016, should be taken into consideration, so as to avoid any ambiguity. Furthermore, duplicate reporting requirements should be avoided (to both IMO and FAO). The UK/Japanese submission in MEPC 77/8/2 also notes that the relevant IMO Guidelines defining fishing gear do not include FADs.

In addition, the UK/Japanese submission in MEPC 77/8/2 raises the question of the definition of garbage and fishing gear in MARPOL Annex V and notes that only part of fishing gear, not the entire fishing gear, can be considered. It also notes that paragraph 1.7.8 of 2017 Guidelines for the Implementation of MARPOL Annex V (resolution MEPC.295(71)) ensure that both fishing gear that is intended to be retrieved after fishing and accidental loss should not be considered as garbage under MARPOL Annex V. Finally the paper also highlights the issue of duplicate regulations and fishing gear that is technically impossible to mark. The co-sponsors of the document consider it better to facilitate the matter by establishing voluntary resolutions or guidelines in cooperation with actions of gear marking conducted by FAO and Regional Fisheries Management Organisations, taking account of the legal and implementation issues mentioned above, since it would not be appropriate to uniformly regulate marking of fishing gear through MARPOL Annex V.

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Agenda item 9 – Pollution prevention and response

Docs: MEPC 75/10, MEPC 75/10/Add.1, MEPC 75/10/2-6, MEPC 76/9, MEPC 76/9/1-10, MEPC 76/INF.5, MEPC 76/INF.11, MEPC 76/INF.33, MEPC 76/INF.38, MEPC 76/INF.42-45, MEPC 77/9, MEPC 77/9/1, MEPC 77/INF.11

MEPC 75/10 (paragraphs 2.19 to 2.23) (Secretariat): reports on the actions requested of the Committee on urgent matters emanating from PPR 7.

MEPC 75/10/Add.1 (paragraphs 3.4, 3.6, and 3.12) (Secretariat): provides the action requested of the Committee on remaining matters emanating from PPR 7 other than urgent matters (paragraphs 3.4 and 3.6 to 3.13).

MEPC 75/10/2 (United States): proposes technical edits to the draft MEPC resolution on the 2020 Guidelines for exhaust gas cleaning systems referenced in document MEPC 75/10 and presented in documents PPR 7/22 and PPR 7/22/Add.1.

MEPC 75/10/3 (Comments on document MEPC 75/10, paragraph 2.19) (IACS): proposes changes to the draft MEPC resolution on the 2020 Guidelines for exhaust gas cleaning systems.

MEPC 75/10/4 (IACS): proposes modifications to the draft MEPC circular on 2020 Guidelines for systems for handling oily wastes in machinery spaces of ships incorporating guidance notes for an integrated bilge water treatment system (IBTS) (2020 IBTS Guidelines) as set out in annex 13 to document PPR 7/22/Add.1.

MEPC 75/10/5 (CLIA): provides comments on paragraph 2.22 of document MEPC 75/10, which requests the Secretariat to explore the possibility of involving GESAMP to provide scientific advice for and during the development of the different elements of the agreed scope of work.

MEPC 75/10/6 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC): in response to documents MEPC 75/10/Add.1 and MEPC 75/7/15 and in light of the crisis unfolding in the Arctic, along with the fact that Black Carbon emissions from shipping continue to grow both globally and in the Arctic, the co-sponsors propose the development and adoption of an MEPC Black Carbon resolution. The resolution would set out recommended interim measures pending completion of IMO work to identify and implement one or more Black Carbon abatement measures. The annex includes elements that should be considered for inclusion in such a resolution.

MEPC 76/9 (Secretariat): invites the Committee to consider, with a view to approval, proposed amendments to appendix I to MARPOL Annex II related to the revised GESAMP Hazard Evaluation Procedure.

MEPC 76/9/1 (ICES): recommends actions to reduce impacts on the marine environment following wide-scale use of exhaust gas cleaning systems (scrubbers) and the associated scrubber water discharge. The increasing use of scrubber systems by ships is an emerging global problem. The substances found in scrubber discharge water can cause lethal and sub-lethal effects on marine biota and may have further impacts, through bioaccumulation, acidification and eutrophication. This document recommends complete transition to the use of cleaner low-sulphur fuels to avoid the use of scrubbers and improved limits, standards and protocols to mitigate impacts in the interim.

MEPC 76/9/2 (EU): MEPC 76 has still to approve the draft scope of work for output 1.23. The need to address this matter is, however, urgent. This document proposes to amend the draft scope and, while respecting IMO working procedures and arrangements, to already develop elements for the consideration of the Committee. The aim of this approach is to achieve early consensus on the scope and the way forward. In particular, the annex to this document presents guiding principles and early proposals for relevant draft guidelines and regulations to address key aspects and develop the elements outlined in parts 1 to 4 of the draft scope of work agreed by PPR 7. This document is presented for the Committee′s consideration, pending its approval of the draft scope, in view of completion at PPR 9 as appropriate.

MEPC 76/9/3 (Republic of Korea): outlines an amendment to the technical requirements in the draft MEPC resolution on the 2020 Guidelines for exhaust-gas cleaning systems based on science.

MEPC 76/9/4 (China): makes comments on "Phenanthrene equivalent" as contained in the draft MEPC resolution on the 2020 guidelines for exhaust gas cleaning systems.

MEPC 76/9/5 (INTERTANKO): provides comments on the draft 2020 IBTS guidelines, focusing on both the on board management of oily bilge water and associated record-keeping, as a follow up to the discussion held at PPR 7. It further includes certain edits to provide additional consistency and clarity across the amended documents under consideration.

MEPC 76/9/6 (Japan): provides comments on document MEPC 76/9/2 (EU) which includes the draft framework guidelines for risk and impact assessment of discharge water from EGCS and the draft amendments to MARPOL Annex VI. It is proposed to extend the target completion year of this output to 2023 and invite proposals and comments to PPR 9 to ensure sufficient time for discussing the complicated and important subject. It is also proposed to request the GESAMP EGCS Task Team to review the two draft guidelines for risk and impact assessment of discharge water from EGCS presented in documents MEPC 76/9/2 and MEPC 76/INF.33 (Japan) and submit an initial report to PPR 9.

MEPC 76/9/7 (paragraphs 2.6 and 2.7) (Secretariat): provides the list of actions requested of the Committee on matters emanating from PPR 8.

MEPC 76/9/8 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC1): provides comments on documents MEPC 76/9/1 (ICES) and MEPC 76/9/2 (Austria et al.) and, based on the information contained in these and other documents, proposes an amendment to the title and scope of the proposed output on the evaluation and harmonization of rules and guidance on the discharge of discharge waters from EGCS into the marine environment.

MEPC 76/9/9 (FOEI, WWF, Pacific Environment and CSC): comments on the outcome of PPR 8 on Black Carbon (BC) and on two options to reduce ship BC emissions other than an immediate switch to distillates in the Arctic – through universal marine engine standards and limiting the aromatic content in marine fuels – and identifies some possible challenges that will need to be addressed.

MEPC 76/9/10 (Greenpeace International, WWF, Pacific Environment and CSC): provides comments on the outcome of PPR 8 and proposes an MEPC resolution – a form of non-mandatory instrument addressing Black Carbon emissions from shipping in or near the Arctic.

MEPC 76/INF.5 (ICES): provides background information on the risks to the marine environment posed by exhaust gas cleaning system (scrubber) water discharge and recommendations to reduce impacts. The references are offered in association with document MEPC 76/9/1.

MEPC 76/INF.11 (Belgium): provides the results of an analysis undertaken by Belgium on the potential impact of washwater effluents from exhaust gas cleaning systems (scrubbers) on water acidification in the southern North Sea. The study focused on sulphur oxides (SOX) emissions in sea water from ships using scrubbers and how they contribute to the decrease of the sea water pH. The objective of this document is to provide input to the IMO decision-making process.

MEPC 76/INF.33 (Japan): The draft guideline for risk assessment of the discharge water from EGCS is presented in the annex to this document as a reference document for further discussion on the output on "Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas" at MEPC 76 and PPR 9.

MEPC 76/INF.38 (Cyprus): summarizes the findings of the first phase of a study on open loop Exhaust Gas Cleaning Systems discharge water sampling and analysis.

MEPC 76/INF.42 (China): introduces an updated method on the simulation of discharge and diffusion of liquid effluents from exhaust gas cleaning systems (EGCS), which is based on the operation modes of ships and three-dimensional hydrodynamic modelling of the specific water area. This method may provide a profile on the behaviour and potential impact of the pollutants in the liquid effluents (washwater) discharged from EGCS.

MEPC 76/INF.43 (China): provides information on Black Carbon measurements collected from the actual operation of ships and analyses the influence of different factors on Black Carbon emissions.

MEPC 76/INF.44 (China): provides measurement results regarding the impact of the marine fuel quality (sulphur content, cetane number), lubricating oil type, speed, engine load, fuel injection characteristics, engine type, after-treatment system, etc. on Black Carbon emissions, identifies the factor with the largest impact on Black Carbon emissions from marine engines on a preliminary basis, and provides input for the Committee to introduce reasonable measures to reduce Black Carbon emissions from Arctic shipping.

MEPC 76/INF.45 (China): provides the test results of particulate matter components including Elemental Carbon (EC) and Organic Carbon (OC) analysis, element type analysis, aliphatic and aromatic analysis and ionic compositions based on actual ship measurements. The results show that with the same load, the EC/OC emission of particulate matter from the auxiliary engine is 2 to 10 times that from the main engine. With MGO and RME180, the mass ratio of aliphatic and aromatic compounds in the particulate matter from the auxiliary engine is almost the same under various loads conditions, while the mass ratio of aliphatic and aromatic compounds in the particulate matter from the main engine is always slightly lower than that of RME180. The increment in aromatics is mainly located at the chemical shift between 7 to 8 ppm. Black Carbon particulate matter emitted from the auxiliary engine at low to medium loads is more hydrophilic and are more likely to make bigger contributions to cloud condensation nuclei.

MEPC 77/9 (Canada, Finland, France, Germany, Iceland, Netherlands, Norway, Solomon Islands, Sweden, United Kingdom and United States): provides comments on the outcome of PPR 8 and proposes adopting an MEPC resolution to support a voluntary use of cleaner fuels by ships operating in or near the Arctic. The resolution sets out a recommended first measure as part of the phased approach to the consideration of potential regulatory options to address Black Carbon emissions from shipping agreed at PPR 8.

MEPC 77/9/1 (FOEI, WWF, Pacific Environment and CSC): provides comments on documents MEPC 76/9/1 (ICES), MEPC 76/9/2 (Austria et al.) and MEPC 76/9/6 (Japan) and urges the Committee to approve the scope of work on scrubber discharges and identify zero-discharge areas, and require the work to be undertaken as a matter of urgency.

MEPC 77/INF.11 (China): provides the results of an investigation on elementary characteristics of Black Carbon (BC) particulate emissions from marine low-speed, two-stroke diesel engine fuelled with heavy fuel oil (HFO) at different loads. It also analyses the significant changes of nanostructure, particle size distribution, and measures spatial distribution of main metal elements included in BC elementary particles. The results show that the average diameter of BC elementary particles decreased gradually with the increasing of diesel engine load, and the elementary particles formed at low load are easier to deposit on the diesel particulate filters (DPF), which impacts the effect of emission reduction. Metallic particles exist in the central nucleation region of a large number of the BC elementary particles, which may cause catalyst poisoning failure in selective catalytic reduction (SCR) exhaust gas treatment. These results are expected to provide information for the formulation of BC emission reduction measures, evaluation of emission reduction effects and improvement of emission factors of marine low-speed diesel engines.

A number of the action points mentioned in MEPC 75/10 and MEPC 75/10/Add.1 were postponed from MEPC 75 to MEPC 76 and subsequently to MEPC 77. Some of these action points were subject to established EU positions at PPR 7 (Non-paper 5921/1/20 REV 1). The relevant action points and the related EU positions, where applicable, are listed below for ease of reference:

MEPC 75/10

a) *Action point 2.19: approve the draft MEPC resolution on the 2020 Guidelines for exhaust gas cleaning systems.*

   Action point 2.20: approve the draft revised MEPC circular on Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the exhaust gas cleaning system (EGCS) fails to meet the provisions of the EGCS Guidelines, for dissemination as MEPC.1/Circ.883/Rev.1.

DELETED

In fact, by removing the reference to the 2015 Guidelines, the scope of application for Circular 883 has been broadened to include all future versions of amended EGCS Guidelines without being limited -at least- to the 2020 EGCS Guidelines. **DELETED**

The EU positions in respect of these two action points were already discussed in preparation for MEPC 75 but since their consideration was postponed to this session, the agreed EU positions are reproduced below. They have been revised in accordance with recent developments.

In relation to the draft circular all the arguments reflected above are now outlined in document MEPC 76/5/5 (EU). While commenting on MEPC 75/5/3 submitted by the Republic of Korea, the EU document suggests relevant amendments to the draft circular, and suggests to possibly reconsider its reinsertion in the draft 2020 EGCS guidelines to be approved at this session (under agenda item 5).

In addition, it should be noted that the US (MEPC 75/10/2) and IACS (MEPC 75/10/3) propose technical amendments to the 2020 Guidelines. **DELETED**

b) Action point 2.21: approve the revised title (Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment) and scope of work for output 1.23.

DELETED

In respect of this action point the EU submitted document MEPC 76/9/2 suggesting an amendment to Part 3: Regulatory matters of the draft scope of work for evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas as contained in Annex 11 of PPR 7/22/Add.1. The arguments in this document is also supported by the results of a study on the potential impact of washwater effluents from exhaust gas cleaning systems (scrubbers) on water acidification in the southern North Sea carried out by Belgium (MEPC 76/INF.11). Document MEPC 76/9/2 also suggests developments of Part 1-4 of the draft scope outlined in the appendix to document, ahead of the approval of the mentioned draft scope. EU submissions encompass draft guidelines for on risk and impact assessment and draft regulations to provide a national framework on EGCS discharge water prohibitions. This is in view of achieving and earlier consensus ahead of PPR 9 which will further consider the document and take it into account to complete the relevant output.

c) Action point 2.22: request the Secretariat to explore the possibility of involving GESAMP to provide scientific advice, for and during the development of different elements of the agreed scope of work for output 1.23, as appropriate.

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<u>MEPC 76 submissions</u>

a. Exhaust Gas Cleaning System (EGCS)

The co-sponsors of MEPC 76/9/8 are supportive of the EU submission MEPC 76/9/2, and uses the information therein to provide a justification for updating the title of the output to replace "including conditions and areas" with "if, when, or where discharges should be allowed".
DELETED

In MEPC 76/9/6, Japan complains that although MEPC and PPR did not yet decide to develop related guidelines and regulations, submission MEPC 76/9/2 (EU) includes draft framework guidelines for risk and impact assessment of discharge water from EGCS and draft amendments to MARPOL Annex VI. Japan argues that this puts other delegations at a disadvantage because they did not have the time to propose their own version of draft guidelines and regulations. In addition, Japan gives the impression that adopting mandatory regulations could be beyond the scope of the output. This notwithstanding Japan submitted MEPC 76/INF.33 including the "draft Guideline for risk assessment of the discharge water from EGCS". Japan proposes that the GESAMP EGCS Task Team should be re-established to review the two draft guidelines in documents MEPC 76/9/2 and MEPC 76/INF.33 and to submit an initial report to PPR 9 and a final report to PPR 10 as well as to extend the target completion year of this output to 2023 to cater for the delays in discussing this issue. **DELETED**

b. Black Carbon (BC) in the Arctic

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Agenda item 11 – Work programme of the Committee and subsidiary bodies

Docs: MEPC 77/11, MEPC 77/11/1-2, MEPC 77/INF.6

MEPC 77/11 (China, the Russian Federation and IACS): proposes a new output to develop amendments to the 2014 Standard specification for shipboard incinerators (resolution MEPC.244(66)) by revising the provisions of its annex 2 on fire protection requirements for incinerators and waste stowage spaces, to remove the discrepancies between resolution MEPC.244(66) and SOLAS chapter II-2.

MEPC 77/11/1 (Finland, United States and IACS): proposes to extend the scope of existing output 2.15 to address test cycles and related amendments of the NOX Technical Code 2008.

MEPC 77/11/2 (Marshall Islands, Panama, Singapore, United Arab Emirates and IACS): proposes a revision of the 2017 Guidelines addressing additional aspects of the NOX Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with Selective Catalytic Reduction (SCR) systems (resolution MEPC.291(71) as amended by resolution MEPC.313(74)) (the 2017 SCR Guidelines, as amended) to improve their clarity and enable a uniform implementation.

MEPC 77/INF.6 (EUROMOT): EUROMOT took note of the proposed revision of the 2017 Guidelines addressing additional aspects of the NOX Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with Selective Catalytic Reduction (SCR) systems (resolution MEPC.291(71) as amended by resolution MEPC.313(74)) (the 2017 SCR Guidelines, as amended). In order to facilitate the ongoing discussion on the certification of engine-SCR systems, EUROMOT would like to inform on a position paper which describes proven alternative ways to detect the deterioration rate of SCR performance with the use of currently available technology of NO_x measurement devices.

Fire protection MEPC 77/11 (China, the Russian Federation and IACS)

EU relevance

The matter is one of exclusive EU competence.

Article 6(2)(a)(i) of Directive 2009/45/EC applies SOLAS, as amended, to Class A passenger ships. Moreover, Directive 2009/45/EC, Annex I, Chapter II-2 Fire Protection, Detection and Extinction lays down various and extensive requirements for Class B, C and D passenger ships when engaged in domestic voyages.

Background

IACS had submitted SSE 7/20/7 highlighting that there is a discrepancy between the fire protection provisions for fire protection for incinerators and waste stowage spaces, between SOLAS and MEPC.224(66) resolution. SOLAS requires a fixed fire extinguishing system (without specifying the type, e.g. water based, gas-based, etc.) while the MEPC resolution demands automatic water-based sprinkler system. IACS proposed that the SOLAS requirements, which are more complete and coherent, are those that should be used. IACS demanded that the MEPC requirements are either deleted or aligned with SOLAS. The Union supported this IACS submission to ensure consistent application of fire safety requirements. **DELETED**

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The Chair of SSE 7 concluded that the document was supported but some delegations raised technical issues which could only be addressed if MEPC agreed to establish a new output on this subject.

Consideration at MEPC 77

IACS together with China and the Russian Federation followed up on the invitation by SSE by submitting MEPC 77/11. **DELETED**

Agenda item 14 – Any other business

Docs: MEPC 76/13/1, MEPC 77/14, MEPC 77/14/1-4, MEPC 77/INF.5, MEPC77/INF.9, 18, 25

MEPC 76/13/1 (World Coatings Council): With resolution MEPC.195(61) (revoking resolution MEPC.102(48)), a thoroughly developed basis exists to issue a ships' International Anti-fouling System Certificate under the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention). Additional bureaucratic procedures added to those prescribed in the Guidance for Survey and Certification do not benefit the enforcement of the AFS Convention nor add any value to flag or port State Administrations, shipowners, anti-fouling system manufacturers, shipyards or the environment. In an effort to promote consistent and clear international procedures, the Committee is invited to confirm that flag State Administrations' International Anti-fouling System Certificates for ships flying their flag should be issued without any additional procedures for anti-fouling paints that are not required under the AFS Convention.

MEPC 77/14 (EU): invites the Committee to consider the development of a data transfer mechanism for the Port Reception Facilities module of the Global Integrated Shipping Information System (GISIS).

MEPC 77/14/1 (Secretariat): provides an update on recent work carried out by the Secretariat, in cooperation with other United Nations agencies, on issues relating to the protection of the marine environment.

MEPC 77/14/2 (China): proposes to MEPC to amend provisions of paragraph 6.2.2 of the Revised guidelines and specifications for pollution prevention equipment for machinery space bilges of ships (resolution MEPC.107(40)).

MEPC 77/14/3 (Russian Federation): provides information on the outcomes of the regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS) carried out by the Maritime Safety Committee and the Legal Committee, as well as proposals by the Russian Federation for this Committee to assess possible issues of MASS operations within the frames of the current instruments emanating from MEPC.

MEPC 77/14/4 (FOEI, WWF, Pacific Environment and CSC): brings attention to new research entitled "Grey Water from Passenger Vessels in Alaska, 2000-2019." The report reviews the contents and volumes of passenger vessel grey water and its management in Alaska, and summarizes wastewater sample results from 19 years of Alaska Department of Environmental Conservation (ADEC), United States Environmental Protection Agency (EPA), and other data. It provides lessons learned from the Alaska vessel sampling, notes needed research moving forward, and offers recommendations on how to improve grey water management in Alaska and internationally. The full report can be found in a link at the end of paragraph 5.

MEPC 77/INF.5 (Secretariat): provides information regarding the status of entry into force of the Hong Kong Convention.

MEPC77/INF.9 (Netherlands): summarizes the results of the initiative by the Netherlands on improved prewash procedures for solidifying substances or high-viscosity substances in order to improve the effectiveness of tank washings of paraffin waxes assigned to pollution category X and Y.

MEPC 77/INF.18 (Republic of Korea): provides information on "Building Back Bluer through Oceans", a session of the Green Future Week held in conjunction with the 2021 P4G Seoul Summit in Seoul, the Republic of Korea, on 26 May 2021. From the session, seven implementation strategies came out, followed by the adoption of the Seoul Declaration as an achievement of the Summit.

MEPC 77/INF.25 (Colombia): En el presente documento se informa al Comité el trabajo realizado por la Autoridad Marítima de Colombia para regular aspectos de la limpieza de organismos adheridos a los cascos de los buques que se encuentren a flote, prevenir la contaminación marina y proteger la biodiversidad de los ecosistemas marino-costeros.

Chair's proposals

The Chair proposed that all the submissions to MEPC 77 for this agenda item be dealt with by correspondence prior to the meeting. **DELETED**

a. AFS Convention (MEPC 76/13/1)

EU relevance

The EU has exclusive competence in the matter.

The AFS Convention has been transposed into EU legislation through Regulation (EC) No 782/2003 on the prohibition of organotin compounds on ships. According to the Regulation, organotin compounds which act as biocides in anti-fouling systems are no longer allowed to be applied on ships flying the flag of a Member State. The Regulation is further supplemented, firstly, by Commission Regulation (EC) 536/2008 comprising measures enabling ships flying the flag of a third State to demonstrate their compliance and procedures for control and, secondly, by Regulation (EC) 1907/2006, which prohibits the marketing and use of organostannic compounds within the EU. Under Regulation (EU) No 528/2012 (BPR) concerning the making available on the market and use of biocidal products, the Commission also adopted Implementing Decision (EU) 2016/107 of 27 January 2016 not approving cybutryne as an active substance for use in biocidal products for product-type antifouling products. The effect of this decision is to prohibit making available on the market as well as the use of anti-fouling paints containing cybutryne in all EU Member States and EEA States. In addition, according to the BPR, if a "treated article" (as defined in Article 3(1)(l) of the BPR) is "placed on the EU market" (as defined in Article 3(1)(j) of the BPR - placing on the market covers also imports), it must be treated with a biocidal product containing active substances approved or under assessment in the EU review programme (Article 58 and Article 94 of the BPR). This means in practise that :

- *Boats painted in the EU can only be painted with antifouling paints compliant with the BPR (i.e. authorised paints according to the BPR, or still subject to national rules - in any case, the active substance must be approved or the EU review programme)*

- *If a already painted boat enters the EU territory :*

    - *If there is no "placing on the market" of the boat taking place in the EU, no need to comply with the BPR*

    - *If there is a "placing on the market" of the boat in the EU, the boat must have been treated with an antifouling containing an active substance compliant with the EU BPR.*

Therefore, this issue falls under EU exclusive competence.

Consideration at MEPC 77

The World Coatings Council (MEPC 76/13/1) requests the Committee to confirm that flag State Administrations' International Anti-fouling System Certificates for ships flying their flag should be issued without any additional procedures for anti-fouling paints that are not required under the AFS Convention. **DELETED**

b. Port Reception Facilities module of GISIS (MEPC 77/14)

EU relevance

The matter falls under EU exclusive competence

Pursuant to Article 13(3) of Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships (PRFD), the Member States must ensure that the information from the waste reception and handling plan on the availability and adequacy of port reception facilities is made electronically available through the Union Maritime Information and Exchange System ('SafeSeaNet'). In parallel, the MARPOL Convention requires the contracting Parties to maintain up-to-date information on their port reception facilities and to communicate this information to the IMO. To this end, the IMO has established a port reception facilities database module within its Global Integrated Shipping Information System ('GISIS').

In order to avoid duplication and reducing administrative burden on Member States reporting obligations, reporting of relevant information directly into the information, monitoring and enforcement system provided for in Directive (EU) 2019/883 and the subsequent transmission of this information into GISIS, is foreseen in Articles 7(5)(a) and 9(1)(b)(iii) of the Directive.

Consideration at MEPC 77

The Union submission (MEPC 77/14/1) aims to improve and facilitate the direct data transfer from national/ or regional databases, updated locally, to the IMO Port Reception Facilities module of GISIS (such a mechanism should not affect the responsibility and reporting obligations of each State Party under MARPOL, only facilitate technically). This will also simplify data processing by the EU inspection database (THETIS-EU PRF module) and to ensure the available information is up-to-date. Such data transfer are already established with other GISIS modules, such as the Marine Casualties and Incidents (MCI) module and Port State Control (PSC) module. The Maritime Safety Committee also approved data transfer in the MSC.1/Circ.1603 on Guidance for the electronic transfer of information to and from the maritime security module of GISIS.

The proposed changes would improve the accuracy of the information and reduce the administrative burden of MARPOL Parties. In addition, it would enable bulk data retrieval methods in the data transfer mechanism. This would allow national and regional authorities to re-use the information from the Port Reception Facilities module of GISIS, facilitating the data transfer on waste management on board.

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