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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	12th session of the Sub-Committee on Pollution Prevention and Response (PPR 12) (London, 27 – 31 January 2025) - Non-paper drafted to facilitate co-ordination between the EU Member States and the Commission

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (07.02.2025)

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[1].

[1] It is the intention of the Presidency to ensure the necessary co-ordination of the Member States' positions on the spot on the basis of the discussion of this paper

ANNEX

NON-PAPER

ON THE POSITION OF THE UNION FOR THE 12TH SESSION OF THE IMO SUB-COMMITTEE ON POLLUTION PREVENTION AND RESPONSE (PPR 12) (27 – 31 January 2025)

The annotated agenda is presented to the Council with the view to establishing the EU positions on agenda items for the 12th session of the IMO Sub-Committee on Pollution Prevention and Response (PPR 12).

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.

[2] Based on documents received up to 14 January 2025.

Agenda item 1 – Adoption of the agenda

Docs: PPR 12/1, PPR 12/1/1

PPR 12/1 (Secretariat): provides the provisional agenda for PPR 12.

PPR 12/1/1 (Secretariat): contains annotations to the provisional agenda provided in document PPR 12/1.

In accordance with PPR 12/1/1 (Secretariat), the following ad-hoc working and drafting groups are envisaged to be established during the session:

1 *Working Group on Marine Biosafety;*
2 *Working Group on Prevention of Air Pollution from Ships;*
3 *Working Group on Marine Plastic Litter from Ships;*
4 *Drafting Group on Carriage of Biofuel Blends by Bunker Ships and on MARPOL Annex I matters; and*
5 *Drafting Group on Revision of MARPOL Annex IV.*

a. *Impact of the Russian military aggression in Ukraine on international shipping and seafarers*

EU relevance

Since the start of Russia's full-scale invasion of Ukraine in February 2022, the EU has reiterated its resolute condemnation of Russia's war of aggression and reaffirmed its continued support for Ukraine independence, sovereignty and territorial integrity (see, inter alia, European Council conclusions of 24 February 2022 and 17-18 October 2024). In particular, the EU has condemned the destruction of port infrastructure and attacks on commercial ships.

In particular, the special meeting of the European Council on 24 February 2022 condemned in the strongest possible terms Russia's unprecedented military aggression against Ukraine and expressed full unity with international partners and full solidarity with Ukraine and its people. Since February 2022 14 packages of restrictive measures in view of Russia's actions destabilising the situation in Ukraine have been adopted against the Russia Federation based I on Council Decision 2014/512/CFSP[3] and Council Regulation (EU) No 833/2014[4], as amended.

Therefore this is an issue falling under Union competence and of EU high political interest.

As per previous positions during the Committee (see document ST 9250/2/24), the EU Member States should, also condemn the Russian military aggression against Ukraine highlighting the increased attacks by the Russian Federation.

[3] OJ L 229, 31.7.2014, p. 13
[4] OJ L 229, 31.7.2014, p. 1

Given the EU position on the issue by the European Council on 24 February 2022 and the previous positions for other IMO Committees and Council meetings, the Commission urges the Member States to support the below statement to be made by the Member States of the Union and the Commission acting jointly in the interest of the Union on the issue:

"The EU would like to also condemn in the strongest possible terms the illegal, unprovoked, and unjustified aggression of Russia against Ukraine. The IMO Assembly in its 33rd session strongly condemned with resolution A33/Res.1183 the Russia Federation's violation of the territorial integrity and the sovereignty of Ukraine, while highlighting that the actions of the Russian Federation are inconsistent with the principles and purposes of IMO as set forth in Article 1 of the Convention.

Russia's war of aggression against Ukraine continues to threaten peace and security in Europe and worldwide and has severe global consequences including in the form of increased food insecurity and rising energy prices. Russia, its political leadership, and all those involved in the violations of international law and international humanitarian law in Ukraine should be held accountable. The EU and its Member States will never recognise the territories temporarily under Russian military control as anything but a part of Ukraine and will continue to support Ukraine's effort to restore its territorial integrity within its internationally recognised borders for as long as necessary. Russia should also take steps to respect international law, in particular the UN Convention on the Law of the Sea (UNCLOS) and avoid destabilizing actions that threaten freedom of navigation and overflight in the Black and Azov Seas, which endanger shipping and seafarers' safety as well.

The EU is also particularly concerned with the recent accidents of Volgoneft-212 and Volgoneft-239, which were originally designed for river transport and later converted into maritime vessels. We would like to call upon the Russian Federation to inform the Sub-Committee of all the actions they have taken as a flag State to mitigate the environmental consequences of these accidents and what further measures they intend to undertake in order to prevent similar accidents in the future."

b. Red Sea situation

The Commission notes that since the attack and illegal boarding of Galaxy Leader on 19 November 2023, the Houthis have attacked several commercial ships distorting the logistic chains in and through the Red Sea. These attacks are violating the IMO Convention and international law, threatening maritime security and peace in the region, and disrupting global trade.

The EU has continuously condemned those acts and underlined that they must stop, notably through the EU27 Statement of 12 January 2024. The EU also called for the immediate release of the "Galaxy Leader" vessel and its 25-member crew, illegally seized on 19 November 2023.

The EU continues actively engaging and coordinating with partners in all diplomatic fora, to counter the Houthi threats to commercial vessels and find effective solutions. The High Representative, on behalf of the EU, issued a statement, published on 12 January 2024, welcoming the 10 January 2024 UN Security Council resolution 2722. The UN Security Council resolution recognises that States are entitled to defend themselves against the attacks to their vessels which are in violation of international law.

The Council launched on 19 February 2024 the operation EUNAVFOR ASPIDES. The objectives of this defensive maritime security operation are to contribute to restoring and safeguarding freedom of navigation in the Red Sea and the Gulf of Aden. Operation ASPIDES is ensuring an EU naval presence in the area where numerous Houthi attacks have targeted international commercial vessels since October 2023. The EUNAVFOR Operation Aspides shares maritime awareness with the US-led multi-nation Operation 'Prosperity Guardian' from its operations in the Red Sea and the Gulf of Aden. In close cooperation with like-minded international partners, ASPIDES is contributing to safeguard maritime security and ensure freedom of navigation, especially for merchant and commercial vessels. Within its defensive mandate, the operation provides maritime situational awareness, accompanies vessels, and protects them against possible multi-domain attacks at sea. On 8 April, the Commission/EEAS announced that Operation Aspides has successfully escorted 68 ships and thwarted eleven attacks, in its initial seven weeks. The announcement was made at a joint press conference held by High Representative/Vice-President Borrell and Operation Commander Rear Admiral Gryparis.

The operation is active along the main sea lines of communication in the Baab al-Mandab Strait and around the Strait of Hormuz, as well as in international waters in the Red Sea, the Gulf of Aden, the Arabian Sea, the Gulf of Oman, and the Persian Gulf.

The Operation Commander is Rear Admiral Vasilios Gryparis from EL, and the Force Commander (since 1 November 2024) is Commodore Konstantinos Pitykakis from EL. The Operation headquarters is based in Larissa, Greece. Operation ASPIDES is coordinating closely with EUNAVFOR Operation Atalanta to contribute to maritime security in the West Indian Ocean and in the Red Sea, as well as with like-minded partners contributing to maritime security in its area of operation.

In this context, it is expected that many delegations, whose ships are affected by the Houthi attacks in the Red Sea are going to take the floor to condemn these attacks. Given the EU position on the issue the Commission urges the Member States to support the below statement to be made by the Member States of the Union and the Commission acting jointly in the interest of the Union on the issue:

"The EU strongly condemns the Houthis attacks on commercial ships, which are unacceptable violations of international law, the IMO Convention and present a major threat to maritime security and peace in the region. We call for an immediate and unconditional release of the Galaxy Leader and its crew. Such attacks, which endanger the lives of innocent seafarers while disrupting the global trade, must cease at once.

The EU welcomes the adoption of the United Nations Security Council resolution 2722 that strongly condemns Houthi attacks on Red Sea shipping. Upholding freedom of navigation in the Red Sea is vital to the free flow of global commerce and regional security. As recalled by UNSC resolution 2722, States have the right to defend their vessels against these attacks in accordance with international law.

The EU also welcomes the adoption on the 15 January 2025 of the United Nations Security Council resolution 2768 (2025) which reiterates its demand that the Houthis immediately cease all attacks against merchant and commercial vessels and immediately release the MV Galaxy Leader and its crew, as well as the adoption of the resolution MSC.564(108) on Security situation in the Red Sea and Gulf of Aden resulting from Houthi attacks on commercial ships and seafarers.

The EU echoes the UN Security Council demand that these attacks, which impede global commerce and undermine navigational rights as well as regional peace and security, cease immediately.

The EU urges restraint by the Houthis to avoid further escalation in the Red Sea and the broader region. In this context, the EU recalls the obligation of all States to respect the arms embargo under the UN Security Council resolution 2216 (2015).

The EU has also initiated on 19th of February the defensive operation EUNAVFOR ASPIDES responding swiftly to the necessity to restore maritime security and freedom of navigation in a highly strategic maritime corridor. The operation will play a key role in safeguarding commercial and security interests of the region, the EU, and the wider international community, as well as in protecting the seafarers and the safeguarding of freedom of navigation."

The position of the Union is as follows:

1. ***Support if nee the statement to be made by the Member States of the European Union and the Commission acting jointly in the interest of the Union with reference to the impact of the Russian armed invasion of Ukraine on international shipping and the marine environment.***

2. ***Actively support the statement to be made by the Member States of the European Union and the Commission acting jointly in the interest of the Union on the condemnation of the actions of the Houthis against the commercial ships transiting the Red Sea.***

Agenda item 2 – Decisions of other IMO bodies

Docs: PPR 12/2, PPR 12/2/1-2

PPR 12/2 (Secretariat): references the decisions made by MEPC 81 relevant to the work of the Sub-Committee.

PPR 12/2/1 (Secretariat): references the decisions made by LEG 111, MSC 108 and C 132 relevant to the work of the Sub-Committee.

PPR 12/2/2 (Secretariat): references the decisions made by MEPC 82 relevant to the work of the Sub-Committee.

These documents include references to decisions by other Committees and Sub-Committees which are related to the PPR Sub-Committee. These issues are discussed under the relevant agenda items.

Agenda item 3 – Safety and pollution hazards of chemicals and preparation of consequential amendments to the IBC Code

Docs: PPR 12/3, PPR 12/3/1

PPR 12/3 (Secretariat): reports on the outcome of the thirtieth session of the Technical Group on the Evaluation of Safety and Pollution Hazards of Chemicals (ESPH 30) that was held from 14 to 18 October 2024.

PPR 12/3/1 (Belgium, Netherlands (Kingdom of the), Spain and United Kingdom): proposes modifying bulk carriage requirements for fatty acid methyl esters through inclusion of operational requirement 16.2.7 for the relevant products listed in chapter 17 of the IBC Code and hence introducing the MARPOL prewash requirement for such products.

There is no Union position for this agenda item.

Agenda item 4 – Amendments to MARPOL Annex II in order to improve the effectiveness of cargo tank stripping, tank washing operations and prewash procedures for products with a high melting point and/or high viscosity

Docs: PPR 12/4

PPR 12/4 (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands (Kingdom of the), Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and European Commission): provides information on experience with regard to the effectiveness of the MARPOL Annex II amendments for products with a high melting point and/or high viscosity in Europe. The co-sponsors propose to pursue the development of an improved prewash procedure.

This agenda item is of Union interest.

Directive 2019/883 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (PRF Directive) requires Member States to ensure the availability of port reception facilities adequate to meet the needs of ships normally using their ports and requires ships to deliver their waste, including cargo residues, to those facilities before departure, with the ultimate goal of reducing discharges of waste from ships at sea. MARPOL Annex II tank washings qualify as cargo residues under this Directive covered by the definition of "waste from ships" in Article 2(3) of this Directive. Encouraging the delivery of residues from tank washing containing high-viscosity persistent floating substances to port reception facilities is also covered by Article 8(2e) of the Directive. The PRF Directive also requires a ship to pre-notify the port of call of all waste amounts, including cargo residues, it intends to deliver.

In addition, Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements incorporates international standards for ship-source pollution into EU law and seeks to ensure that persons responsible for illegal discharges are subject to adequate penalties. The Directive addresses polluting substances from MARPOL Annexes I and II in Article 2(2). Directive (EU) 2024/3101 recently amended Directive 2005/35/EC as regards ship-source pollution and on the introduction of administrative penalties for infringements.

Furthermore, in relation to water quality, Member States have to meet the obligations stemming from existing EU rules. These are laid down in the Water Framework Directive, Marine Strategy Framework Directive and Directive 2008/105/EC on environmental quality standards in the field of water policy.

Background

MEPC 74 adopted resolution MEPC.315 (74), amending regulations 1, 13, appendix IV and appendix VI to MARPOL Annex II concerning cargo residues and tank washing operations of persistent floating products with a high viscosity and/or high melting point in specific areas. The amendments entered into force on 1 January 2021. However, the amendments did not address all paraffin-like cargo substances with a high melting point and/or high viscosity that could benefit from a pre-wash, and did not take into consideration the stripping operations, which was another important element which should have been enhanced.

Therefore, to address this shortfall the Union submitted document MEPC 79/12 proposing the establishment of a new output to address the ongoing problems associated with cargo stripping, tank washing operations and prewash procedures for products with a high melting point and/or high viscosity. The Committee approved this new output and entrusted the PPR Sub-Committee to carry out this work with two sessions needed to complete the output.

PPR 11, in line with the Union position, agreed to refer documents PPR 11/4 (Secretariat) and PPR 11/INF.21 (The Kingdom of the Netherlands and Spain) to ESPH 30 with a view to develop the draft amendment to appendix VI of MARPOL Annex II as regards the new prewash procedure. Eventually, ESPH 30 agreed to recommend to the PPR Sub-Committee that work under this output should be limited to cargoes for which regulation 13.7.1.4 of MARPOL Annex II was applicable (substances assigned to pollution category Y) within the geographical area for special requirement 16.2.7 as defined in regulation 13.9 of MARPOL Annex II. In addition, the work should be limited to addressing operational procedures for more effective tank stripping, tank washing and prewashes through development of amendments mainly to appendices IV and VI to MARPOL Annex II and associated guidance, as appropriate.

Consideration at PPR 12

For this session, the Union submitted document PPR 12/4 providing information on experience with regard to the effectiveness of the MARPOL Annex II amendments for products with a high melting point and/or high viscosity in Europe, as well as proposing to pursue the development of an improved prewash procedure using annex 1 to document MEPC 79/12 (Austria et al.) as a starting point, and taking into consideration further information provided in document PPR 11/INF.21 (Kingdom of the Netherlands and Spain) and, furthermore, to assign prewash requirements to additional products by amending relevant provisions of the IBC Code. Therefore, the Commission encourages the Member States to actively support this proposal.

The position of the Union is as follows:

- ***Actively support the proposal set out in PPR 12/4 (Austria, et al.).***

The Commission and, to the extent necessary, the Member States acting jointly on behalf of the Union, shall express the above position during the discussion on this agenda item.

Agenda item 5 – Development of guidance on matters relating to in-water cleaning

Docs: PPR 12/5, PPR 12/5/1-3, PPR 12/INF.4, PPR 12/INF.12-13, PPR 12/INF.16

PPR 12/5 (Canada): contains draft Guidance on the in-water cleaning of ships' biofouling, which was prepared by the Correspondence Group on Development of Guidance on Matters Relating to In-water Cleaning. It identifies considerations for finalization of the draft Guidance by the Sub-Committee at this session and proposes related matters that would be important to consider in due course.

PPR 12/5/1 (BIMCO): reports on the initial results of a survey asking shipowners about their biofouling management practices in particular on existing approaches to in-water cleaning of the ship's hull.

PPR 12/5/2 (BEMA): Following on the related submissions and discussions during the Correspondence Group on Development of Guidance on Matters Relating to In-water Cleaning, this document identifies considerations on the proposed draft guidance on the in-water cleaning of ships' biofouling in order to improve uptake of the Guidance and to address discrepancies between the draft guidance and the 2023 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (resolution MEPC.378(80)).

PPR 12/5/3 (China): provides comments on document PPR 12/5/Rev.1 and proposes captured particles criteria and minimum test time for in-water cleaning systems (IWCS) with capture.

PPR 12/INF.4 (Republic of Korea): presents a study on development of a capture efficacy test method for in-water cleaning system using artificial barnacles. This information will be useful for local authorities when considering ex-situ testing for approval of in-water cleaning systems.

PPR 12/INF.12 (China): provides information on research conducted by China on marine environmental risk assessment methods for in-water cleaning of ship's biofouling.

PPR 12/INF.13 (Canada): intends to share information on a comprehensive literature review that explains the nature and implications of deleterious substances typically discharged during in-water cleaning activities in Canada's aquatic environments, as well as associated water quality thresholds.

PPR 12/INF.16 (ISO): contains information on the development of two ISO standards related to in-water cleaning (IWC) of ships' biofouling and in support of the 2023 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species. It provides the scope of the two IWC standards and sets out the timeline for their completion.

There is no Union position for this agenda item.

Agenda item 6 – Reduction of the impact on the Arctic of Black Carbon emissions from international shipping

Docs: PPR 12/6, PPR 12/6/1-2

PPR 12/6 (FOEI, WWF, Pacific Environment and CSC): sets out a proposal for advancing discussion at PPR 12 with the intention of leading to action to reduce the impact of Black Carbon (BC) emissions from ships on the Arctic. It builds on the "polar fuels" concept discussions at PPR 11 and MEPC 82 and recognizes that a first step to reduce BC emissions should be regulation leading to the use of polar fuels such as marine distillate fuel categories DMA and DMZ throughout the Arctic. It also clarifies what further discussion and work is needed to define "other polar fuels" and proposes that this discussion take place in a working group (WG) at PPR 12, before proceeding to consider the development of a polar fuel standard that addresses the sooting propensity of marine fuels for use in the Arctic.

PPR 12/6/1 (ISO): provides comments on document PPR 12/6 (FOEI et al.) and provides advice to PPR 12 on a recommended approach to defining the characteristics of "polar fuels", taking marine distillates grades DMA and DMZ as benchmarks, while also considering other suitable fuels.

PPR 12/6/2 (FOEI, WWF, Pacific Environment and CSC): provides further information on the Arctic climate crisis in support of the recommendations in document PPR 12/6 (FOEI et al.). It proposes that the Sub-Committee recognize that a first step to immediately reduce Black Carbon emissions should be the requirement to use polar fuels, such as DMA and DMZ, as well as other suitable fuels with comparable Black Carbon outcomes, throughout the Arctic.

EU relevance

The Union has shared competence on this issue.

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). The Directive transposes in Union legislation the designation of sulphur oxides emission control areas under Annex VI to the MARPOL Convention which requires as a main compliance option the low sulphur distillate fuels production with reduced Black Carbon (BC) emissions.

Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe sets binding air quality standards on particulate matter (PM10 and PM2.5). As from 12 December 2026, the latter Directive will be replaced by Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe. This Directive sets out air quality provisions with the aim of achieving a zero-pollution objective, so that air quality within the Union is progressively improved to levels no longer considered harmful to human health, natural ecosystems, and biodiversity, as defined by the best available and most up-to-date scientific evidence, thus contributing to a toxic-free environment at the latest by 2050.

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 2020-2029 and by 2030 onwards. This Directive transposes the reporting requirements of the amended Gothenburg Protocol to the 1979 Geneva Convention on Long-Range Transboundary Air Pollution (Air Convention) to which the EU is a Party, as amended in 2012, 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.

BC is also of great relevance for the EU in view of the EU's air quality policy and the interlinkages to EU climate change policy. There is an established Union position to support consideration of actions to reduce the impact of BC emissions on the Arctic climate, in particular to call for a pragmatic and result-oriented work on BC (Council W. Doc. 2013/7 REV 2 of 5 February 2013).

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. The implementation of the EU's Arctic policy will help the Union to deliver the targets defined by the EU Green Deal and meet its geopolitical interests.

An EU-funded Action on Black Carbon in the Arctic (EUA-BCA), funded through the EU's Partnership Instrument from January 2018 to June 2021, contributed to the development of collective responses to reduce BC emissions in 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. A successor project, ABC-iCAP, funded through the Partnership Instrument (€820,000) started in December 2021. The focus of the project was on stakeholder engagement, awareness building and knowledge sharing. It continued to address the sources of BC that are of particular relevance to the Arctic, i.e., sources associated with gas flaring, wildfires / open burning, transport and residential heating. It was also relevant to the Zero Pollution Action Plan requirement that "in particular, the EU will advance international cooperation on black carbon policies to reduce the climate change impacts and improve air quality". The project was implemented by the Arctic Monitoring and Assessment Programme (AMAP) Secretariat in cooperation with the Finnish Environment Institute (SYKE) and the Swedish Environmental Research Institute (IVL).

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. In synergy with this, the strategy, as well as the Zero Pollution Action Plan, adopted in June 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. It also highlights that the EU will advance international cooperation on BC policies to reduce the climate change impacts and improve air quality. In particular, Regulation 2023/1805, on the use of renewable and low-carbon fuels in maritime transport, by addressing the Greenhouse Gas (GHG) intensity of the energy used onboard ships and introducing additional mandatory shore-power connection for ships at berth, will have a decisive impact on the contribution to the reduction of BC emissions and deposition in the Arctic region. The Regulation is based on a technology-neutral goal-based approach, establishing a framework for a life-cycle assessment of the energy used onboard ships, with fuels being assessed in term of their GHG emissions on a Well-to-Wake (WtW) basis. By pushing for increasingly decarbonized energy used onboard ships, Regulation 2023/1805 will increasingly push for replacement of residual fuels by renewable and low carbon fuels, with direct impact on gradual reduction of BC emissions from ships.

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. OSPAR has launched a process for identifying and prioritising possible additional actions and measures for increased protection of the Arctic, to be submitted to the OSPAR Ministerial, planned for 2025.

Finally, on 13 October 2021 the European Commission and the High Representative of the Union for foreign affairs and security policy issued a Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (Join (2021) 27 final) on a stronger EU engagement for a peaceful, sustainable and prosperous Arctic. In this communication it is made clear that the Union will promote collective responses to reducing black carbon in the Arctic.

It is therefore evident that there is overall a clear EU momentum 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.

<u>Background</u>

This issue has been ongoing for a long period of time. In fact, it was MEPC 67, after considering the outcome of PPR 1 regarding the impact on the Arctic of emissions of BC from international shipping, instructed PPR 2 to recommend a definition for BC. MEPC 68, on the recommendation of PPR 2, agreed the definition of BC (Bond et al. definition) for international shipping and determined that the next step should focus on gaining experience with the application of the definition and measurement methods. PPR 3 agreed to the use of a draft BC Measurement Reporting Protocol, while PPR 4 considered a number of submissions providing the results of data collection and research using differing BC measurement reporting methods. PPR 5 identified three methods as being the most appropriate for additional follow-up work on potential control measures: Filter Smoke Number (FSN), Photoacoustic Spectroscopy (PAS), and Laser Induced Incandescence (LII).

On the basis of the identified list of control measures, by PPR 6, MEPC 74 agreed, in principle, the Terms of Reference on reducing the impact on the Arctic of BC emissions from international shipping for further consideration by PPR 7, in particular, to categorise and prioritize the control measures, to identify which measures would lead to a high reduction of BC, and to determine what should be the time frame for their implementation.

PPR 7 and 8 continued to take into consideration the results of the available studies in order to address the reduction of black carbon emissions from petroleum-based marine fuels. However, since no compromise could be found as regards the development of a standardized sampling, conditioning, and measurement protocol, it was decided that additional studies would be required. Subsequently, MEPC 77 approved the revised Terms of Reference to include further work on the reduction of the impact on the Arctic of BC Emissions from international shipping, as proposed by the PPR Sub-Committee. MEPC 77 also adopted resolution MEPC.342(77) on Protecting the Arctic from shipping BC emissions.

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1. **DELETED**

2. **DELETED**

    a. **DELETED**

    b. **DELETED**

3. **DELETED**

During the discussion at PPR 9, several delegations (including EU Member States in accordance with the Union position in Non-paper 7548/2/22 REV 2 of 4 April 2022) stressed that the IMO should aim at developing effective mandatory regulatory measures to control BC emissions from ships and supported, as a starting point, the further development of draft guidelines on recommendatory goal-based control measures, using the annex to document PPR 9/8/1 (Denmark and Finland) as a basis. However, other delegations expressed concerns on the reference to mandatory requirements in MARPOL Annex VI (e.g. IAPP Certificate), considering that the guidelines were voluntary. Regarding measurement methods, several delegations, particularly EU Member States, in line with the Union position, supported document PPR 9/8 (Finland), highlighting that the three measurement methods selected (FSN, PAS and LII) were appropriate and correlated well with each other.

PPR 10 made further progress in the development of draft guidelines on recommendatory goal-based control measures and noted the list of potential BC control measures and invited interested Member States and international organizations to work intersessionally on further developing these proposals. In view of the ongoing work, MEPC 80 agreed to extend the target completion year to 2025. In addition, with regard to the geographical scope of BC emissions control measures, the Committee agreed that whilst voluntary measures might be developed for ships sailing in or near the Arctic, in line with the language used in resolution MEPC.342(77) on Protecting the Arctic from shipping Black Carbon emissions, consideration by the Committee of any potential mandatory measures to expand the geographical scope of application or the definition of the Arctic should only be given when such a proposal was co-sponsored by a Party to MARPOL Annex VI.

PPR 11 approved the draft guidance on best practice on recommendatory goal-based control measures to reduce the impact on the Arctic of Black Carbon emissions from international shipping as well as the draft guidelines on recommendatory Black Carbon emission measurement, monitoring and reporting, together with the associated draft MEPC resolutions, adopted by MEPC 82. ISO was invited to consider the development of a Polar fuel standard which may include the Hydrogen/Carbon (H/C) ratio. Finally, the Sub-Committee invited interested Member States and international organizations to conduct further research on the use of the H/C ratio or other indicators to characterize marine fuels, using the Reporting protocol for voluntary measurement studies to collect Black Carbon data, and submit findings to PPR 12 on the impact of fuel characteristics on the formation of Black Carbon emissions from international shipping.

<u>Consideration at PPR 12</u>

The call by PPR 11 was mainly followed up by observer organisations (FOEI, WWF, Pacific Environment and CSC) who submitted documents PPR 12/6 and PPR 12/6/2 advocating for the development and use of polar fuels. MEPC 82 had invited interested Member States and international organizations to submit comments and proposals regarding the concept of "polar fuels" to PPR 12, taking into account document MEPC 82/5/2 (FOEI et al.).

In document PPR 12/6/1, ISO again notes that for the reasons given in document PPR 11/6/2, it does not support using H/C ratio of marine fuels as an indicator for what could be considered to be a so called "cleaner" or a more paraffinic or aromatic marine fuel. However, in the submission to this session ISO provides the characteristics, available test methods and limits that can be considered during the discussion for defining polar fuels.

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Agenda item 7 – Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas

Docs: PPR 12/7, PPR 12/7/1-4, PPR 12/INF.8-9, PPR 12/INF.11, PPR 12/INF.15

PPR 12/7 (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands (Kingdom of the), Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and EC): follows up on the report of initial discussions which took place at the eighty-second session of the Marine Environment Protection Committee related to exhaust gas cleaning systems′ (EGCS) emission factors. This document aims to complement those initial discussions regarding the terms of reference of the GESAMP Task Team on EGCS, taking as a basis the annex to document MEPC 82/5/3 (ICS and CLIA). The co-sponsors, therefore, propose to include some necessary elements on the representativeness and robustness of emission factors for consideration to ensure the Task Team conducts and concludes work, as appropriate, without undue delay.

PPR 12/7/1 (Norway): contains data to be used for the development of representative emission factors of discharge water from exhaust gas cleaning systems (EGCS) and provides relevant information regarding the sampling and analysis of the water.

PPR 12/7/2 (Norway): considers the origin of the substances detected in the samples from discharge water.

PPR 12/7/3 (ICS): provides an industry perspective on the work related to part 3 of output 1.23, highlighting the need for clear evidence to support regulatory measures to restrict exhaust gas cleaning systems (EGCS) discharges and emphasizes the importance of international law over unilateral and regional measures. ICS supports strengthening the existing regulatory framework rather than introducing new regulatory measures that will prohibit EGCS discharges that comply with existing regulations and are continuously monitored.

PPR 12/7/4 (CLIA): comments on document MEPC 82/INF.22 (Sweden), with particular attention to three areas: the importance of limits of detection (LODs) of the parameters analysed in a data set and additional statistical methods proposed for addressing issues with non-detect data; the characteristics needed for a data set to qualify for use in determining emission factors; and evaluating the need for expanding emission factors for polycyclic aromatic hydrocarbons (PAHs).

PPR 12/INF.8 (Liberia): presents the key findings of a Well-to-Wake (WtW) life cycle assessment (LCA) study conducted by Georgia Institute of Technology (Georgia Tech), Massachusetts Institute of Technology (MIT), and Oldendorff Carriers, comparing climate change, air pollution, acidification, eutrophication and ecotoxicity impacts associated with the production and use/combustion of a marine scrubber as well as of heavy fuel oil (HFO) (3% S), marine gas oil (MGO) (0.1% S) and very low sulphur fuel oil (VLSFO) (0.5% S) under similar operating conditions, informed by real-time air and washwater emission data, collected aboard an ocean-going bulk carrier.

PPR 12/INF.9 (Brazil): provides information on a risk assessment of open-loop exhaust gas cleaning system (EGCS) water discharges from ships within the waters of the Tubarão Port in Brazil based on the recommended methodology provided in the 2022 Guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems (MEPC.1/Circ.899).

PPR 12/INF.11 (Norway): The dataset and the emission factors presented in document PPR 12/7/1 (Norway) have undergone a Quality Assurance (QA) by SINTEF Ocean. The annex to this document contains a project memo from SINTEF Ocean regarding the QA.

PPR 12/INF.15 (Canada): presents information on the use of exhaust gas cleaning systems (scrubbers) by ships in Canada and the results of a modelling analysis on the air quality and health impacts of using scrubbers in Canadian waters.

EU relevance

This issue falls under Union exclusive competence.

Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels provides that emission abatement methods referred to in Article 8(4) shall comply at least with the criteria specified in Annex II of the Directive. As regards the criteria for the use of Exhaust Gas Cleaning Systems (EGCS), the Directive refers to IMO Resolution MEPC.184(59) 2009 on Guidelines for exhaust gas cleaning systems.

Directive (EU) 2024/3101 of the European Parliament and of the Council of 27 November 2024 amending Directive 2005/35/EC as regards ship-source pollution and on the introduction of administrative penalties for infringements covers illegal discharges of polluting substances, including EGCS residues into the sea.

Background

This agenda item was established after MEPC 74 agreed to the new output proposed by the Union in MEPC 74/14/1. The Union also submitted MEPC 76/9/2 proposing, inter alia, amendments to MARPOL Annex VI to include a specific reference to the ability of Member States to regulate EGCS discharges in ports, harbours, estuaries or other sea areas under their jurisdiction, taking into account the risk assessment guidelines to be developed by the IMO. However, due to time constraints this proposal was deferred to MEPC 77, which subsequently referred it to PPR 9. However, in view of the lack of time, the Sub-Committee agreed to postpone the consideration of Regulatory matters to a future session of the Sub-Committee subject to further proposals to the Committee on this part.

MEPC 78 approved the 2022 Guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems, as finalised by PPR 9. This decision was in line with the adopted Union position on this issue (Non-paper 9041/4/22 REV 4 of 7 June 2022).

MEPC 79 considered document MEPC 79/5/3 (FOEI et al.) arguing that EGCS which allowed water discharges from such systems to the seas were effectively transforming air pollution into marine pollution, and hence were inconsistent with UNCLOS which prohibited transferring one pollution to another type of pollution. The Committee, in line with the Union position (Non-paper 14321/4/22 REV 4 of 12 December 2022) invited the Secretariat to provide a legal opinion for a future session, taking into account the existing study on Implications of UNCLOS for the IMO (LEG/MISC.8). The Committee also agreed to refer the other submissions (MEPC 78/9/3 (Germany) detailing "worst-case emission factors", MEPC 79/5/1 (CESA) on the need to establish a methodology for development of Exhaust Gas Cleaning System emission factors, MEPC 79/5/4 (CESA) on regulatory measures, and MEPC 79/INF.4 (Kingdom of the Netherlands) on experiences with inspecting EGCS) to the PPR Sub-Committee for further detailed analysis. This decision was in line with the Union position (Non-paper 14321/4/22 REV 4 of 12 December 2022).

Following up on the decision at MEPC 78, the Union submitted document MEPC 80/5/5 proposing that the PPR Sub-Committee, as part of the work on part 3 (regulatory matters) of output 1.23 is tasked with considering draft regulatory amendments to MARPOL Annex VI under this agenda item taking into account the draft regulation proposed by the Union. Japan, in MEPC 80/5/6-7, disagreed with some of the Union's proposals but still recognised the need to develop a regulation. MEPC agreed to refer all the documents to the PPR Sub-Committee to be considered in conjunction with the documents referred to the Sub-Committee by MEPC 79.

At PPR 11, this issue was discussed in detail. The majority of delegations who spoke supported the need for the establishment of minimum requirements to regulate the quality of EGCS discharges, particularly within the territorial waters. However, there were divergent views on how this should be done. While many supported the Union's proposal in MEPC 80/5/5 for a worldwide holistic and harmonised approach, others supported Japan's proposal in MEPC 80/5/7 for a regional/national approach. Only a few spoke against having provisions in MARPOL Annex VI, but would prefer to include provisions in the existing guidelines, or rely solely on national legislation. Another proposal was to regulate EGCS discharges, particularly in sea areas beyond the territorial waters, through the declaration of sensitive areas. It was even questioned whether it was appropriate to regulate discharges in the aquatic environment through the MARPOL Annex dealing with air pollution and not aquatic pollution. Some delegations, particularly from the industry representatives, stated that any regulations, including those implemented on a national basis, should only be implemented following risk assessments and scientific reviews.

A common tread throughout the discussion was that many delegations maintained that ship owners who have already invested in EGCS should not be penalised with additional requirements. There was also a large number of delegations who spoke against banning the use of EGCS (as proposed by civil society organisations), particular in sea areas outside the territorial waters.

In view of these many divergent views, rather than concluding on how to proceed on regulatory measures, the Sub-Committee invited interested Member States and international organizations to submit further proposals to PPR 12 on the identification and development of regulatory measures and instruments on the discharge of discharge water from EGCS.

It was also regrettable that not much time was allocated for discussing this issue at MEPC 82 in the Working Group. The EU Member States, in line with the Union positions (Non-paper 13155/4/24 REV 4 of 27 September 2024), highlighted the need to establish global mandatory regulations as regards EGCS discharges, to consider representative emission factors of a wider set of chemical substances found in EGCS discharge waters, as well as to re-establish the GESAMP Task Team's on EGCS with the appropriate terms of reference. However, the Committee was unable to finalise any of the intended work and referred MEPC 81/5/4 (FOEI et al.), MEPC 81/9 (Secretariat), MEPC 81/INF.21 (Finland), MEPC 81/INF.38 (CLIA), MEPC 82/5 (FOEI et al.), MEPC 82/5/1 (IBIA), MEPC 82/5/3 (ICS and CLIA), MEPC 82/5/4 (FOEI et al.), and MEPC 82/INF.22 (Sweden) to PPR 12 for consideration together with documents that would be submitted to that session as regards the development of regulatory measures and instruments on the discharge of water from EGCS.

Consideration at PPR 12

The Union, as highlighted in document MEPC 80/5/5, has always underlined the importance for the IMO to make rapid progress on the development of regulatory aspects to restrict the possibility to release into the sea the EGCS discharge waters given the widely proven impacts on coastal marine environments of the discharges into the sea of washing water generated by EGCS, as well as given the need to ensure both uniform regulation and certainty for industry.

For this session, the Union submitted PPR 12/7 proposing necessary improvements to the terms of reference of the GESAMP Task Team on EGCS, taking as a basis the annex to document MEPC 82/5/3 (ICS and CLIA). Therefore, this proposal should be actively supported. It is to note that the goals of the proposed and essential improvements are described in detail in the relevant position (3 below) which was agreed for MEPC 82 and reiterated in first the new position for PPR 12.

In document PPR 12/7/1, Norway provided relevant data to be used for the development of representative emission factors of discharge water from EGCS. **DELETED**

In document PPR 12/7/2, Norway provided valuable information on the origin of the substances detected in the samples from discharge water and illustrated how other ship's parts that are involved with the overall scrubber operation contribute as pollution sources. **DELETED**

The ICS, in PPR 12/7/3, again maintains that there is a need for clear evidence to support regulatory measures to restrict EGCS discharges, with a preference to strengthen the existing regulatory framework and, in particular, non binding guidelines, allowing the use of EGCS rather than introducing new regulatory measures that will prohibit their discharges .

DELETED

CLIA in document PPR 12/7/4 challenges methodology and considerations outlined in document MEPC 82/INF.22 (Sweden) in particular on the statistical methods for handling concentrations below limit of detection (LOD). **DELETED**

In particular, the Commission welcomes that the CLIA recognizes at least the presence and contribution of additional PAH to the overall toxicity of scrubber discharges as well as the importance of using the use of ROS and TOBIT models to evaluate censored data. **DELETED**

DELETED

As noted above, MEPC has referred several documents to this session. In this regard, the Commission proposes to maintain the relevant Union positions adopted during MEPC 82 which are the following:

1. **DELETED**

2. **DELETED**

3. **DELETED**

4. **DELETED**

DELETED

Agenda item 8 – Amendments to the 2017 Guidelines addressing additional aspects of the NOx Technical Code 2008 with regard to particular requirements related to marine diesel engines with Selective Catalytic Reduction (SCR) systems (resolution MEPC.291(71), as amended by resolution MEPC.313(74)) (7.46)

Docs: PPR 12/8, PPR 12/8/1-5

PPR 12/8 (Marshall Islands, United Arab Emirates and IACS): proposes changes to the 2017 SCR Guidelines to remove ambiguities and ensure consistent application, including further clarification of the procedure for certifying SCR arrangements on engines, as contained in the annex to this document.

PPR 12/8/1 (EUROMOT): provides comments on document PPR 12/8 (Marshall Islands et al.) and proposes changes to the 2017 SCR Guidelines.

PPR 12/8/2 (EUROMOT): provides comments on document PPR 12/8 (Marshall Islands et al.) regarding SCR arrangements where one SCR unit is connected to more than one engine, as discussed in paragraphs 5 to 10 of document MEPC 80/14/3 (Norway).

PPR 12/8/3 (Norway): provides comments on document PPR 12/8 (Marshall Islands et al.).

PPR 12/8/4 (IMarEST): In the case where multiple engines are connected to a single SCR unit it is proposed that the combined package of the engines plus the SCR be considered as the certified entity. To that end, this document provides comments and proposals as to how that arrangement should be documented, certified and subsequently surveyed or inspected.

PPR 12/8/5 (Netherlands (Kingdom of) and United States): provides comments on document PPR 12/8 (Marshall Islands et al.), regarding proposed revisions to the Technical File and onboard NOx verification procedures contained in section 3.2 of the 2017 SCR Guidelines to reflect the use of feedback or feed-forward reductant control strategies to monitor catalyst condition/degradation for engines equipped with selective catalytic reduction technology as a means of NOx emission control.

There is no Union position for this agenda item.

Agenda item 9 – Review of the IBTS Guidelines and amendments to the IOPP Certificate and Oil Record Book

Docs: PPR 12/9, PPR 12/9/1

PPR 12/9 (China): provides proposed amendments to MARPOL Annex I to introduce requirements under which forced evaporation of oily bilge water could be considered as an appropriate means of disposal, based on the in-principle agreement, reached at MEPC 78, on accepting forced evaporation of oily bilge water as one of the disposal means, as well as the reiteration by PPR 11 of the invitation to interested Member States and international organizations to develop and submit relevant proposals for amendments to MARPOL Annex I to introduce requirements under which forced evaporation of oily bilge water would be considered an appropriate means of disposal.

PPR 12/9/1 (Liberia, Marshall Islands and INTERTANKO): proposes changes to MARPOL Annex I, regulation 15, consequential changes to Form B of the IOPPC and to the Oil Record Book. These consequential changes have been proposed to demonstrate a consistently acceptable methodology of accounting tanks' content reduction through the established and agreed practice of forced evaporation as a means for the disposal of oily bilge water.

There is no Union position for this agenda item.

Agenda item 10 – Revision of MARPOL Annex IV and associated guidelines

Docs: PPR 12/10, PPR 12/10/1-4, PPR 12/INF.2, PPR 12/INF.10

PPR 12/10 (Denmark and Norway): provides the report of the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines re-established at PPR 11.

PPR 12/10/1 (China, India, Japan, Liberia, United Arab Emirates, United States, ICS, BIMCO and CLIA): proposes to avoid mandatory application of requirements for performance tests and indicative monitoring to existing sewage treatment plants.

PPR 12/10/2 (India): provides comments on the report of the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines, re-established at PPR 11, with reference to the Sewage Record Book form.

PPR 12/10/3 (Germany, Netherlands (Kingdom of the) and United Kingdom): proposes an outline for guidance to obtain data with regard to the quality of treated sewage effluents to be discussed further during PPR12.

PPR 12/10/4 (FOEI, WWF, Pacific Environment and CSC): provides comments on documents PPR 12/10 (Denmark and Norway) and PPR 12/10/1 (China et.al). It supports the establishment of a working group at PPR 12 and reiterates the importance of performance testing and indicative monitoring.

PPR 12/INF.2 (Denmark and Norway): provides additional information about the work of the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines and outlines further action for the remaining topics.

PPR 12/INF.10 (Germany, Netherlands (Kingdom of the) and United Kingdom): includes information on guidance to obtain data with regard to the quality of treated sewage effluents.

EU relevance

The Union has exclusive competence on this issue.

The approval of sewage systems on board of EU ships is regulated by Directive 2014/90/EU on marine equipment. Entry MED/2.6a and b of Commission Implementing Regulation (EU) 2024/1975 of 19 July 2024 laying down rules for the application of Directive 2014/90/EU of the European Parliament and of the Council, as regards design, construction and performance requirements and testing standards for marine equipment and repealing Commission Implementing Regulation (EU) 2023/1667 implements MARPOL 73/78 Annex IV, Reg. 9 in respect of type approval requirements as well as carriage and performance requirements, and IMO Res. MEPC.227(64) as the applicable testing standard.

Background

The result of sampling reported by the Netherlands in document MEPC 71/INF.22, showed that the majority of the ships were discharging non-compliant effluent from the approved STPs and only four out of 127 samples met the discharge standards.

MEPC 74 had agreed with the proposal by Norway (MEPC 74/14) to expand the scope of the output on "Amendments to the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.227(64)) to address inconsistencies in their application" to include the revision of MARPOL Annex IV and associated guidelines. The Committee entrusted the PPR Sub-Committee to manage the output in consultation with the III and HTW Sub-Committees in relation to issues of port State control and human element. The PPR Sub-Committee was also requested to consider whether the scope of the work should also include the development of associated templates or guidelines in relation to sewage record-keeping and to a sewage management plan. The EU position at MEPC 74 (Non-paper 8149/4/19 REV 4 of 13 May 2019) supported this expansion.

PPR 7, 8 and 9 did not have the time to discuss the submitted documents in detail. Therefore, most of the work was undertaken by the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines, under the coordination of Norway, primarily to further develop draft amendments to:

a. *the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants, using annex 2 to document PPR 9/14 as a basis;*
b. *the Guidelines on implementation of MARPOL Annex IV for sewage treatment plants, using annex 3 to document PPR 9/14 as a basis;*
c. *MARPOL Annex IV, using annex 1 to document PPR 9/14 as a basis and taking into consideration the amendments in the associated guidelines; and*
d. *the relevant regulations in MARPOL Annex IV concerning the use of comminuting and disinfecting systems for new ships subject to the decision of the Committee.*

MEPC 78, based on the outcome of PPR 9, agreed to amend the title of the output to "Revision of MARPOL Annex IV and associated guidelines", and that the scope of work would include the development of provisions for record-keeping and measures to confirm the lifetime performance of sewage treatment plants.

PPR 10 had for its consideration the report of the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines (PPR 10/12 (Norway)) as well as five commenting submissions. However, since it was not possible to refer the consideration of this agenda item to a working group, the Sub-Committee agreed to re-establish the correspondence group to discuss the relevant documents submitted to that session without a substantive discussion in Plenary. This decision was in line with the Union position. The Sub-Committee also recommended to the Committee to expand the scope of work of the output to introduce provisions for a sewage management plan and record-keeping on all ships (i.e. not only ships with an STP) under MARPOL Annex IV. MEPC 80 endorsed this request.

PPR 11 developed a work plan for the completion of the output, and, in view of the remaining work, re-established the Correspondence Group on Amendments to MARPOL Annex IV and Associated Guidelines, under the joint coordination of Norway and Denmark, to further develop draft amendments to MARPOL Annex IV with regard to record of discharges, record of maintenance and management plan concerning discharge and maintenance as well as associated guidelines. The Sub-Committee also invited interested Member States and international organizations to submit relevant proposals on the application of the requirements of performance tests and indicative monitoring to existing installations to PPR 12 to start data collection in relation to the quality of effluent.

Consideration at PPR 12

The Commission notes that the Correspondence Group in its report (PPR 12/10 (Denmark and Norway)) points out that despite the good progress it was unable to finalize all its work. Therefore, the Commission agrees with the recommendation of the Correspondence Group that the Sub-Committee should establish a working group, at this session, to further develop the draft amendments to relevant parts of MARPOL Annex IV as well as to the other instruments. Document PPR 12/1/1 (Secretariat) proposes the establishment of a drafting group to deal with this issue. However, considering the remaining issues it is unlikely that a drafting group could discuss the remaining work as well as the other submissions.

MEPC had requested the Sub-Committee to consider MEPC 81/15/3 (India) proposing that the IMO should develop a database within the GISIS PRF module to allow Member States to upload their regulations on treated sewage/grey water discharges. **DELETED**

DELETED

Agenda item 11 – Follow-up work emanating from the Action Plan to address marine plastic litter from ships

Docs: PPR 12/11, PPR 12/11/1-11, PPR 12/INF.3, PPR 12/INF.14

PPR 12/11 (Australia): provides the report of the Correspondence Group on Marine Plastic Litter from Ships established at PPR 11 to undertake an analytical overview of the existing global fishing gear reporting frameworks to identify gaps and/or duplication to support IMO reporting requirements for lost or discharged fishing gear with a view to informing what data should be reported to IMO.

PPR 12/11/1 (CEFIC and DGAC): presents four options as potential mandatory instruments for the carriage of plastic pellets in freight containers.

PPR 12/11/2 (Japan): presents an initial evaluation of the implementation of the Recommendations for the carriage of plastic pellets by sea in freight containers (MEPC.1/Circ.909), in response to requests from PPR 11 and MEPC 82. Japan suggests potential mandatory provisions, informed by the assessment of feasibility and gaps in current notification, packaging, and stowage guidelines as outlined in the circular. Additionally, the document addresses aspects of container securing and safety containers that have yet to be discussed but warrant consideration in future deliberations.

PPR 12/11/3 (Saudi Arabia and United Arab Emirates): provides information on the implications associated with potential mandatory measures for the carriage of plastic pellets in freight containers and a proposal on the way forward.

PPR 12/11/4 (China): is submitted at the invitation of the eighty-second session of the Marine Environment Protection Committee (MEPC) and encourages Member States to mobilize domestic plastic pellet producers and container shipping companies to implement the Recommendations for the carriage of plastic pellets by sea in freight containers (MEPC.1/Circ.909) to reduce the environmental risks associated with the carriage of plastic pellets in packaged form by sea. This document considers that sufficient time should be provided for the industry to build experience at the current stage, and recommends that future steps towards exploring potential mandatory instruments be undertaken based on the implementation experience of the circular and thorough discussions at IMO meetings.

PPR 12/11/5 (France): presents feedback from French stakeholders on the implementation of the IMO circular on Recommendations for the carriage of plastic pellets by sea in freight containers (MEPC.1/Circ.909). The document shares experiences and best practices to support effective application, as well as proposed improvements and next steps to consider.

PPR 12/11/6 (CEFIC AND DGAC): provides an update on actions taken by shippers for the implementation of the Recommendations for the carriage of plastic pellets by sea in freight containers (MEPC.1/Circ.909).

PPR 12/11/7 (CEFIC and DGAC): outlines the implications associated with potential restrictive mandatory packaging measures and provides information on commonly used packagings for plastic pellets in maritime transport.

PPR 12/11/8 (Canada): provides a follow-up on previous IMO actions to address measure 2 of outcome 1 contained in the Action Plan to address Marine Plastic Litter from Ships (resolution MEPC.310(73)) regarding the marking of fishing gear. It includes information on actions taken by certain regional fisheries management organizations and suggests a potential way forward, including a clarification to the action plan item.

PPR 12/11/9 (Australia): provides information on Australia's experience with the implementation of MEPC.1/Circ.909 on Recommendations for the carriage of plastic pellets by sea in freight containers for consideration when further progressing mandatory measures for the maritime transport of plastic pellets in freight containers.

PPR 12/11/10 (FOEI and CSC): comments on a parallel approach towards mandatory measures for the maritime transport of plastic pellets in response to requests from PPR 11 and MEPC 82.

PPR 12/11/11 (FOEI and CSC): provides comments and additional information on the illegal discharge of marine plastic litter from ships based on the findings of a volunteer-led community action group in Australia.

PPR 12/INF.3 (Australia): provides additional information that was taken into account by the Correspondence Group on Marine Plastic Litter from Ships, as provided by the IMO and FAO Secretariats, during the Group's analysis of MARPOL Annex V regulations and RFMO regulations.

PPR 12/INF.14 (Canada): shares key findings of a Canadian commissioned study entitled Marine Sector Assessment which assessed the current state of plastic waste management in Canada.

Documents forwarded by MEPC 82

MEPC 82/8 (Secretariat): Update on the status of the actions in the Action Plan to Address Marine Plastic Litter from Ships (resolution MEPC.310(73)) and on work concerning plastic pellets

MEPC 82/8/3 (FOEI and CSC): IMO's Action Plan: illegal discharge of marine plastic litter from ships

MEPC 82/8/4 (FOEI and CSC): Improving the understanding of the contribution of ships to marine plastic litter: microplastics

MEPC 81/8 (CSC): Increasing momentum to tackle plastic pollution in the marine environment

MEPC 81/8/1 (FOEI and CSC): Review of Action Plan and other sources of microplastics from ships

Documents forwarded by PPR 11

PPR 11/13/1 (Australia, Cook Islands, Jamaica, South Africa and United Kingdom): Proposed amendments to MARPOL Annex III to introduce mandatory measures on the transport of plastic pellets outside the scope of the IMDG Code

PPR 11/13/3 (Germany and Kingdom of the Netherlands): Proposal regarding the mandatory instrument for the transportation of plastic pellets

PPR 11/13/7 (CEFIC and DGAC): Development of amendments to appropriate mandatory instruments

PPR 11/13/8 (France): Comments on document PPR 11/13/1 concerning proposed amendments to MARPOL Annex III to introduce mandatory measures on the transport of plastic pellets

PPR 11/13/9 (United States): Comments on document MEPC 80/8

PPR 11/13/10 (China): Comments on documents PPR 11/13/1 and PPR 11/13/3

PPR 11/13/12 (FOEI and CSC): Comments on document PPR 11/13/1

MEPC 80/8 (Norway): Measures to reduce the loss of fishing gear and parts thereof

PPR 10/13/1 (United States): United States fishing gear marking practices

PPR 10/13/2 (Norway): Norway's legislation concerning marking of fishing gear

PPR 10/13/4 (FAO): Progress in the implementation of the Voluntary Guidelines on the Marking of Fishing Gear to reduce ALDFG and its impact

PPR 10/13/8 (Kingdom of the Netherlands): Comments on document PPR 10/13

PPR 10/INF.11 (Canada): Canada's mandatory fishing gear identification systems

MEPC 79/INF.13 (Republic of Korea): Introduction to the Development of Smart Technology to Support the Collection and Management of Marine Debris Based on Big Data Technology

EU relevance

The Union has exclusive competence as regards the discharge of marine plastic litter, including ship wastes and fishing gear, in the sea.

In view of various legal instruments and policies adopted by the Union as regards the handling and carriage of plastics, the Union also has an interest in the carriage of plastic pellets by ships in its efforts to avoid the loss of plastic pellets at sea.

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), as well as 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 call on Member States to ensure that properties and quantities of marine litter are monitored and do not harm the marine or coastal environment and to halt the generation of marine litter.

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, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (PRF Directive). This Directive recognises that although the majority of marine litter originates from land-based activities, the shipping industry, including the fishing and recreational sectors, is also an important contributor, with discharges of waste, including plastic and fishing gear, discarded directly into the sea. To address this problem, the Directive provides for a mix of incentive and enforcement measures to ensure that ships deliver their waste on shore to adequate port reception facilities and that Member States report how much passively fished waste is collected in each country each year.

As regards fishing gear, Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ("Fisheries Control Regulation"), requires Union fishing vessels to have the equipment on board to retrieve lost gear, and the retrieval by the master of the vessel in the case where gear is lost. If the lost gear cannot be retrieved, the Regulation requires the master to inform through electronic logbook notification the authorities of its flag Member State, who will subsequently have to inform the competent authority of the coastal Member State. The revision of the Fisheries Control Regulation (Regulation (EU) No 2023/2842) entered into force on 9 January 2024, providing for reporting the loss of gear by the fishing vessel in an electronic logbook requiring Member States to collect and record the information concerning lost gear and provide it to the Commission on request. From this, the Commission will make publicly available online a compilation of the information regarding lost fishing gear received from MS. In the updated Fisheries Control Regulation, the failure to fulfil obligations relating to marking of fishing gear and illegal disposal of fishing gear at sea are included in the list of serious infringements, for which Member States have to take additional enforcement measures.

To address the wider issue of marine litter, the Union 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. As regards fishing gear, pursuing to the requirements under the Directive, Member States have established extended producer responsibility (EPR) schemes for producers of fishing gear as of 1st January 2025 to cover the costs of separate collection, transport and further treatment of waste fishing gear, alongside with national annual collection targets for fishing gear for recycling to be set at Member State level. Member States have been annually monitoring and reporting fishing gear placed on the market and collected as waste, with a view to a potential later EU-wide collection targets following the evaluation of the Directive in 2027. The Directive also calls for the development of a harmonised standard relating to the circular design of fishing gear. In this regard, the series of standards for a circular design of fishing gear to prepare for the re-use, repair and recycling at the end-of-life were published in November 2024.

Commission Regulation (EU) 2023/2055 of 25 September 2023 amending Annex XVII to Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) as regards synthetic polymer microparticles addresses microplastic pollution by imposing a restriction on the placing on the market of microplastics that are intentionally added to products (the 'restriction'), as there is considerable microplastic pollution arising from the use of synthetic polymer microparticles on their own or intentionally present in products, and pollution poses an unacceptable risk to the environment. The same regulation addresses losses of synthetic polymer microparticles for use at industrial sites i.e. plastic pellets as avoidable releases. For these releases, a reporting requirement for an estimated quantity of microplastics released to the environment on an annual basis is introduced. While lacking a methodology to estimate losses, this requirement will increase information on pellet losses and improve the quality of the information collected to assess the risks deriving from these microplastics in the future. In addition, the recast 2021 Directive 2020/2184 (Drinking Water Directive) aims to protect human health from the adverse effects of any contamination of drinking water by ensuring that it is wholesome and clean, and to improve access to water intended for human consumption. Under the Directive, the Union is about to adopt a delegated act with a view to including microplastics in the DWD watch list as well as guidance regarding a methodology to measure microplastics in water intended for human consumption.

Finally, the Commission assessed possible reduction measures for microplastics unintentionally released to the environment during their life cycle looking at six main sources (i.e. in order of estimated quantities released, paints, tyre abrasion, plastic pellets used for the production of all plastic items, synthetic textiles, geotextiles and detergent capsules). Based on this work, as part of its Zero Pollution Action Plan to reduce microplastics releases into the environment by 30% by 2030, on 16 October 2023, the Commission put forward a proposal for a Regulation on preventing plastic pellets to reduce microplastic pollution, which will ensure that operators handling plastic pellets in the EU take the necessary precautionary measures. A system of verification of compliance is also ensured. This proposal is now under consideration by the co-legislators. Regarding the maritime transport of plastic pellets, considering its international nature, the Commission calls for rules to be adopted globally. The co-legislators are of the view that the maritime transport of pellets should be in the scope of the Regulation, and for this reason, have included, in their first reading positions, the maritime transport of plastic pellets in freight containers in the scope of the Regulation by means of provisions derived from the MEPC circular on Recommendations for the carriage of plastic pellets by sea in freight containers. A review clause is also provided in case of developments at the IMO. A final agreement on the proposal is foreseen for Spring 2025.

The unfortunate accidental plastic pellet losses from the Toconao vessel off the Portuguese coast during December 2023, which heavily polluted the Spanish coast, proves the necessity to engage in ambitious measures as to the carriage of plastic pellets in freight containers. This kind of pollution events, with cleaning operations that are costly and challenging, has long-lasting harmful impacts on the environment and also on local economic activities.

In addition, Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements amended by Directive (EU) 2024/3101 now covers administrative penalties for illegal discharges of substances regulated under MARPOL Annex III, however plastic pellets are not currently categorised as harmful substances carried by sea in packaged form.

Concerning relevant international developments, UNEA 5 established an Intergovernmental Negotiating Committee (INC) be established to take forward discussions on a proposed legally binding Global Treaty to end plastic pollution, to track the lifespan of plastic products – from source to sea – and to be accompanied by support to developing countries, backed by financing mechanisms, tracked by strong monitoring mechanisms, and incentivizing all stakeholders – including the private sector. These negotiations are due to conclude by 2024. The fifth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-5), took place from 25 November to 1 December 2024 in Busan, Republic of Korea. In the absence of an agreement, the final plenary agreed to suspend its meeting and resume in the first half of 2025, taking the Chair's paper as basis for further negotiations. The paper includes measures to prevent, reduce and where possible, eliminate, plastic pollution from fishing activities including, but not limited to abandoned, lost, or otherwise discarded fishing gear, in the marine environment, taking into account other relevant multilateral agreements on this subject as well as the needs of artisanal and small-scale fishers.

<u>Background</u>

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 Assembly responded favourably to this request and forwarded it to MEPC for further consideration. MEPC 72 agreed to a new output on the "Development of an action plan to address marine plastic litter from ships" assigning the PPR Sub-Committee as the associated organ.

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 reflected the measures that the Union developed with a view to increasing the delivery of MARPOL Annex V waste by all ships (including fishing vessels and recreational craft) to port reception facilities in Union ports. In this regard, the Committee adopted an action plan on marine litter (resolution MEPC.310(73)), with a target completion year of 2025. In view of this development, MEPC 73 agreed to change the output title to "Follow-up work emanating from the Action Plan to address marine plastic litter from ships".

MEPC 74 approved the terms of reference for an IMO Study on marine plastic litter from ships. At MEPC 79, on the recommendation of a consultant, the Committee agreed on the need to change the terms of reference of the study, with a view to adopting a step-wise approach as well as to collecting data by pursuing sub-projects that address specific data gaps to be in a better position to define the best options. Therefore, the Committee invited submissions, to MEPC 80, proposing how

best to progress this issue taking into account the consultant's proposals. Based on interventions by the EU Member States, in line with the Union position (Non-paper 7548/2/22 REV 2 of 4 April 2022), the Committee also requested the Secretariat investigate how it could strengthen cooperation with UNEP, GPML as well as with the Regional Conventions.

Based on the scope of work established at MEPC 74, PPR 7 established a correspondence group, under the coordination of France, to consider how to amend MARPOL Annex V and the 2017 Guidelines for the implementation of MARPOL Annex V (resolution MEPC.295(71)) to facilitate and enhance the reporting of accidental loss or discharge of fishing gear, as currently provided in regulation 10.6 of MARPOL Annex V, and consider the information to be reported, the reporting mechanisms and the modalities. Unfortunately, PPR 8 did not have the time to discuss the submitted documents in detail, and agreed to refer the documents to PPR 9.

In the meantime, MEPC 76 approved MEPC.1/Circ.893 on Provision of adequate facilities at ports and terminals for the reception of plastic waste from ships and MEPC.1/Circ.894 on Sharing of results from research on marine litter and encouraging studies to better understand microplastics from ships. MEPC 77 adopted resolution MEPC.341(77) on Strategy to address marine plastic litter from ships and approved the extension of the target date for completing the output on marine litter to 2023.

On the basis of document MEPC 77/8/3 (Sri Lanka), highlighting the impacts of the MV X-Press Pearl spill of 11,000 tonnes of plastic pellets off the shore of Colombo, Sri Lanka in May 2021, referred to the Sub-Committee by MEPC 77, PPR 9, after considering also the proposals made, established a Correspondence Group, under the coordination of Norway and Spain, to conduct an assessment of the different possible options, including the identification as harmful substance in MARPOL Annex 3, for reducing the environmental risk associated with the maritime transport of plastic pellets.

Based on the outcome of PPR 9, MEPC 78: a) adopted amendments to make the Garbage Record Book mandatory also for ships of 100 gross tonnage and above and less than 400 gross tonnage; b) agreed to entrust the PPR Sub-Committee to develop draft amendments to MARPOL Annex V on goal-based regulations for marking fishing gear, as proposed in documents MEPC 75/8/4 (Vanuatu) and PPR 9/15 (Cook Islands et al.), taking into account the FAO Voluntary Guidelines on the Marking of Fishing Gear to reduce abandonment, loss or discarding of fishing gear (ALDFG) and the existing work of Regional Fisheries Management Organisations (RFMO); and c) instructed the PPR Sub-Committee to develop an MEPC circular to promote the implementation of fishing gear marking systems and the FAO Voluntary Guidelines for the Marking of Fishing Gear, taking into account additional work by FAO, such as the technical manual on marking of fishing gear being developed by FAO.

It is also important to note, that following a recommendation by MEPC, MSC 103 agreed to include in its post-biennial agenda an output on "Development of measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers", assigning the CCC Sub-Committee as the coordinating organ. In this regard, CCC 8, based on submissions by the Union together with industry organisations, developed draft amendments to SOLAS chapter 5 and article V of Protocol I of MARPOL with respect to mandatory reporting of lost/observed freight container(s), which were approved by MSC 107 and MEPC 80, with a view to adoption at MSC 108 and MEPC 81, respectively.

MEPC 80 also considered MEPC 80/8 (Norway), providing information on reasons for loss of fishing gear and proposing additional active measures to reduce such losses and facilitate discussions on developing new guidance for the management of fishing gear on board fishing vessels. In general, the Committee supported the approach in document MEPC 80/8, including the development of a ship-specific "Plan for onboard management of fishing gear" (FGMP) for fishing vessels and vessels engaged in fishing; and a consequential update of guidelines or new guidance on the FGMP. However, a number of delegations noted the need for further consideration of the elements of the proposal. Additionally, divergent views were expressed with regard to whether the FGMP should be a mandatory or a voluntary measure.

In this context, many delegations stressed the need for voluntary measures that would take into account the global diversity and specific characteristics of fisheries, fishing gear types and vessel types for each country and region. Other delegations, however, expressed the view that ship-specific plans would provide the necessary flexibility to accommodate the variation in fisheries and equipment and should be made mandatory at this stage. The ITF also highlighted the need to consider the human element with regard to the impact on fishers during further development of measures with reporting requirements.

Subsequently, in line with the Union position, MEPC 80 forwarded document MEPC 80/8, as well as MEPC 80/INF.8 (Norway), containing a summary of the Norwegian national action plan for reducing marine litter from fisheries and aquaculture, to PPR 11 and instructed the Sub-Committee to further consider the proposals therein with a view to advising the Committee on the best way forward. MEPC 80/INF.15 (France), containing a study on pollution by plastic pellets conducted by the CEDRE, was forwarded to the Correspondence Group on Pollution Response, which had been established by PPR 10, for information.

PPR 10 agreed that plastic pellets should not be carried in bulk. PPR 10 also developed the draft MEPC circular on recommendations for the carriage of plastic pellets by sea in freight containers, and referred it to the CCC Sub-Committee for input, particularly to provide advice on whether to include further recommendations on packaging measures or to develop relevant measures, and whether it would be appropriate to include references to the IMDG Code, without prejudging future discussions on potential mandatory instruments which may be used to regulate the carriage of plastic pellets by ships in freight containers. The Sub-Committee also developed a list of "Potential instruments that could form a legal basis for mandatory provisions for the maritime transport of plastic pellets in freight containers", and invited interested Member States and international organizations to submit concrete proposals on potential mandatory measures. The Sub-Committee concurred with the working group that plastic pellets should not be carried in bulk and invited interested Member States and international organizations to submit relevant proposals to a future session of the Sub-Committee on potential regulatory changes that may be needed to prevent the shipment of plastic pellets in bulk. Finally, the Correspondence Group was re-established under the coordination of Norway.

It should also be noted that PPR 10 has referred the following documents to PPR 11 to be taken into consideration with submission to that session when dealing with the marking of fishing gear: PPR 10/13/1 (United States), PPR 10/13/2 (Norway), PPR 10/13/4 (FAO), PPR 10/13/8 (Kingdom of the Netherlands), PPR 10/INF.11 (Canada) and MEPC 79/INF.13 (Republic of Korea).

PPR 11 agreed, and MEPC 81 approved, the MEPC circular on Recommendations for the carriage of plastic pellets by sea in freight containers, as well as the IMO Guidelines on good practice relating to clean-up of plastic pellets from ship-source releases. However, there were wide divergent views as regards which legal instruments should be used to develop mandatory provisions to regulate the transport of plastic pellets by sea. Therefore, it was agreed that the proposals in documents PPR 10/13/1 and PPR 10/13/3 would be kept in abeyance until PPR 12 along with PPR 10/13/8 and PPR 10/13/12 while noting the view expressed in PPR 10/13/7 and PPR 10/13/10. In addition, the Sub-Committee invited further proposals on how to proceed as well as on experience gained with the implementation of the MEPC Circular. As regards the loss of fishing gear the Sub-Committee continue to development of the reporting procedures and established the correspondence group on marine plastic litter from ships, under the coordination of Australia, to undertake an analytical overview of the existing global fishing gear reporting framework/s with the aim of identifying gaps and/or duplication in reporting, as well as to provide recommendations on what data should be reported to IMO, including which data should be voluntary or mandatory, and the issue of aggregation and anonymization. Finally, the Sub-Committee invited Member States to submit information regarding the measures, both mandatory and voluntary, that they have implemented to reduce the amount of marine litter from fishing to PPR 12.

Consideration at PPR 12

a. *Reporting of the loss or discharge of fishing gear*

In general, the Commission agrees with the outcome of the Correspondence Group on Marine Plastic Litter from Ships (PPR 12/11 (Australia)) which dealt with the reporting of the loss or discharge of fishing gear, including the development and management of a related IMO database. However, the Commission notes that despite the progress made many issues remain open. Therefore, the Commission agrees with the proposal of the Correspondence Group to establish a working group at this session to continue to develop the reporting structure, including further considerations on which data should be voluntary or mandatory to report.

b. *Marking of fishing gear*

The Commission supports the development of a goal-based marking of fishing gear to prevent, reduce and eliminate marine litter from ALDFG, taking into account the FAO Voluntary Guidelines on the Marking of Fishing Gear to reduce abandonment, loss or discarding of fishing gear and the existing work of Regional Fisheries Management Organisations. In this regard, the Commission agrees with the conclusions on the way forward proposed in document PPR 12/11/8 (Canada).

c. *Carriage of plastic pellets*

At its tenth session, the PPR Sub-Committee agreed on the need to take steps to address the environmental risk associated with the maritime transport of plastic pellets in freight containers, using a two-stage approach: .1 the development of a circular containing recommendations for the maritime transport of plastic pellets in freight containers addressing, in particular, packaging, notification and stowage; and .2 the development of amendments to existing appropriate mandatory instruments, subject to proposals by Member States and international organizations to MEPC, as appropriate, which could be informed by the experience gained from the implementation of the voluntary measures under the circular. During MEPC 81, the recommendations for the maritime transport of plastic pellets in freight containers were approved and subsequently the circulated in the form of MEPC.1/Circ.909, which, having been adopted by MEPC 82, marked the finalization of the first stage of the two-stage approach.

During MEPC 82, when considering the review of the Action Plan to address marine plastic litter from ships (Action Plan), the Committee agreed on a way forward to reduce the environmental risks of plastic pellets transported by sea in freight containers which would allow sufficient time to finalise step one of the two-stage approach. In this context, the Committee instructed PPR to develop text for a specific action concerning the development of mandatory measures at PPR 12 during the review of the Action Plan. As part of this action under the Action Plan, the Committee also instructed PPR to conduct an analysis of the potential mandatory instruments that could be amended and the associated implications (at its subsequent session) and submit its outcome and relevant recommendations to a future MEPC session. MEPC would then consider the analysis with a view to making a policy decision on the preferred mandatory instrument and further instruct the PPR to fully develop and finalize the envisaged draft mandatory provisions.

i. Experience in the implementation of Recommendations for the carriage of plastic pellets by sea in freight containers (MEPC.1/Circ.909)

The Commission welcomes the wealth of experience already acquired by IMO States and industry organisations (ship operators, shippers, ..) with the implementation of circular MEPC.1/Circ.909, in particular as outlined in document PPR 12/11/5 submitted by France.

ii. Mandatory provisions to regulate the transport of plastic pellets

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Agenda item 12 – Unified interpretation to provisions of IMO environment-related conventions

Docs: PPR 12/12

PPR 12/12 (China): proposes a unified interpretation of regulation 12.3.2 of MARPOL Annex VI, in particular the term "actual delivery of the equipment". The aim is to prevent ships from replacing non-ozone-depleting substances (non-ODS) with ozone-depleting substances (ODS) in their systems and equipment, thereby avoiding deliberate emissions of ODS.

Ozone-depleting substances (ODS)

EU Relevance

This issue falls under Union exclusive competence

Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, and repealing Regulation (EC) No 1005/2009 lays down rules on the production, import, export, placing on the market, storage and subsequent supply of ozone-depleting substances, as well as on their use, recovery, recycling, reclamation and destruction, and on the reporting of information related to those substances and on the import, export, placing on the market, subsequent supply and use of products and equipment containing ozone-depleting substances or whose functioning relies upon those substances.

Background

The Montreal Protocol, the International treaty designed to protect the ozone layer by phasing out the production and use of ODS, entered into force on 1 January 1989. The IMO has used the Montreal Protocol as the base and developed regulation 12 of MARPOL Annex VI with main aim of phasing out the harmful ODS used by ships. Other than Hydrochloroflurocarbon (HCFC), all ODS were banned in new ships from 19 May 2005 (Reg.12.3.1), while HCFC were banned in new ships from 1 January 2020 (Reg.12.3.2), requiring delivery to port reception facilities following removal (Reg.12.4).

Consideration at PPR 12

In PPR 12/12, China, based on its findings, is proposing a unified interpretation of regulation 12.3.2 of MARPOL Annex VI to prevent ships from replacing non-ozone-depleting substances (non-ODS) with ozone-depleting substances (ODS) in their systems and equipment. The Commission is of the view that this proposal should be supported.

The position of the Union is as follows:

- ***Support the unified interpretation set out in PPR 12/12 (China).***

The Commission and, to the extent necessary, the Member States acting jointly on behalf of the Union, shall express the above position during the discussion on this agenda item.

Agenda item 13 – Biennial agenda and provisional agenda for PPR 12

Docs: None

There is no Union position for this agenda item.

Agenda item 14 – Election of Chair and Vice-Chair for 2025

Docs: None

There is no Union position for this agenda item.

Agenda item 15 – Any other business

Docs: PPR 12/15, PPR 12/INF.5-7

PPR 12/15 (Norway): comments on documents MEPC 78/14/1 and PPR 10/10/1, and provides a possible definition of "polar oil fuels" that are acceptable for use and carriage for use as fuel in Arctic waters.

PPR 12/INF.5 (Republic of Korea): aims to share information on marine pollution preparedness and response especially for alternative fuels as part of the implementation of the OPRC-HNS Protocol in the Republic of Korea.

PPR 12/INF.6 (Republic of Korea): provides information on the 3rd GloFouling R&D Forum and Exhibition on Biofouling Prevention and Management for Maritime Industries held in Busan, the Republic of Korea, from 4 to 8 November 2024. The Forum and Exhibition were jointly organized by the GEF-UNDP-IMO GloFouling Partnerships project, the Ministry of Oceans and Fisheries of the Republic of Korea (MOF), and the Korea Research Institute of Ships and Ocean Engineering (KRISO). The event focused on the prevention and management of ships' biofouling to minimize the introduction and spread of unwanted invasive aquatic species (IAS) in the marine environment.

PPR 12/INF.7 (Republic of Korea): provides the full contents of a trend report, Global Insights on Biofouling Prevention & Management for Maritime Industries, which is in commemoration of the 3rd GloFouling R&D Forum and Exhibition, which was held in Busan, Republic of Korea, from 4 to 8 November 2024. The trend report presents diverse perspectives regarding environmental issues caused by biofouling and management strategies, including opinions of leading experts on promoting the preservation of marine ecosystems.

a. *Development of measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters*

EU relevance

The Union has an interest in this issue.

The integrated EU Arctic policy priority area concerning climate change and safeguarding of the Arctic environment[5] *has a bearing on this agenda item. The Commission recalls that in its conclusions of 20 June 2016, the Council recognised the need for urgent global action to reduce and prevent the significant risks posed by climate change and environmental impacts in the Arctic region caused notably by global activities. This policy was further emphasised in the Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (Join (2021) 27 final) on a stronger EU engagement for a peaceful, sustainable, and prosperous Arctic.*

In addition, Article 3(1) of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements specifies the extensive scope of maritime areas covered in relation to discharges of polluting substances from ships. 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), provides relevant provisions that should be taken into account. They call on Member States to ensure that good environmental status (GES) is achieved and maintained in the EU marine waters; inputs of synthetic substances

[5] Joint Communication to the European Parliament and the Council on an integrated European Union Policy for the Arctic, JOIN(2016)21.

such as oil and acute events, such as pollution accidents, are explicitly mentioned among the anthropogenic pressures affecting the marine environment that need to be taken into account by Member States when they establish and implement their strategies for reaching GES. It should be noted that oil spills are a primary criterion under Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment.

Finally, the Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (Join(2021) 27 final) states that the EU will lead the drive for Zero Emission and Zero Pollution shipping in the Arctic Ocean, in line with our Green Deal objectives and the Fit for 55 package, and will push for the rapid and full implementation of the heavy fuel oil ban from Arctic shipping, as adopted by the IMO.

Background

In view of the need for a detailed technical discussion, MEPC 78 forwarded to PPR 10 document MEPC 78/14/1 (Iceland and Norway), proposing to expand the scope of output 7.11 to include an upper pour point limit HFO in regulation 43.1.2 in MARPOL Annex I, and instructed the Sub-Committee to consider the document further, with a view to advising the Committee on how best to proceed. In PPR 10/10/1 (Norway) further explained the technical considerations of MEPC 78/14/1 and attempted to reply to some of the comments made during the discussions at MEPC 78. In PPR 10/10/1 (Norway) further recommended the inclusion of additional items in the information that should be provided in Bunker Delivery Notes (BDNs), such as pour point and kinematic viscosity, and as such include that in appendix V of MARPOL Annex VI. The Union position at PPR 10 was that, at that stage, the proposal in PPR 10/10/1 should not be supported ((Non-paper 8078/1/23 REV 1 of 20 April 2023). The EU Member States preferred to see the entry into force of the ban on the use of heavy fuel oil by ships in the Arctic before additional elements are added to the legislation, particularly changes to the definition of fuels. Other delegations expressed similar views even highlighting that it would be more appropriate for the co-sponsors to ask for a new output.

The observer delegations of ICC, Pacific Environment, FOEI, and CSC were the only delegations who supported the proposal highlighting that this issue was rather urgent in order to avoid unnecessary pollution following a spill of residual fuels and which would endanger the food stocks of the Arctic community. If the problem is not fixed, the Arctic will be facing new risks.

Norway responded by stating that when the ban was established it was assumed that only distillates would be used. However, it is emerging that the low sulphur fuels are a mix of residual fuels, different from what was expected, presenting challenges for recovery operations if there is a spill of such fuels.

The Chair concluded that there was not consensus on the issue, but rather than asking for a new output the Sub-Committee could revisit the issue in 2025 at PPR 12. He, therefore, invited submissions on fuels used in the Arctic following the ban including information on pour point and viscosity, while any Member State who wished to pursue other avenues, as the development of a Polar fuel standard, could submit proposals to MEPC for the establishment of a new output.

Consideration at PPR 12

For this session, Norway submitted PPR 12/15 commenting on documents MEPC 78/14/1 and PPR 10/10/1, and suggesting a possible definition of "polar oil fuels" that could be acceptable for use and carriage for use as fuel in Arctic waters. The Commission notes that the consideration of the development of "polar oil fuels" is discussed under Agenda item 6. Therefore, it is of the view that this document should also be referred to the working group on prevention of air pollution to be considered together with the documents proposing the development of polar fuels.

b. *International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS Convention)*

EU relevance

This issue falls under Union exclusive competence.

The EU Biocidal Product Regulation (EU) No 528/2012 regulates the use of i.a. anti-fouling substances. The Commission also adopted Implementing Decision (EU) 2016/107 of 27 January 2016 that effectively prohibits making available on the market as well as the use of anti-fouling paints containing cybutryne in all EU Member States and EEA States.

Background

MEPC 71 approved a new output on the amendment of the AFS Convention following Union submission (MEPC 71/14) and passed it to PPR Sub-Committee for consideration. Subsequently MEPC 76, also based on additional Union submissions, adopted resolution MEPC.331(76) on amendments to the AFS Convention concerning controls on cybutryne and the form of the International Anti-fouling System Certificate (IAFSC), with an entry-into-force date of 1 January 2023. As a result of the introduction of controls on cybutryne, MEPC 78 adopted three different sets of guidelines: MEPC.356(78) on 2022 Guidelines for brief sampling of anti-fouling systems on ships; MEPC.357(78) on 2022 Guidelines for inspection of anti-fouling systems on ships; and MEPC.358(78) on 2022 Guidelines for survey and certification of anti-fouling systems on ships.

MEPC 78 also established that there was no need to update the list of materials for the Inventory of Hazardous Materials under the Hong Kong Convention to include cybutryne following the entry into force of the respective controls in the AFS Convention, as the existing relevant text in appendix I to the Hong Kong Convention was generic enough. Nevertheless, the Committee noted that there might be a need to consider amending the 2015 Guidelines for the development of the Inventory of Hazardous Materials (resolution MEPC.269(68)), which contained more specific guidance but was so far limited to organotin compounds.

In line with the Union position, MEPC 82 had approved AFS.3/Circ.6 on 2024 Guidance on best management practices for removal of anti-fouling coatings from ships. The Union also supported the changes to the 2023 Guidelines for the development of the Inventory of Hazardous Materials (resolution MEPC.379(80)) proposed in MEPC 82/16/3 (China and IACS) adopted as a consequence of the introduction of controls on cybutryne in the AFS Convention, to clarify the relevant threshold in respect to cybutryne when samples are taken directly from the hull or from wet paint containers. However, the Committee agreed that the matter was highly technical and, therefore, instructed PPR 12 to consider the proposals and to advise the Committee accordingly.

Consideration at PPR 12

In MEPC 82/16/3, China and IACS propose changes to the 2023 Guidelines for the development of the Inventory of Hazardous Materials (resolution MEPC.379(80)) to clarify the relevant threshold in respect to cybutryne, when samples are directly taken from the hull or when samples are taken from wet paint containers. **DELETED**

The position of the Union is as follows:

- ***Propose in general the aim of PPR 12/15 (Norway) to introduce an upper pour point limit for fuels allowed to be used in polar waters and propose it is referred to the Working Group on Prevention of Air Pollution from Ships to be considered together with the documents submitted under Agenda item 6 regarding the development of polar fuels.***

- ***Support the changes to the 2023 Guidelines for the development of the Inventory of Hazardous Materials proposed in MEPC 82/16/3 (China and IACS).***

The Commission and, to the extent necessary, the Member States acting jointly on behalf of the Union, shall express the above position during the discussion on this agenda item.