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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	74th session of the IMO Marine Environment Protection Committee (London, 13 – 17 May 2019) – Non-paper from the Commission drafted to facilitate EU co-ordination

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (17.06.2019)

Delegations will find attached a non-paper from the Commission drafted to facilitate co-ordination between the EU Member States and the Commission in respect of the subject mentioned above**, revised in the light of the discussions at the Shipping Working Party/IMO experts meeting in Brussels on 12 April 2019, subsequent lifting of scrutiny reservations, the coordination meeting in London on 7 May 2019 and the meeting of the Permanent Representatives Committee in Brussels on 8 May 2019**.[1] [2]

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[1] Doc. 8149/19 ADD 1 was integrated into the REV 1 version.

[2] DELETED

ANNEX

NON PAPER

DRAFTED TO FACILITATE CO-ORDINATION BETWEEN THE EU MEMBER STATES AND THE COMMISSION[3] FOR THE 74TH SESSION OF THE IMO MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC 74, LONDON, 13 – 17 MAY 2019)

Non-restrictive list of items for which EU, common or coordinated positions could be agreed upon.

This document lists all received documents[4]. The Commission suggests focussing the discussion on the proposed positions and on the consideration of support to submissions by another EU or EEA State as fellow EU/EEA Member State. This does not exclude the discussion of any other item on the agenda, if explicitly requested by an EU/EEA Member State or the Commission.

The comments by the Commission are printed in *italics*. The proposed line of conduct to be followed by the Member States and the Commission is printed in ***bold italics*.**

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3 For reasons of brevity, the word "Commission" used in this document means the responsible service of the Commission.

4 Based on documents received up to 9 April 2019.

5 **DELETED**

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7 **DELETED**

General

Relevant positions agreed in earlier EU IMO coordination papers remain valid – as far as still applicable – for this EU MEPC 74 coordination.

Agenda item 1 – Adoption of the agenda

Docs: MEPC 74/1. Rev.1, MEPC 74/1/1

MEPC 74/1.Rev.1 (Secretariat): provides the provisional agenda of MEPC 74.

MEPC 74/1/1(Secretariat): provides information on the action the Committee will be invited to take in relation to the items on the agenda of MEPC 74. Annotations to the provisional agenda are contained in annex 1 and the provisional timetable for the meeting is set out in annex 2.

In accordance with MEPC 74/1/1 the following groups may be established at this session:

1. Working Group on Air Pollution and Energy Efficiency;
2. Working Group on Reduction of GHG Emissions from Ships;
3. Working Group on Marine Plastic Litter;
4. Drafting Group on Amendments to Mandatory Instruments; and
5. Ballast Water Review Group.

The following correspondence groups will report to MEPC 74:

.1 Correspondence Group on EEDI Review beyond Phase 2;
.2 Correspondence Group on Fuel Oil Quality; and
.3 Correspondence Group on Marine Plastic Litter from Ships.

Agenda item 2 – Decisions of other bodies

Docs: MEPC 74/2, MEPC 74/2/1-2

MEPC 74/2 (Secretariat): reports on the outcomes of the fortieth Consultative Meeting of Contracting Parties to the London Convention 1972 and the thirteenth Meeting of Contracting Parties to the 1996 Protocol to the London Convention.

MEPC 74/2/1 (Secretariat): reports on the outcome of C 121 on matters of interest to the Committee.

MEPC 74/2/2 (Secretariat): provides the list of actions requested of the Committee emanating from MSC 100.

The main actions points will be considered by the Committee under the relevant agenda items. Of particular note for the EU are the following two subjects:

IMO Member State Audit Scheme

MEPC 74/2/1 (Secretariat) notes that C 121 requested the Maritime Safety Committee and the Marine Environment Protection Committee to consider the second consolidated audit summary report (CASR), containing lessons learned from 15 mandatory audits completed in 2016 and 2017 (Circular Letter No.3879), and to advise the Council of the outcome of their consideration in due course (paragraph 6.3).

Low-sulphur fuel oil

MEPC 74/2/2 (Secretariat) notes that MSC 100 invited MEPC 74 to advise MSC 101 on the progress made on the new GISIS module for fuel oil safety matters and that PPR 6 was instructed to develop a joint MSC-MEPC circular addressing the delivery of compliant fuels by suppliers, with a view to approval by MEPC 74 and MSC 101.

Agenda item 3 – Consideration and adoption of amendments to mandatory instruments

Docs: MEPC 74/3, MEPC 74/3/1-10

MEPC 74/3 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to MARPOL Annexes I, II and V related to Electronic Record Books.

MEPC 74/3/1 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to MARPOL Annex II related to cargo residues and tank washings of persistent floating products.

MEPC 74/3/2 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to MARPOL Annex VI related to Electronic Record Books and EEDI regulations for ice-strengthened ships.

MEPC 74/3/3 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to the NO_x Technical Code 2008 concerning Electronic Record Books and certification requirements for SCR systems.

MEPC 74/3/4 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to chapters 15, 16, 17, 18, 19 and 21 of the IBC Code.

MEPC 74/3/5 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to the BCH Code concerning special, operational and minimum requirements.

MEPC 74/3/6 (Secretariat): the Committee is invited to consider, with a view to adoption, a draft MEPC resolution on Guidelines for the use of electronic record books under MARPOL.

MEPC 74/3/7 (Secretariat): the Committee is invited to consider, with a view to adoption, a draft MEPC resolution on Amendments to the 2017 Guidelines addressing additional aspects of the NO_x Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with selective catalytic reduction (SCR) systems (resolution MEPC.291(71)).

MEPC 74/3/8 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed editorial amendments to MARPOL Annex VI and the NO_x Technical Code 2008 concerning certificates issued under these instruments.

MEPC 74/3/9 (Secretariat): contains draft modifications to the draft amendments of the IBC Code that were approved by MEPC 73 and MSC 100. The modifications include: the addition of a reference to the Code for Recognized Organizations (RO Code); the deletion of entries from chapters 17 and 19 that have been included in annex 12 to MEPC.2/Circ.24; and the deletion of the corresponding biofuel blend entries.

MEPC 74/3/10 (Norway): comments on the draft revised chapter 17 of the IBC Code and proposes some minor amendments to the carriage requirements for a limited number of products, in line with the updated Decisions with regard to the categorization and classification of products which were agreed at PPR 6 with a view to them being issued as a PPR.1 circular.

MARPOL Annex II related to cargo residues and tank washings of persistent floating products

EU relevance

Directive 2005/35/EC of the European Parliament and of the Council 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. Polluting substances in the Directive are defined as substances covered by MARPOL Annexes I and II.

Furthermore, Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues 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 the sea. The Annex II tank washings qualify as cargo residues under this Directive. The PRF Directive also requires ships to pre-notify the next port of any waste and cargo residues it wishes to deliver, and what will be retained on board, as well as the storage capacity available. The new PRF Directive (based on a proposal from the Commission of 16 January 2018, COM(2018)33) also provides for possible financial incentives to encourage the delivery of residues from tank washing containing high viscosity persistent floating substances, as also recognised in its recital 35.

Background

There was an EU position to support consideration of this issue as a new output for PPR at MEPC 68. EU support for a resolution of this problem continued at PPR 5. The relevant amendments to MARPOL Annex II were finalised and approved at MEPC 73 with a view to adoption at MEPC 74. **DELETED** [8]

[8] **DELETED**

Agenda item 4 – Harmful aquatic organisms in ballast water

Docs: MEPC 74/4, MEPC 73/4/1-21, MEPC 74/INF.4, 6, 7, 8, 9, 17, 18, 19, 21, 22, 25, 30, 32 and 33

MEPC 74/4 (Norway): contains the non-confidential information for Final Approval of the Envirocleanse inTank™ BWTS (Bulk Chemical Variation) in accordance with the Procedure for approval of ballast water management systems that make use of Active Substances (G9) adopted by resolution MEPC.169(57).

MEPC 74/4/1 (Norway): contains the non-confidential information for Basic Approval of the CleanBallast® - Ocean Barrier System submitted in accordance with the Procedure for approval of ballast water management systems that make use of Active Substances (G9) adopted by resolution MEPC.169(57).

MEPC 74/4/2 (Netherlands): contains the non-confidential information for Final Approval of the Microfade II Ballast Water Management System in accordance with the Procedure for approval of ballast water management systems that make use of Active Substances (G9) adopted by resolution MEPC.169(57).

MEPC 74/4/3 (Republic of Korea): contains the non-confidential information related to the submission of new data on freshwater testing of PurimarTM with Final Approval, in accordance with the procedure of the BWM.2/Circ.13/Rev.4.

MEPC 74/4/4 (Japan): contains an application for Final Approval of a ballast water management system under the Procedure for approval of ballast water management systems that make use of Active Substances (G9) adopted by resolution MEPC.169(57).

MEPC 74/4/5 (Cyprus): contains the non-confidential information related to the application for Basic Approval of the FlowSafe ballast water management system submitted in accordance with the Procedure for approval of ballast water management systems that make use of Active Substances (G9) adopted by resolution MEPC.169(57).

MEPC 74/4/6 (Secretariat): contains the report of the thirty-seventh meeting of the GESAMP-Ballast Water Working Group (GESAMP-BWWG) and includes the evaluations of proposals submitted for approval by the Netherlands and Norway.

MEPC 74/4/7 (Secretariat): the Committee is invited to consider, with a view to approval, the draft updated unified interpretation of appendix I (Form of the International Ballast Water Management Certificate) of the BWM Convention with appropriate references to the Code for Approval of Ballast Water Management Systems (BWMS Code), as requested by MEPC 72, set out in the annex.

MEPC 74/4/8 (Nigeria): provides descriptions of two proposed concepts on exemption and onshore ballast water management. The first concept is an exemption concept of managing ballast water referred to as "Port with Acceptable Risks" (PWAR). This concept optimizes "other methods" such as onshore/port-based ballast water management (BWM) concepts discussed in documents MEPC 66/2/8 (India), and MEPC 71/4/19 (Netherlands). The second concept is an additional method of onshore management of ballast water referred to as "Pre-loading Onshore Ballast Water Treatment System" (PreOBWTS), which, in addition to the submissions in documents MEPC 66/2/8 (India) and MEPC 71/4/19 (Netherlands), are optimized by the PWAR Concept.

MEPC 74/4/9 (Secretariat): contains the report of the thirty-eighth meeting of the GESAMP-Ballast Water Working Group (GESAMP-BWWG) and includes the evaluations of proposals submitted for approval by Japan, Cyprus and the Republic of Korea.

MEPC 74/4/10 (France): provides information on the development of a new analytical method, combining CV6 vital stain, membrane filtration and fluorescence detection in solid phase, which could be used to assess compliance with discharge standard D-2 of the Ballast Water Management Convention within the scope of port State controls and/or verification at commissioning of ballast water management systems. The document requests extension of output 1.14 to allow for inclusion of this new approach in the list of methods used for ballast water sampling and analysis for trial use in accordance with the Ballast Water Management Convention and Guidelines (G2).

MEPC 74/4/11 (Denmark): provides suggestions towards a standard for verification of ballast water compliance monitoring systems that aim at providing indicative analysis for compliance with the decision by MEPC 73 to verify the efficacy of BWMS prior to issuance of the International Ballast Water Management Certificate.

MEPC 74/4/12 (Bahamas): contains a proposal to amend regulation E-1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, and a proposal to amend the Code for Approval of Ballast Water Management Systems, in order to add a clarification on the conduct of statutory surveys for ballast water management systems.

MEPC 74/4/13 (Russian Federation): contains proposals with regard to the application of the BWM Convention to specific ship types, in particular to multipurpose salvage ships.

MEPC 74/4/14 (China and IACS): proposes improved draft amendments to the form of the International Ballast Water Management Certificate (IBWMC) regarding the items in "Details of ballast water management method(s) used" and "Particulars of ship", as set out in appendix I of the BWM Convention, taking into account document MEPC 73/4/7.

MEPC 74/4/15 (China): based on the analysis of issues encountered by China when applying the same risk area approach on assessment of exemptions from ballast water management, this document proposes to further improve the 2017 Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7).

MEPC 74/4/16 (China): provides proposals on calculation methods of ballast water capacity in the International Ballast Water Management Certificate to distinguish the calculation methods under normal operating regimes from those under special operating ones, with a view to achieving unified understanding of ballast water capacity in the IBWMC and to facilitating the effective implementation of the BWM Convention.

MEPC 74/4/17 (China): discusses the possibility of incorporating regulations A-3.4 and A-3.5 into regulation A-4 in the Annex to the BWM Convention as a means of exempting ships from ballast water management.

MEPC 74/4/18 (Turkey): highlights the technical and operational challenges of retrofitting ballast water management systems faced by specialized tug boats as a result of entry into force of the BWM Convention, and seeks the Committee's consideration to address some of these problems. This is a follow-up document within the scope of debates over documents MEPC 72/4/8 and MEPC 73/15/2.

MEPC 74/4/19 (Turkey): provides an example of dimensional and technical challenges on retrofitting a ballast water management system to a tug boat. This background information promotes the proposal by Turkey in document MEPC 74/4/18.

MEPC 74/4/20 (Turkey): provides information on the technical and operational challenges of implementing ballast water management systems faced by specialized tug boats. This background information promotes the proposal by Turkey in document MEPC 74/4/18.

MEPC 74/4/21 (Chile): complements the document submitted by Nigeria (MEPC 74/4/8), and provides a report of the risk assessment study, conducted in four Chilean ports in 2017, on the possible presence of species constituting hydrobiological pests in ballast water and sediments in shipping vessels (FIPA Project 2016-2025).

MEPC 74/4/INF.4 (Greece): contains information on the type approval certification of the ERMA FIRST BWTS ballast water management system manufactured by ERMA FIRST ESK Engineering Solutions S.A..

MEPC 74/INF.6 (Norway): This document provides information to the Organization by the Norwegian Administration that it has type approved the Envirocleanse inTank™ Electrochlorination BWTS from Envirocleanse LLC in accordance with the 2016 Guidelines for approval of ballast water management systems (G8) and Procedure for approval of ballast water management systems that make use of Active Substances (G9), in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004).

MEPC 74/INF.7 (Norway): provides information to the Organization by the Norwegian Maritime Authority that it has type-approved the BalClor® Ballast Water Management System from SunRui Marine Environment Engineering Co., Ltd in accordance with the 2016 Guidelines for approval of ballast water management systems (G8) and Procedure for approval of ballast water management systems that make use of Active Substances (G9), in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

MEPC 74/INF.8 (Norway): provides information to the Organization by the Norwegian Maritime Authority that it has type-approved the HiBallast™ Ballast Water Management System in accordance with the 2016 Guidelines for approval of ballast water management systems (G8) and Procedure for approval of ballast water management systems that make use of Active Substances (G9), in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

MEPC 74/INF.9 (Norway): provides information to the Organization by the Norwegian Maritime Authority that it has type-approved the OceanGuard® Ballast Water Management System from Qingdao Headway Technology Co., Ltd. in accordance with the 2016 Guidelines for approval of ballast water management systems (G8) and Procedure for approval of ballast water management systems that make use of Active Substances (G9), in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

MEPC 74/INF.17 (France): summarizes the recent research about a new application of the CV6 dye for the control of the viable organisms in ballast water, to detect viable phytoplankton and zooplankton belonging to both size classes (> 50 μm and 10 to 50 μm) defined in the regulation D-2

of the BWM Convention. It provides information on the analytical method used in a device under development, combining membrane filtration and the CV6 vital stain, and presents preliminary results for the scientific assessment of the method compared to currently accepted methods for ballast water analysis.

MEPC 74/INF.18 (IMarEST): presents a summary of the currently available indicative analysis instruments for ballast water testing as an informational resource for interested stakeholders.

MEPC 74/INF.19 (ISO): informs the Committee of the status of ongoing work within ISO regarding the standard for collection and handling of ballast water samples.

MEPC 74/INF.21 (Denmark): contains information on the Statement of Compliance of the Bawat BWMS mobile treatment unit for ballast water with the requirements of resolution MEPC.153(55) on Guidelines for ballast water reception facilities (G5).

MEPC 74/INF.22 (IMarEST): presents practicality and safety concerns related to practicing ballast water exchange plus treatment.

MEPC 74/INF.25 (Republic of Korea): provides a tool to establish "Integrated Record Format for BWMS Operation" from various recording formats of BWMS and to promote consistent and easy implementation and compliance verification of BWM Convention by Administration, PSCO and stakeholders from databases with standardized records.

MEPC 74/INF.30 (Denmark, Sweden and INTERFERRY): reports on activities related to improved and consistent implementation of the Ballast Water Management Convention with respect to exemptions and specifically the application of same risk area.

MEPC 74/INF.32 (Denmark): provides information to the Organization by the Danish authorities that has type-approved the CompactClean ballast water management system in accordance with the Code for approval of ballast water management systems (BWMS Code), in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

MEPC 74/INF.33 (Colombia): es una propuesta metodológica para la designación de zonas de cambio de agua de lastre en aguas jurisdiccionales colombianas de conformidad con la resolución MEPC.151(55) "Directrices sobre la designación de zonas para el cambio del agua de lastre (D14)" y el artículo 10º numeral 6 de la Resolución 477 de 2012 "por la cual se adoptan y establecen medidas y el procedimiento de control para verificar la gestión de agua de lastre y sedimentos a bordo de naves y artefactos navales nacionales y extranjeros en aguas jurisdiccionales colombianas", expedida por la Autoridad Marítima de Colombia.

EU interest

Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (IAS) reminds in recital 21 that "a large proportion of invasive alien species are introduced unintentionally into the Union. It is therefore crucial to manage the pathways of unintentional introduction more effectively. Action ... should build on the experience gained in the Union and in Member States in managing certain pathways, including measures established through the International Convention for the Control and Management of Ships Ballast Water and Sediments. Accordingly the Commission should take all appropriate steps to encourage Member States to ratify that Convention." The corresponding Article 13 on action plans on the pathways of IAS requires Member States to analyse the pathways of unintentional introduction of IAS of Union concern in their territory and in their marine waters, and identify priority pathways for which an action plan is required. Although ballast water is not specified here, it is a pathway of unintentional introduction of IAS in the marine waters, and it is thus addressed through this provision.

In view of the above, it is noted that currently 80 countries have ratified the Ballast Water Management Convention which entered into force on 8 September 2017. As at 18 March 2019, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Latvia, Lithuania, Malta, Netherlands, Portugal, Spain and Sweden from within the EU (and Norway) are parties to the Convention.

Agenda item 5 – Air pollution and energy efficiency

Docs: MEPC 74/5, MEPC 74/5/1-29, MEPC 74/INF.11, 13, 20, 24 and 27

MEPC 74/5 (IACS): provides information related to the technical consequences on ship machinery design due to the implementation of the EEDI requirements.

MEPC 74/5/1 (Secretariat): presents updated information on the treatment of ozone-depleting substances (ODS) used by ships by the Parties to the Montreal Protocol.

MEPC 74/5/2 (Japan): provides the final report of the Correspondence Group on EEDI Review Beyond Phase 2 established at MEPC 71.

MEPC 74/5/3 (Secretariat): presents the results of the sulphur monitoring programme for 2018.

MEPC 74/5/4 (ICS, BIMCO, INTERTANKO, INTERCARGO, IPTA and WSC): proposes a new requirement for Parties to MARPOL Annex VI to establish bunker licensing schemes for global implementation and provides a template for such a scheme based on existing IMO instruments and guidelines.

MEPC 74/5/5 (France, Germany, Japan, Norway and Spain): proposes a technical solution for potential conflicts between EEDI requirements and minimum required propulsion power.

MEPC 74/5/6 (ICS, ITF and ASEF): call the attention of the Committee to a range of technical issues and challenges which will need to be considered in order to properly evaluate further evolution of the EEDI regulation and facilitate informed decision making. The co-sponsors also provide proposals to improve the processes of the Organization when considering EEDI reduction rates.

MEPC 74/5/7 (Secretariat): provides information on the status of the IMO model course 4.05 on "Energy efficient operation of ships", and advises that this model course could benefit from being updated but that an alternative would be to make reference to up-to-date presentation and training materials and other resources prepared under the GloMEEP and GMN projects.

MEPC 74/5/8 (Secretariat): as requested by PPR 6, the Secretariat has prepared a draft MEPC circular on Guidance on temporary indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the EGCS fails to meet the provisions of the Guidelines, as set out in the annex to this document, with a view to further consideration and approval at this session.

MEPC 74/5/9 (United States): contains the report of the work of the Correspondence Group on Fuel Oil Quality and a finalized draft Guidance for best practice for Member State/coastal State.

MEPC 74/5/10 (Secretariat): proposes amendments to the 2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships (resolution MEPC.192(61), as amended by resolution MEPC.273(69)), taking into account the new sulphur limit of fuel oil which will come into effect on 1 January 2020 and the potential types of fuel oils which will be used to comply with this limit.

MEPC 74/5/11 (Japan, Norway, ICS, BIMCO, CLIA, IPTA and WSC): proposes draft amendments to MARPOL Annex VI which, if adopted, will result in a complete statistical profile of attained EEDI values and related information that will help Member States, industry and other parties better evaluate design trends across the fleet.

MEPC 74/5/12 (WSC): responds to the invitation of the Committee, proposing a revision of the Phase 3 EEDI standards for containerships using a graduated set of standards differentiated by size.

MEPC 74/5/13 (Norway): provides a summary of a study on EEDI for non-conventional propulsion and recommends to find a calculation method that does not penalise innovative and energy efficient solution.

MEPC 74/5/14 (Republic of Korea): addresses the need to clarify the criteria of ship types that are subject to Attained EEDI and Required EEDI in accordance with chapter 4 of MARPOL Annex VI.

MEPC 74/5/15 (Turkey and ICOMIA): highlights the ongoing issues with Tier III implementation for large yachts over 24m in length and under 500 GT. It goes on to provide possible alternative NO_x emission solutions and invites the Committee to decide between two options for addressing the issues raised.

MEPC 74/5/16 (Japan): proposes the terms of reference for the Correspondence Group on EEDI Review Beyond Phase 2 established at MEPC 71 for further consideration of possible introduction of EEDI phase 4 requirements.

MEPC 74/5/17 (Denmark): presents the "Adverse Weather Condition" functionality by which an engine may ensure sufficient power to the ship in adverse weather conditions.

MEPC 74/5/18 (EU): presents considerations and concrete proposals on data collection concerning fuel oil quality and reporting of non-availability of compliant fuel oils, including the enhancement of the GISIS MARPOL Annex VI module as requested by MEPC 73 with a view to enhancing the implementation of regulation 18 of MARPOL Annex VI.

MEPC 74/5/19 (Brazil and the United Arab Emirates): proposes a new paragraph to be added to the draft 2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI.

MEPC 74/5/20 (Bahamas, Canada, India, Japan, Liberia, Marshall Islands, Panama, United States, BIMCO, ICS, INTERCARGO and INTERTANKO): in response to the invitation by MEPC 73, this document contains a fully developed proposal for a data collection and analysis plan through recommended enhancements to the IMO Global Integrated Shipping Information System (GISIS) database and establishment of a strategy for data analysis.

MEPC 74/5/21 (Bahamas, India, Liberia, Marshall Islands, Panama, United States, BIMCO, ICS, INTERCARGO and INTERTANKO): provides a draft MEPC circular that the Committee may consider, in conjunction with proposals made in document MEPC 74/5/20, with regard to reporting of data in the IMO Global Integrated Shipping Information System (GISIS) module related to MARPOL Annex VI.

MEPC 74/5/22 (Brazil, China, India and Liberia): outlines a proposal for amendments to regulation 21.3 of MARPOL Annex VI with regard to the EEDI reference line parameters for the very large bulk carrier ship type.

MEPC 74/5/23 () yet to be published

MEPC 74/5/24 (Norway): comments on document MEPC 74/5/2, the report of the Correspondence Group on EEDI Review beyond Phase 2 and proposes to advance the EEDI Phase 3 requirements to 2022 for LNG carriers and cruise passenger ships having non-conventional propulsion. CLIMA has commented

MEPC 74/5/25 (IBIA): comments on the draft guidance for best practice for Member States/coastal States developed by the Correspondence Group on Fuel oil quality and contains some suggestions to enhance the guidance document taking into account discussions at PPR 6. ENV has commented and included in revised ISC

MEPC 74/5/26 (ICS, BIMCO, IPTA, RINA and ITF): comment on document MEPC 74/5/5 (France et al.) and provides recommendations for the consideration of the Committee

MEPC 74/5/27 (ICS, BIMCO, INTERTANKO and CLIA): comment on the report of the Correspondence Group which has considered EEDI beyond phase 2 provided in document MEPC 74/5/2 (Japan) and recommend that the Committee should support the proposals of the Correspondence Group for most ship types. Additionally, the co-sponsors comment on document MEPC 74/5/12 (WSC) and recommend that the Committee should support the proposals provided by WSC for containerships.

MEPC 74/5/28 (INTERTANKO): provides comments on the report of the Correspondence Group on EEDI review beyond Phase 2 together with information on initial data on the reasons for which VLCCs will encounter significant difficulties to meet EEDI Phase 3 required values by use of traditional design techniques. The document provides information on a study INTERTANKO commissioned which is aimed at finding practical and safe solutions to this particular challenge. The study will be submitted at MEPC 75.

MEPC 74/5/29 (United States): provides comments on document MEPC 74/5/5, submitted by France, Germany, Japan, Norway, and Spain, which proposes to change the definition of ship power used for EEDI calculations in the 2018 Guidelines on the method of calculation of the Attained Energy Efficiency Design Index (EEDI) (resolution MEPC.308(73)) to allow for a shaft power limitation below the installed maximum continuous rating for EEDI calculation purposes. The United States disagrees with this change as it would undermine the intended goals of EEDI and would not result in improved energy efficiency for ships.

MEPC 74/INF.11 (Japan): provides comments received during the work of the Correspondence Group on EEDI Review beyond Phase 2.

MEPC 74/INF.13 (Secretariat): provides the seventh summary of data and graphical representations of the information in the EEDI database.

MEPC 74/INF.20 (Norway): contains a report outlining and evaluating a method for calculating an attained EEDI for ships with non-conventional propulsion systems.

MEPC 74/INF.24 (Japan): presents a report on the environmental impact assessment of discharge water from exhaust gas cleaning systems (EGCSs), namely scrubbers, which was used for making the policy decision of the Japanese Government. In this report, risks to the marine aquatic organisms and long-term risks to the seawater quality of Japanese coastal areas are evaluated and assessed. It concludes that risks of discharge water from scrubbers to the marine environment and marine aquatic organism are in the acceptable range or negligible from both short-term and long-term perspectives.

MEPC 74/INF.27 (CLIA): highlights the assessment of 281 exhaust gas cleaning system washwater samples against 54 test parameters, including PAHs and metals, for comparison to IMO washwater discharge criteria and selected national and international water quality standards and land-based wastewater discharge limits.

1. EEDI

EU relevance

Without recalling all decisions within the EU it is evident that there is a clear commitment by the EU to reduce GHG emissions, including emissions by shipping. Improving the energy efficiency and carbon intensity of new built ships by strengthening the EEDI is a strong enabling factor to meet the long-term agreed objectives. The recent EU long-term strategy for a carbon neutral Europe by 2050 also highlights the key role of energy efficiency improvements in combination with the use of alternative fuels to reduce GHG emissions from shipping by 2050.

In addition, the Energy Efficiency Design Index (EEDI) is linked to Regulation (EU) 2015/757 on the monitoring, reporting and verification of CO_2 emissions from maritime transport, as it is one of the parameters to be reported and published on a per-ship basis.

Background

Regulation 21.6 of MARPOL Annex VI requires that, at the beginning of phase 1 (1 January 2015) and at the midpoint of phase 2 (1 July 2022) of the required EEDI reductions, the IMO shall review the status of technological developments to implement the EEDI and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and the reduction rates

set out in regulation 21. For this purpose, MEPC 67 established a Correspondence Group (CG) to undertake the review of the status of technological developments. Following discussions of the Correspondence Group recommendations, MEPC 70 decided for (1) no revision of the current reference points for Phase 2 (2020), despite a lack of challenge for most vessel types; (2) earlier review of Phase 3 requirements in view of advancing to 2022 (as opposed to 2025); and (3) the possibility of a Phase 4. MEPC 71 agreed to establish a Correspondence Group on EEDI review beyond phase 2 in order to review the status of technological developments relevant to implementing the EEDI regulations beyond phase 2. The Committee instructed the Correspondence Group to submit a progress report to MEPC 72, an interim report to MEPC 73 and a final report to MEPC 74 in 2019.

The Correspondence Group interim report submitted at MEPC 73 showed a low level of ambition. It recommended retaining 2025 as the starting year of EEDI phase 3 for all ships except for container ships, for which it suggested to start phase 3 in 2022. In addition, it recommended retaining a 30% reduction rate for all ship types in phase 3 and proposed options to review the EEDI reference lines for large bulk carriers and large tankers.

At MEPC 73, the Committee decided not to approve the draft amendments to Regulation 21 of MARPOL Annex VI proposed by the Working Group on Air Pollution and Energy Efficiency on EEDI phase 3 requirements (MEPC 73/WP.7, annex 3). As a follow-up, the Committee invited the Correspondence Group to give further consideration to the matter and asked for concrete proposals to MEPC 74, with a view to approval at that session. It should be noted that at MEPC 73, bulkers and tankers were not in the scope of the last Working Group on Air Pollution and Energy Efficiency as the Committee was in favour of keeping EEDI phase 3 as it stands for these ship categories. In addition, following an oral intervention from WSC in favour of a graduated approach to the reduction rate for container ships based on tonnage, EU Member States agreed to consider such an approach following a brief on-the-spot coordination.

Consideration at MEPC 74

In MEPC 74/INF.13, the IMO Secretariat presents the seventh summary of data and information in the EEDI database which confirms, once again, the observation that, on average, the new-build fleet more than complies with the current requirements.

In MEPC 74/5/2, Japan as coordinator sets out the results of the CG:

- ***Gas carriers**: Retain 2025 as the starting year of EEDI phase 3 for gas carriers below 15,000 DWT and advance phase 3 to 2022 for gas carriers of 15 000 DWT and above. In addition, the CG recommends keeping a 30% reduction rate.*

  DELETED

- ***Container ships**: Advance phase 3 to 2022 for all container ships and refine the reduction rate based on different tonnage segments, while taking into account relevant proposal(s) to be submitted at MEPC 74. In that context, MEPC 74/5/12 from WSC proposes a graduated approach for container ships with reduction factors that increase with size (ranging from 15% to 50%).*

- **DELETED**

- ***General cargo ships****: advance phase 3 to 2022 and maintain a 30% reduction rate.*

  DELETED

- ***Refrigerated cargo ships and combination carriers****: keep 2025 as the starting year of EEDI phase 3, and keep a reduction factor of 30%.*

- **DELETED**

- ***LNG carriers and cruise passenger ships having non-conventional propulsion****: keep 2025 as the starting year of EEDI phase 3, and keep a reduction factor of 30%.*

  DELETED

- ***EEDI phase 4****: consider the EEDI phase 4 requirements separately from the early implementation of EEDI phase 3 but within the current regulatory framework under MARPOL Annex VI, taking into account the initial IMO GHG Strategy.*

  DELETED

MEPC 74/5/11 (Japan, Norway, ICS, BIMCO, CLIA, IPTA and WSC) puts the case for mandatory reporting of verified EEDI values for ships already subject to the EEDI phase 0 and phase 1 and for any future new ships covered by regulation 21 of MARPOL Annex VI. **DELETED**

The Republic of Korea in MEPC 74/5/14 highlights the need to clarify the classification for EEDI-applied ship types, given possible confusion between lists for Attained and for Required EEDI values and proposes a simple solution. **DELETED**

Other submissions look at various aspects in developing EEDI: MEPC 74/5/6 by ICS et al. assumes that EEDI Phase 4 will be based on ships using alternative fuels, highlights challenges – the commercialisation and safe operationalisation of new technologies and fuels, minimum power requirements in adverse weather conditions, and makes proposals – finalise guidelines on minimum power requirements; review 2018 EEDI guidelines; and introduce a process for further reduction rates. Norway takes up the theme of alternative fuels in MEPC 74/5/13, referring to a study of ships using non-conventional propulsion and advocates looking at ways for the EEDI calculation to accommodate non-conventional propulsion, such as developing a correction factor. **DELETED**

- *Minimum propulsion power to maintain manoeuvrability of ships in adverse conditions*

Whereas minimum propulsion power to maintain manoeuvrability of ships in adverse conditions is addressed in various submissions, it should be recalled that it was decided at MEPC 69 that this issue would be considered separately from the EEDI process.

IACS in MEPC 74/5 sets out a number of technical considerations/concerns to be taken into account as ship designers seek to meet the EEDI values. Notable amongst them is the concern about speed reduction versus the need for minimum propulsion power in adverse weather. This issue is also taken up by two other submissions:

- *MEPC 74/5/5 (France, Germany, Japan, Norway and Spain) further develops the concept of "Shaft / Engine Power Limitation", which provides a technical solution for potential conflicts between EEDI requirements and minimum required propulsion power, going beyond the initially identified concerns related to two specific ship type categories, namely large tankers and bulk carriers that were proven to face negative effects from reducing speed/power (reference is made to SHOPERA & JASNOE).*

- *MEPC 74/5/17 (Denmark) sets out other possible solutions to ensure sufficient power to the ship in adverse weather, namely propeller pitch and adverse weather functionality based on an extension of the existing load diagram of the ship's engine.*

DELETED

- *Other issues*

In MEPC 74/5/7 the Secretariat indicates that the model course on energy efficient operation of ships is outdated and recommends that instead of investing resources to update it, reference could be made to the presentations and training materials prepared under the GLoMEEP and GMN projects. **DELETED**

2. The consistent implementation of the 0.50% sulphur limit in marine fuels

EU relevance

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 Energy Community countries (Montenegro, Albania, Bosnia Herzegovina, Moldova, Serbia, Ukraine) have adopted the sulphur-related EU environment acquis in the Energy Community Treaty in 2016 with an entry-into-force date of 1 June 2018.

The Commission report on implementation and compliance with the sulphur standards for marine fuels set out in Directive (EU) 2016/802 (COM/2018/188 final) illustrates a wealth of initiatives carried out at EU level to ensure the correct and cost efficient implementation of the latest 2012 revision of the Directive. According to the report, ECA areas for SO_x in EU waters (established in 2007-2008 in the Baltic Sea, North Sea and English Channel) were successful in significantly reducing the sulphur dioxide concentration across the relevant riparian states as of 2015 when the ECA sulphur requirement was reduced to 0.1% from previous 1%. The report also shows that an EU credible and intensified enforcement of the legal requirements was key to address potential fears of distortion of competition and that the EU experience in SO_x-ECAs showed its value in preserving the economic level playing field. Importantly, the report also shows no records of accidents due to the operational transition from the use of heavy fuel oils to distillate fuel products. This is an encouraging precedent in view of the introduction of the global 0.50% sulphur limit, indicating that experience exists in the industry and timely preparation can ensure a smooth transition to the new limit while avoiding negative economic repercussions for the sector and minimizing any impacts at operational level.

Background

Following the decision at MEPC 70 to maintain 1/1/2020 as the effective date of the implementation of the 0.50% m/m sulphur global cap of fuel oil and the subsequent work at PPR 4 on a draft justification and scope for a new output on additional measures to promote its consistent implementation, MEPC 71 approved holding an Intersessional Meeting on consistent implementation of regulation 14.1.3 of MARPOL Annex VI which took place from 9 to 13 July 2018. The EU contributed to this meeting with three submissions on the standard format for Fuel Oil Non-Availability Reports (FONARs) (ISWG-AP 1/2/6), amendments to appendix VI to MARPOL Annex VI (ISWG-AP 1/3/2) and amendments to the 2009 Guidelines for port State control under the revised MARPOL Annex VI (ISWG-AP 1/4/1). At PPR 6, there was considerable progress, as set out in MEPC 74/10, with a number of documents produced for consideration at MEPC 74:

- *a draft guidance for port State control on contingency measures for addressing non-compliant fuel oil, in conjunction with possible concrete proposals for further development or alternative measures: finalization as a matter of urgency;*

- *a draft MEPC resolution on 2019 Guidelines on consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI: adoption after deciding on outstanding issues;*

- *a draft MEPC circular on the 2019 Guidelines for on board sampling for the verification of the sulphur content of the fuel oil used on board ships: approval;*

- *a draft MSC-MEPC circular on Delivery of compliant fuel oil by suppliers: approval, subject to concurrent approval by MSC 101.*

DELETED

Consideration at MEPC 74

The Committee in MEPC 74/10 is invited to decide on one outstanding issue in the Guidelines on consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI. These comprise two differing texts for dealing with residual fuels (3.3.1.4). **DELETED**

Brazil et al., in MEPC 74/5/19, propose a new paragraph in the above Guidelines containing a procedure for the remaining non-compliant fuel oil in the tank, including consideration of cases where de-bunkering is not possible. In PPR 6/8/4, Brazil et al. already suggested inclusion of guidance within the Draft Guidelines on consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI regarding two options for de-bunkering surplus non-compliant fuel taken on board in the event of non-availability of compliant fuel for which an opposing EU position was considered. **DELETED**

3. Assuring the quality of marine fuels and links with sulphur in fuel regulations

EU relevance

The sulphur-in-fuel-related requirements 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). While regulating only the sulphur content in marine fuel, the Directive broadly mirrors the IMO legal framework in relation to fuel quality, notably in relation to the definition of marine fuels, including standard ISO 8217, as well as to the sulphur in marine fuel verification procedure aligning with Appendix VI to Annex VI to MARPOL.

In terms of fuel quality mandatory requirements and related standards under EU legislation, Articles 1 and 4 of Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil for use in road and non-road mobile applications for health and environmental reasons and introducing a mechanism to monitor and reduce greenhouse gas emissions are relevant.

Background

The developments described below have high relevance since they are part of or have close links to the IMO process to ensure the consistent implementation of the global sulphur cap.

At MEPC 71, the Commission welcomed the final report of the Correspondence Group on Fuel Quality (MEPC 71/5/3) moving forward the work assuring the quality of marine fuel cycle, beyond the sulphur requirement, and proposing guidance on best practice for fuel oil purchasers and users. Following the discussion, MEPC 71 decided to re-establish the Correspondence Group in order to finalize the guidance on best practice for Member States/coastal States. At MEPC 73, the Committee approved the draft MEPC circular on Guidance on best practice for fuel oil suppliers for assuring the quality of fuel oil delivered to ships, but considered it premature to finalize the draft best practice for Member States/coastal States at this session and re-established the Correspondence Group on Fuel Oil Quality, under the coordination of the United States, to finalize the draft guidance **DELETED**

Consideration at MEPC 74

In MEPC 74/5/18, the EU proposal sets out concrete proposals on data collection concerning fuel oil quality and reporting of non-availability of compliant fuel oils, including the enhancement of the GISIS MARPOL Annex VI module, in response to the request by MEPC 73 to enhance the implementation of Regulation 18 of MARPOL Annex VI. In MEPC 74/5/20, Bahamas et al. introduce complementary proposals for a data collection and analysis plan and strategy using GISIS, along with a draft MEPC Circular on data reporting set out in MEPC 74/5/21 **DELETED**

In MEPC 74/5/3, the Secretariat presents the results of the sulphur monitoring programme for 2018. Notable is that the average sulphur content of residual fuel continued to be below the limits prescribed in MARPOL Annex VI, with over 96% of distillates < 0.1% as required for SECAs. In MEPC 74/5/10, the Secretariat proposes amendments to the 2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils to take account of the 2020 sulphur cap at 0.05% and the fact that both residual and distillate fuel oils may be used. **DELETED**

On a different note, in MEPC 74/5/4, ICS et al. propose a new requirement in MARPOL Annex VI to establish bunker licensing schemes for global implementation, providing a licence template in annex. At MEPC 73, the Committee, having noted the discussions of the Intersessional Meeting on Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI (MEPC 73/ISWG-AP 1), invited MSC to consider the outcome of the intersessional meeting concerning the potential safety implications associated with the use of low sulphur fuel and invited concrete proposals to address remaining concerns expressed as to the quality of fuels to be supplied to ships. At MSC 100, document MSC 100/8/1 (Liberia et al.) included some concrete proposals such as replacing the requirement to maintain a register of bunker suppliers with a requirement that parties to MARPOL Annex VI should establish bunker supplier licensing schemes. MEPC 74/5/4 (ICS et al.) builds on that proposal and the ensuing discussion. It should be noted that safety depends also very much on the on-board fuel oil management procedures and whether these are correctly applied, and not only on the fuel supply chain. **DELETED**

4. Other issues

- Exhaust Gas Cleaning Systems (EGCS)

EU relevance

The issue of pH wash water discharge criteria falls within the exclusive external competence of the Union on account of Directive (EU) 2016/802, in particular Article 8 and Annex I on equivalent emission values for emission abatement methods and Annex II which defines the criteria for use of the emission abatement methods. As regards the conditions for the use of EGCS, which includes pH wash water criteria, the Directive makes a reference to the IMO Resolution on EGCS. Since the new version of the IMO Resolution repeals the previous ones, it affects the corresponding parts of EU legislation.

Background and Consideration at MEPC 74

At PPR 6, the Secretariat was asked to prepare a draft circular on Guidance on the temporary indication of ongoing compliance in the case of the failure of a single monitoring instrument and actions to take, on the basis of appendix VI of Annex 2 to the CG report set out in PPR 6/11, taking into account US comments in PPR 6/11/3. The Secretariat has done this in MEPC 74/5/8. **DELETED**

*In more detail, taking the Annex in MEPC 74/5/8 into consideration (**See draft position 10 below**):*

*a. The **addition of paragraph 1 ("Guidance to shipowners")** in the Annex of MEPC 74/5/8:*

i. Reduces the stringency of the existing provisions in the EGCS Guidelines;

ii. Introduces uncertainties or ambiguities which may have the potential to add difficulties in practical implementation or enforcement action;

iii. Adds elements potentially contributing to deem EGCS as non-equivalent as per regulation 4 of MARPOL Annex VI;

*b. Furthermore, **terminology** such as: "short term exceedance", "short period of time", "peak", "short term peak exceedance", "transient exceedance", "long term exceedance" are all difficult to define and lead to substantial uncertainties and ambiguities in any control requirement.*
DELETED

c. **DELETED**

*d. **Verifiable, quantifiable and enforceable criteria** should be discussed in the context of the EGCS Guidelines. Possible provisions could include specific allowance for Emission Ratio over a 12-hour rolling period in a similar approach to other controlled discharge water parameters (PAH, Turbidity)*

e. **DELETED**

*f. "**Long Term Exceedances**", as indicated in paragraphs 12 to 14 in the Annex to MEPC 74/5/8, represents, in practice, a situation where the EGCS has suffered accidental breakdown or is otherwise unable to operate as designed for. In this case, the ship is no longer in an equivalent situation, failing to comply with MARPOL Annex VI. In this case the ship should change to compliant fuel as soon as safe and practicable. Allowing the ship to continue to the next port of call may represent 20 more days at sea (e.g., in the case of a containership travelling from the Far East to Europe or the other way round). This has to be discussed in a wider context of a necessary assurance of a robust and transparent level playing field.* **DELETED**

g. *All **malfunction/EGCS breakdown events** must be reported to the Administration, port and coastal State authorities of the port of destination (even those which have resulted in onboard successful corrective action).*

<u>NO_x Tier III on large yachts over 24m</u>

<u>EU relevance</u>

Union legislation in the field of air quality sets out obligations to be achieved by Member States covering a whole range of pollutants, including NO_x. In addition, the Union has put in place a wide range of substance-specific source-based air pollution legislation controlling NO_x emissions, inter alia, by means of fuel and engine standards, for various stationary and mobile emission sources (e.g. Euro standards for cars and trucks, or for inland waterway vessels in the Non-Road Mobile Machinery Directive).

Directive 2008/50/EC on ambient air quality sets NO_2 limit values to be respected by Member States in their territory. A number of Member States are currently infringing the NO_2 limit values set out in the Ambient Air Quality Directive, and although the said Directive does not regulate specific sources of NO_x emissions, Member States are obliged to consider and implement the necessary measures that will bring them in compliance. NO_x emissions from different national sources are also covered through Directive (EU) 2016/2284 on the reduction of national emission ceilings of for certain atmospheric pollutants (which covers national emissions ceilings for SO_2, NO_x, VOC, and NH_3 and PM2,5). Although the emission reduction commitments in this Directive do not include emissions from maritime shipping, Article 15 of Directive 2016/2284 invites the Union and the Member States to pursue multilateral cooperation with third countries and coordination within international organisations, including the IMO, to promote the achievement of the objective of the said Directive, which is to limit emissions of air pollutants from all sources.

In this context, the Commission Communication "A Clean Air for all" (COM(2018) 330) sets out wide-ranging policy efforts of the EU to support and facilitate the necessary measures of the Member States to meet their targets, and the enforcement action being taken to help ensure that the common objective of clean air for all Europeans is achieved and maintained across the EU.

The Commission report to the EP and the Council on the implementation of Directive (EU) 2016/802 addressing sulphur content in marine fuels shows an increasing concern in the major port cities in Europe about the contribution of shipping emissions in the ports itself and in coastal areas especially considering that several Member States are facing court cases for infringements under the said Directives.

Therefore, there is an EU interest to monitor current and potential additional measures taken by the Member States to reduce emissions from shipping (CO_2, NO_x, SO_x, PM, etc.), especially in areas that have not been designated as ECAs. One such example is the deployment of Onshore Power Supply (OPS), and of alternative fuels, due to their positive effects on ports air quality. OPS is foreseen in Article 4 of Directive 2014/94/EU on the deployment of alternative fuels infrastructure and Directive (EU) 2016/802 encourages the use of OPS in Article 7.

Indeed, particular importance should be given to measures leading to combined benefits for climate and air quality policies such as those resulting in reduction of fuel consumption (in the case of the future use of multiple engine maps in conjunction, however, with associated NO_x abatement systems to avoid NO_x exceedances) and ensuring the level playing field across ports and sea areas.

Background and Consideration at MEPC 74

At MEPC 66, the Committee already agreed to a five-year delay in the application date of NO_x Tier III limits for large yachts. At MEPC 70, the IMO designated the North Sea and the Baltic Sea as NO_x Emission Control Area (NECA) starting from January 1, 2021 onwards, five years after the entry into force of the NECA in North America. **DELETED**

DELETED *

1. **DELETED**

2. [9] **DELETED**

- ***a.*** **DELETED** [10]
- ***b.*** **DELETED** [11]
- ***c.*** **DELETED**
- ***d.*** **DELETED**

3. **DELETED** [12]

4. **DELETED** [13]

5. **DELETED** [14]

* ~~*Pending decision by COREPER on 8 May.*~~

9 **DELETED**

10 **DELETED**

11 **DELETED**

12 **DELETED**

13 **DELETED**

14 **DELETED**

6. **DELETED** [15]

7. **DELETED** [16]

8. **DELETED**

DELETED

9. **DELETED** [17]

10. **DELETED**

11. **DELETED**

12. **DELETED**

13. **DELETED** [18]

14. **DELETED**

15. **DELETED**

15 **DELETED**
16 **DELETED**
17 **DELETED**
18 **DELETED**

Agenda item 6 – Further technical and operational measures for enhancing energy efficiency of international shipping

Docs: MEPC 74/6, MEPC 74/6/1-3, MEPC 74/INF.35

MEPC 74/6 (Russian Federation and IMCA): provides two potential proxies against which to measure energy efficiency of offshore and marine contracting vessels.

MEPC 74/6/1 (CLIA): proposes Available Lower Berth (ALB) capacity as an appropriate transport work proxy for cruise passenger ships.

MEPC 74/6/2 (IACS and OCIMF): provides information on possible analysis of data from the IMO Ship Fuel Oil Consumption Database including identification of performance indicators and the possible further analyses that could be undertaken.

MEPC 74/6/3 (Russian Federation): gives further explanations to document MEPC 74/6 for a more aware approach to the development of criteria and indexes for energy efficiency of ships not carrying cargo and/or passengers for commercial purposes ("transport work").

MEPC 74/INF.35 (Russian Federation and IMCA): provides examples of offshore vessel types to illustrate the diverse range of vessel types operating in the offshore industry.

Global data collection system

EU relevance

Without recalling all decisions within the EU, it is evident that there is a clear commitment by the EU to reduce GHG emissions, including emissions by shipping.

In April 2015, the European Parliament and the Council adopted Regulation (EU) 2015/757 to establish the legal framework for an EU system to monitor, report and verify (MRV) CO_2 emissions and energy efficiency from shipping. MRV is expected to be a cost-effective measure triggering the uptake of mitigation measures, which are currently not implemented due to the existence of market barriers such as the lack of information on emissions, fuel consumption and reduction potentials. Regulation (EU) 2015/757 entered into force on 1 July 2015 and started to be implemented in 2018. Related delegated Commission regulations on verification and accreditation of verifiers and on the refinement of monitoring methods were adopted on 22 September 2016. Two additional implementing regulations on cargo parameters and templates were adopted by the Commission on 4 November 2016.

The EU MRV Regulation contains a review clause stating that in case of adoption of a global MRV system for shipping emissions, the Commission will review the regulation to consider alignment as appropriate. Following the adoption of the IMO Data Collection System last July, the Commission launched a review process comparing both systems, including in terms of objectives pursued. A public consultation on this issue was open until 1 December 2017.

Background

In 2013, new ideas on further technical and operational measures to reduce emissions were proposed. The United States, with a support of a number of countries, including EU MS and the Commission, proposed measures to enhance energy efficiency, with an initial data collection phase to test efficiency indicators. The formal discussions started in April 2014 with the focus on the design of the core elements of a data collection system and concluded at MEPC 70, when the required amendments to MARPOL Annex VI were adopted and the related amendments to the SEEMP Guidelines agreed.

Developments

As requested by MEPC 72, the Secretariat updated the database to include the communication feature that sends a list for ships falling under the scope to the Administration, the reminder for Administrations on failing to submit data and requesting non-reporting Administrations to submit data (required from summer 2020). The list is only visible for MS that have assigned a contact person. On recognized organizations, the Secretariat has been contacted by 10 out of 28 ROs to set up their web accounts for the database.

Consideration at MEPC 74

In MEPC 74/6/1, CLIA sets out a model methodology and transport work metric for consideration by the Committee for adoption to allow the cruise ship industry to be seen to play its part in GHG emission reduction within the EEDI framework. In MEPC 74/6/2, in response to a call at MEPC 73, and following on from their previous paper MEPC 73/6/2 on the same issue, IACS and OCIMF set out possible means of analysis of data from the IMO Ship Fuel Oil Consumption Database, including identification of performance indicators and possible further analyses that could be undertaken, including the factor of speed. **DELETED**

Agenda item 7 – Reduction of GHG emissions from ships

Fifth Meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 5) submissions

Docs: ISWG-GHG 5/1, ISWG-GHG 5/2, ISWG-GHG 5/2/1-4, ISWG-GHG 5/3, ISWG-GHG 5/3/1-2, ISWG-GHG 5/4, ISWG-GHG 5/4/1-14, ISWG-GHG 5/5, ISWG-GHG 5/INF.2

ISWG-GHG 5/1 (Secretariat): provides the provisional agenda of the ISWG-GHG 5.

ISWG-GHG 5/2 (Norway): provides a proposal for a procedure for assessing impacts on States of proposed candidate measures.

ISWG-GHG 5/2/1 (Secretariat): as a complement to document MEPC 74/INF.2 (Secretariat), this document provides for information the draft methodology to analyse impacts of a ban on heavy fuel oil use and carriage as fuel by ships in Arctic waters developed by the PPR Sub-Committee at its sixth session.

ISWG-GHG 5/2/2 (Singapore): proposes a process that can be used in the evaluation of the impact on States.

ISWG-GHG 5/2/3 (Brazil and India): proposes a four-step procedure for assessing and addressing impacts of candidate GHG reduction measures on States. It also offers views on a methodological tool based on cost-effectiveness analysis, for the consideration by the Committee as a possible approach for undertaking impact assessments.

ISWG-GHG 5/2/4 (Argentina, Chile, France, Germany, Italy, Kiribati, Marshall Islands, Mexico, Netherlands, Peru, Spain, Tuvalu and Uruguay): presents a proposal for an impact assessment procedure. It proposes that, while impact assessments should be measure-specific, the level of detail of an assessment may vary, reflecting the likelihood that a measure could have disproportionately negative impacts on States. This document outlines a procedure containing two increasing levels of detail of an impact assessment procedure. Mechanisms to ensure that all States are able to participate are also suggested.

ISWG-GHG 5/3 (-): Report of the Expert Workshop in preparation of the Fourth IMO GHG Study.

ISWG-GHG 5/3/1 (Secretariat): provides complementary information on the process of selection of tenders and on the IMO procurement policy as requested by the Expert Workshop in preparation of the Fourth IMO GHG Study.

ISWG-GHG 5/3/2 (Brazil): reflects on the outcomes of the Expert Workshop on the Fourth IMO GHG Study and presents recommendations to the terms of reference of the Study and the process for its conclusion.

ISWG-GHG 5/4 (Norway): provides concrete proposals under the streams of activity of the Programme of follow-up actions of the Initial IMO Strategy on reduction of GHG emissions from ships, based on Norway's previous documents. To facilitate the consideration of the proposals, this document also includes an initial assessment of impacts on ships, emissions, States and the expected workload for the Committee.

ISWG-GHG 5/4/1 (Japan): identifies a possible approach for the reduction of GHG emissions from international shipping in the short-term and proposes a regulatory measure on energy efficiency of existing ships based on existing IMO instruments, which will contribute to the achievement of the 40% carbon intensity reduction target by 2030. This document also proposes the establishment of a correspondence group to further consider technical issues with technical expertise in order to develop the proposed measure by 2023.

ISWG-GHG 5/4/2 (Singapore): proposes an evaluation tool to assist IMO in its decisions over prioritizing and implementing candidate measures to reduce GHG emissions from international shipping. Depending on the categorization (using the proposed tool) of potential measures, four broad approaches are recommended: (1) encourage adoption, (2) promote R&D, (3) create industry standards, and (4) mandate implementation. This document also shows how the tool works when applied to a diverse group of seven possible measures.

ISWG-GHG 5/4/3 (Greece): provides proposals to further strengthen the Ship Energy Efficiency Management Plan (SEEMP) and to provide a methodology for the selection of appropriate short-term measures.

ISWG-GHG 5/4/4 (ICS, BIMCO, INTERTANKO, CLIA, IPTA, and WSC): briefly describes why a research and development (R&D) effort devoted to identifying the fuels, propulsion systems and related technologies necessary to achieve zero or near-zero carbon emissions in the global maritime fleet is critical to achieving the vision and specific objectives of IMO's GHG Strategy. The document also emphasizes that while the environmental benefits of a focused maritime R&D effort will produce benefits in the mid to long-term, the discussions necessary to consider and initiate an R&D effort devoted to maritime applications of zero, near-zero emission, and low carbon technologies will need to be initiated in the short-term.

ISWG-GHG 5/4/5 () not yet published

ISWG-GHG 5/4/6 () not yet published

ISWG-GHG 5/4/7(ICS, BIMCO, INTERTANKO and IPTA): comment on candidate short-term GHG emissions reduction measures contained within the Initial IMO strategy on reduction of GHG emissions from ships and which were proposed at ISWG-GHG 4 and/or MEPC 73.

ISWG-GHG 5/4/8 (ICS, BIMCO, INTERTANKO and IPTA): recommend that measures to reduce methane slip, promote improved port efficiency, to assign carbon factors for those marine fuels entering the industry and guidelines for assessing the efficacy of technologies for lowering GHG emissions from ships should be developed.

ISWG-GHG 5/4/9 (ICS, BIMCO, INTERTANKO, INTERCARGO and IPTA): the co-sponsors provide concrete proposals to lower GHG emissions from ships. The proposals are to strengthen the Ship Energy Efficiency Management Plan (SEEMP) as a short-term measure to reduce GHG emissions from international shipping. The proposals could be agreed and implemented relatively quickly, and deliver actual GHG emissions reductions. The co-sponsors also propose developing an accurate datum point for 2008 transport work emissions, to be developed for each ship type and size.

ISWG-GHG 5/4/10 (SGMF): discusses the GHG reductions achievable and proposed next steps to further reduce emissions from shipping using natural gas as fuel. SGMF also highlights the importance of developing robust guidelines on determining GHG life cycle emissions to ensure consistent evaluation of all fuels.

ISWG-GHG 5/4/11 (France): proposes a two-step approach by regulating ship's speed by sector as soon as possible and, in a second run, adopting a goal-based measure assigning to fleets an annual emission cap (FEAC) based on the emissions of each ship.

ISWG-GHG 5/4/12 (Cyprus): provides comments and puts forward proposals regarding the use of the Ship Energy Efficiency Management Plan (SEEMP) as a short-term measure for the reduction of GHG emissions in international shipping.

ISWG-GHG 5/4/13 (China): provides the findings from an empirical analysis on the energy efficiency performance of ships and the policy implications thereof, with a view to informing the forthcoming discussions concerning the measures in relation to the energy efficiency improvement of ships in operation.

ISWG-GHG 5/4/14 (China and Singapore): highlights that National Action Plans could, as a candidate short-term measure that is not subject to data collection, be implemented and deliver results immediately. Its contents and formats should be flexible, simple and voluntary in nature. This document therefore proposes an MEPC resolution to encourage Member States to take early actions at national level and submit National Action Plans to the IMO.

ISWG-GHG 5/5 (Belgium, Finland, France, Germany, Kiribati, Marshall Islands, Solomon Islands, Tuvalu and United Kingdom): achieving the IMO Initial Strategy's objectives requires an urgent transition away from the use of fossil fuels in shipping. This document identifies potential policies that could incentivise an equitable transition through both market and non-market-based policy measures. This document also identifies that further work is needed to understand potential impacts that could arise, and identifies some options that could mitigate these impacts. The document further identifies the need for more information and invites studies in response to that need.

ISWG-GHG 5/INF.2 (Singapore): summarises the views raised by participants during the International Workshop on Greenhouse Gas Emissions and Shipping which was hosted by Singapore from 13-14 November 2018.

MEPC 74 submissions

Docs: MEPC 74/7, MEPC 74/7/1-19, MEPC 74/INF.2, 3, 12, 23, 26, 34 and 37

MEPC 74/7 (Secretariat): reports on the outcome of United Nations Climate Change Conference held in Katowice, Poland, in December 2018 (COP 24).

MEPC 74/7/1 (Secretariat): provides possible future working arrangements to support consideration and implementation of the follow-up actions of the Initial Strategy and the expected heavy workload.

MEPC 74/7/2 (Japan): identifies a possible approach for the reduction of GHG emissions from international shipping in the short-term and proposes a regulatory measure on energy efficiency of existing ships based on existing IMO instruments, which will contribute to the achievement of the 40% carbon intensity reduction target by 2030. This document also proposes the establishment of a

correspondence group to further consider technical issues with technical expertise in order to develop the proposed measure by 2023.

MEPC 74/7/3 (World Bank): discusses the potential economic impacts on States which could be induced as a result of greenhouse gas (GHG) mitigation measures in shipping, based on a research paper and its executive summary provided in document MEPC 74/INF.12. These documents seek to contribute to the discussion at IMO by (i) identifying four areas of economic impact and their propagation through transport and trade systems; (ii) compiling the latest research findings on their order of magnitude; and (iii) presenting state-of-the-art economic modelling approaches for future impact assessments.

MEPC 74/7/4 (Denmark, Germany and Spain): proposes a short-term measure for all ships. The measure builds on a goal-based approach with a reduction target set by the IMO and derived from the Objective 2 of the Initial Strategy. The requirement should ensure the ambition of at least 40% reduction in 2030.

MEPC 74/7/5 (Secretariat): provides the Secretariat's analysis on the mechanism for the establishment of a voluntary multi-donor trust fund to sustain the Organization's technical cooperation and capacity-building activities to support the implementation of the Initial IMO Strategy on reduction of GHG emissions from ships and proposes draft terms of reference for such a fund.

MEPC 74/7/6 (CESA and EUROMOT): contains proposed definitions of alternative fuel terminology, such as Low-carbon fuel, Zero-carbon fuel and Fossil-free fuel with a view to adopting a common understanding in IMO. The document promotes the timely introduction of alternative fuels highlighting that the production of such fuels will require substantial amounts of renewable energy, which should be considered in future life cycle GHG/carbon intensity guidelines for fuels, research and development.

MEPC 74/7/7 (Norway): provides information that is available on the uptake of alternative fuels, and presents the Alternative Fuels Insight (AFI) platform. This document also provides ideas on how the portal could be used to support the Initial IMO Strategy on reduction of GHG emissions from ships and its follow-up actions.

MEPC 74/7/8 (CSC): describes and proposes one approach to regulating ship operational speed and offers this as a contribution to the discussions around the use of ship speed to meet the goals of IMO's GHG Strategy. The approach involves exempting some ships and setting the maximum average ship speeds per annum differentiated by ship type and size. In the first instance this could involve capping speeds at the level of the baseline, with subsequent reductions designed to help IMO meet its 2030 carbon intensity target while avoiding any negative impacts.

MEPC 74/7/9 (Belgium, Finland, France, Germany, Netherlands, New Zealand and Spain): in order to meet the 2030 level of ambition, it is essential to adopt short-term measures that have an impact on the operational efficiency of ships as well as on design efficiency. Three measures currently being discussed have the potential to improve operational efficiency: the goal-based short term reduction measure; regulation of ship operational speed and the energy efficiency improvement measure on existing ships. At least one of these measures needs to be adopted in order to meet the 2030 level of ambition.

MEPC 74/7/10 (Argentina, Canada, Cook Islands, Islamic Republic of Iran, New Zealand, Panama, Singapore, ICS, IAPH, IMPA, WWF, RINA, IHMA and FONASBA): proposes a draft MEPC resolution that encourages port developments and activities to facilitate the reduction of GHG emissions from ships, for submission to MEPC 74.

MEPC 74/7/11 (Marshall Islands): notes in particular that the establishment of a voluntary multi-donor trust fund would need to encompass other country-led initiatives which are also working to support reducing GHG emissions from ships.

MEPC 74/7/12 – not yet published

MEPC 74/7/13 (Kiribati, Marshall Islands, Solomon Islands, and Tuvalu): provides a proposal for a draft Assembly resolution on financing and partnership arrangements to enable the active and full participation by SIDS and LDCs in the GHG emissions reduction processes.

MEPC 74/7/14 (Republic of Korea): provides comments on document MEPC 74/7/5, which presents the Secretariat's analysis on the mechanism for the establishment of a voluntary multi-donor trust fund to sustain the Organization's technical cooperation and capacity-building activities to support the implementation of the Initial IMO GHG Strategy.

MEPC 74/7/15 (Ghana, Panama and United Arab Emirates): suggests additional considerations to be taken into account by the Committee in order to increase transparency and objectivity during the development of the terms of reference of the Fourth IMO GHG Study.

MEPC 74/7/16 (ICS and BIMCO):comments on document MEPC 74/7/4 (Denmark et al.) and provides recommendations for the consideration of the Committee.

MEPC 74 /7/17 (Brazil): comments on document MEPC 74/7/3, by the World Bank.

MEPC 74/7/18 (CSC): provides draft amendments to MARPOL Annex VI that would be necessary to regulate ship operational speed in the manner described in document MEPC 74/7/8 (CSC) and identifies the measure as belonging to the Group A candidate short-term measures stream of activity.

MEPC 74/7/19 (China): comments on documents MEPC 74/7/2 and MEPC 74/7/4 with findings obtained from an empirical analysis on the energy efficiency performance of ships and the policy implications thereof, with a view to informing the forthcoming discussions concerning the measures in relation to the energy efficiency improvement of ships in operation.

MEPC 74/INF.2 (Secretariat): submitted on the request of the Committee provides information on existing IMO procedures relevant for impact assessments.

MEPC 74/INF.3 (Secretariat): provides information on establishing a Steering Committee for the Fourth IMO GHG Study that will be in line with the practice followed for the Third IMO GHG Study 2014.

MEPC 74/INF.12 (World Bank): presents a research paper entitled Understanding the economic impacts of greenhouse gas emissions mitigation policies on shipping.

MEPC 74/INF.23 (Japan): Energy efficiency of an existing ship can be improved by installing Engine Power Limitation (EPL) system which keeps the ship's engine power within an optimum level. EPL consists of a simple device which can easily limit the engine propulsion power by adjusting a fuel index limiter on the ship's engine control system without retrofitting a complicated system within the current regulatory framework. Therefore, EPL can be utilized as one of the effective measures to improve energy efficiency of existing ships in the short-term.

MEPC 74/INF.26 (RINA): Computational Fluid Dynamics (CFD) are widely used for hydrodynamic optimization of ship hull forms and energy saving devices. While a flexible and relatively low-cost tool, its results are subject to validation. For this a model test is often used, as it offers a well-controlled, physical measured value. However, the uncertainty in both scaling effects and the modeling of full-scale flow in CFD is not addressed. Due to the lack of good full-scale data, the industry has not been able to close the loop between model tests, CFD and full-scale reality. With this understanding, a group of companies and research bodies have now stepped up to close this knowledge gap and propose the JoRes JIP (Joint Industry Project). JoRes JIP aims to increase the understanding of the ship hydrodynamics in full-scale by using newly developed measurement techniques (Particle Image Velocimetry (PIV) for propeller flow, thrust measurements by optical sensors, etc.). A comprehensive set of full scale and model scale data will become available to the participants for use to improve the accuracy and validity of their CFD tools. Further details can be found at https://jores.net/.

MEPC 74/INF.34 (Secretariat): provides an update on the work of the "Global Industry Alliance to Support Low Carbon Shipping" on the Just-In-Time arrival of ships.

MEPC 74/INF.37 (Secretariat): provides for information the report of the Expert Workshop in preparation of the Fourth IMO GHG Study.

EU relevance

Without recalling all decisions within the EU, it is evident that there is a clear commitment by the EU to reduce GHG emissions, including emissions by shipping. Further to the EU Regulation on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport (Regulation (EU) 2015/757), Directive (EU) 2018/410 mandates the EU to review the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement.

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

Background

Ahead of MEPC 72, the EU agreed to aim for a higher level of ambition in terms of emission reduction objective, namely between 70 to 100 % by 2050 compared to 2008 levels. Against this backround, the strategy adopted at MEPC 72 represents a promising first step to secure the contribution of the international shipping sector to the global efforts to fight climate change in the framework of the Paris Agreement, with a need to review and up-grade the emission reduction objective, in the light also of the commitment of the IMO to achieve zero emissions as soon as possible in this century.

This is important in order to set the sector on the path towards full decarbonisation that should take place as soon as possible. The emission reduction objective set in the strategy will be reviewed and adjusted as part of the revised strategy of 2023, taking into account data on actual levels of emissions to become available in the next years. One key priority of the IMO now should be the development and implementation of short-term measures that can reduce emissions also before 2023, as well as work to begin on the development of other candidate measures aiming for agreement by 2023.

The EU also recognised that many developing countries, especially small developing island States (SIDS) and least developed countries (LDCs), are concerned about the possible impacts of emission reduction measures to be developed as part of the IMO strategy to reduce GHG from ships. The EU financed the "Capacity-Building for Climate Change Mitigation in the Maritime Shipping Industry" project. This €10 million project was managed by the IMO from 2015 onwards and will last until 31 December 2019. The EU could consider further technical assistance and capacity-building measures and is encouraging third countries to launch similar projects.

Background

IMO work on reduction of GHG emissions started in 1997. It was only in 2011 that the IMO adopted technical and operational measures by amending Annex VI of MARPOL and setting a mandatory limit on the Energy Efficiency Design Index (EEDI) for new ships of 400 gross tonnage and above, and mandating the use of the Ship Energy Efficiency Management Plan (SEEMP) for all ships of 400 gross tonnage and above.

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

Since 2015, the EU has been financing the IMO Global Maritime Network (Maritime Technology Cooperation Centres) setting up regional support facilities.

In 2016, following the adoption and entry into force of the Paris Agreement, the MEPC agreed on a roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships which envisaged the adoption of an initial IMO strategy in spring 2018. Furthermore, similarly to the EU MRV system (operational since 1 January 2018), the IMO adopted a mandatory data collection mechanism which entered into force on 1 March 2018.

The Initial IMO strategy on reduction of GHG emission from ships was adopted at MEPC 72. It defines an emission reduction objective of at least 50% reduction by 2050 compared to 2008 annual GHG emissions coupled with a vision for the decarbonisation of the sector, and a list of possible short-, mid- and long-term further measures to achieve such objectives. In addition, the strategy acknowledges certain guiding principles and the need to assess the impact of any emission reduction measure on States. It identifies supportive measures, including capacity-building, technical cooperation and research and development. The revision of this strategy is planned for spring 2023.

The fourth intersessional working group (ISWG-GHG 4) to reduce GHG emissions from ships, convened ahead of MEPC 73, drew up a programme of follow-up actions for the Initial IMO strategy, which was subsequently agreed by MEPC 73 (it should be stressed that the work is a planning tool, paving the way for an agreement and adoption of measures that can have impact already before 2023). On this basis, MEPC 73 invited concrete proposals on short-term measures to MEPC 74, and proposals on candidate mid-/long-term measures to MEPC 74 and MEPC 75, as well as proposals to MEPC 74 for finalization of the procedure for assessing the impacts on States.

Consideration at MEPC 74

A considerable number of submissions were made under this agenda item for MEPC 74, several by EU Member States. In addition, a number of proposals were submitted to ISWG-GHG 5, including the submissions by Norway on a procedure for impact assessment (ISWG-GHG 5/2) and proposals for the programme of follow up actions in ISWG-GHG 5/4.

- Procedural matters and working arrangements

In MEPC 74/7/1, the IMO Secretariat outlines possible future working arrangements to support consideration and implementation of the IMO Initial Strategy: continuing with existing arrangements – ISWGs or CGs for both of which the Secretariat outlines the disadvantages; or the option of either a dedicated stand-alone group or a new sub-committee. Again, the Secretariat notes the limitations of a formal sub-committee, pointing to the benefits of a stand-alone group – there are already precedents, it is more flexible, it can form sub-groups on specific items and it can meet several times a year. Their clear preference is for the latter arrangement. **DELETED**

- Impact assessment

Apart from the proposals by Norway (ISWG-GHG 5/2) and Argentina et al. (ISWG-GHG 5/2/4) for a procedure for assessing impacts, the World Bank in MEPC 74/7/3 sets out the potential economic impacts on states based on a research paper and its executive summary provided in MEPC 74/INF.12. The conclusion should be noted: an increase in maritime transport cost by up to 20% will only marginally increase the import prices of goods. The IMO Secretariat in MEPC 74/INF.2 provides information on existing IMO procedures relevant for impact assessments.

- Short-term measures

The candidate short-term measures addressed by the submissions to MEPC 74 include further improvement of the existing energy efficiency framework with a focus on:

- *speed reduction (CSC, MEPC 74/7/8);*
- *for existing ships the development of a new EEDI mechanism, using a goal-based approach (Japan, MEPC 74/7/2), a concept developed further by Denmark et al. in MEPC 74/7/4; the establishment of an Existing Fleet Improvement Programme and a SEEMP audit (Japan, CESA, MEPC 73/7/3);*
- *preparatory action to promote alternative fuels (CESA and EUROMOT, MEPC 74/7/6; Norway, MEPC 74/7/7); and*
- *port initiatives (Argentina et al., MEPC 74/7/10).*

These initiatives should be fed into discussions on short-term measures in the working group.

- *4th IMO GHG study*

Work underway includes the preparation of the fourth IMO GHG Study (MEPC 73/7). The ISWG-GHG 5 will consider the report of the expert workshop held on 12-14 March (ISWG-GHG 5/3), with a view to finalising the ToR. The outcome should feed into this agenda item at MEPC 74.

- *MTCC*

In response to the time limitation of the ongoing EU-funded project providing technical assistance to developing countries, especially small developing island states (SIDS) and least developed countries (LDCs), and on the basis of submission MEPC 73/7/4 (Cambodia, China, Ecuador, Georgia, Islamic Republic of Iran, Jamaica and Kenya), MEPC 73 agreed to consider a proposal to establish a GMN voluntary multi-donor trust fund at the IMO Secretariat to sustain GMN in support of the implementation of the Initial IMO Strategy on reduction of GHG emissions from ships. In MEPC 74/7/5, the Secretariat sets out the draft ToR to establish a voluntary Multi-Donor Trust Fund, to facilitate IMO GHG emission reduction strategy. **DELETED**

Consideration at ISWG-GHG 5

The fifth intersessional working group will be held on 7-10 May 2019 and aims to consider the methodology of impact assessments, finalise the ToR of the 4th IMO GHG study and consider the submitted proposals on concrete emission reduction measures.

There are to date five submissions to the ISWG-GHG 5, the proposed agenda plus four papers, two for agenda item 4 on short term measures and one for the other agenda items. To note that MEPC 73 approved that this meeting be permitted to consider concrete proposals for candidate measures and the procedure for assessing impacts on States submitted to MEPC 74 (MEPC 73/19, paragraph 7.7.8). The positions below are valid both for the ISWG-GHG 5 and for MEPC 74.

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

Docs: MEPC 74/8, MEPC 74/8/1-3

MEPC 74/8 (United Kingdom): contains the report of the Correspondence Group on Marine Plastic Litter from ships.

MEPC 74/8/1 (Secretariat): reports on the outcomes of LC 40/LP 13 in relation to marine litter, and provides the LC/LP input to the IMO Action plan to address marine plastic litter from ships, as requested by the Committee.

MEPC 74/8/2 (United Arab Emirates and Vanuatu): proposes to develop an IMO strategy to address marine plastic litter from ships.

MEPC 74/8/3 (Vanuatu): proposes to address measure 22 contained in the Action Plan to address marine plastic litter from ships (resolution MEPC.310(73)), i.e. "consider extending the reporting requirement in regulation 10.6 of MARPOL Annex V to include reporting data on discharge or accidental loss of fishing gear by the flag State to IMO via GISIS or other means if appropriate". It also seeks to consider such a proposal as part of a more holistic approach, i.e. as part of an IMO strategy to address marine plastic litter from ships referred in document MEPC 74/8/2.

EU relevance

The issue of marine litter from ships is covered by Directive 2000/59/EC on port reception facilities (PRF Directive), which includes garbage as defined in MARPOL Annex V. Ships need to deliver all their garbage waste to ports before departure, as set out in Article 7 of the Directive, while Article 4 of the Directive requires provision of adequate port reception facilities to receive the garbage waste.

The PRF Directive has been the subject of review with a proposal for a new Directive (COM(2018)33) having been adopted by the Commission in January 2018 as part of the Commission's Circular Economy Package and Plastics Strategy. The proposal, which seeks to align the Directive with MARPOL requirements, specifically addresses the problem of marine litter from ships and seeks to maximise garbage deliveries to ports. The final compromise text for a new Directive was agreed in December 2018 (15183/1/18 REV 1) and the European Parliament adopted the text of the new Directive on 13 March 2019. The Council is expected to do so on 9 April 2019, after which the Directive will be published in the Official Journal, and enter into force 20 days after its publication.

The new 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 derelict fishing gear, discarded directly into the sea. To address the problem, the Directive provides for a mix of inventive and enforcement measures to ensure that ships deliver their waste on shore to adequate port reception facilities. This includes the setting up and operation of a cost recovery system for waste from ships, which requires application of an indirect fee to be paid by all ships irrespective of actual delivery. For garbage waste (MARPOL Annex V), the indirect fee is set at 100% of the costs of managing the waste, giving a right to the ship to be able to deliver all its garbage (including fishing gear) without any additional direct charges. The fishing and recreational sector, given their contribution to the occurrence of marine litter, have also been included in this system. As stipulated above, ports will need to provide for separate collection of Annex V waste in view of further re-use and recycling. Finally, it has been decided to further develop the "Green Ship" concept to encourage better waste management on board the vessel, which should build on MARPOL Guidelines and international standards.

To address the main sources of marine litter, the Commission proposed a new Directive on the reduction of the impact of certain plastic products on the environment in May 2018, COM(2018)340. This new Directive, on which agreement between the legislators was reached in December 2018, and which will be up for adoption by the EP and Council on the 27 March and 15 April respectively, regulates the use, production, consumption and waste management of single use plastics and fishing gear. It provides for a plastic ban of certain products, consumption reduction targets, obligations for producers, including extended producer responsibility schemes to help cover the costs of waste management and litter clean-up, awareness-raising and data gathering. As regards waste fishing gear, the new Directive requires extended producer responsibility (EPR) schemes to be set up to cover the costs of separate collection and further treatment of waste fishing gear, with national collection targets to be set at Member State level, as well as the monitoring of fishing gear with a view to a later EU-wide collection target. The Directive also calls for the development of a product standard on the circularity of fishing gear.

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

Finally, 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 should be taken into account, such as the call on Member States to ensure, by 2020, that properties and quantities of marine litter do not harm the marine or coastal environment and the call on Member States to halt the generation of marine litter as a contribution to the UN Sustainable Development Goals to prevent and significantly reduce marine pollution. Efforts for further harmonising measurement methodologies, for setting baselines for marine litter quantities on beach, water and seabed and for establishing legally binding thresholds so that litter of any type does not cause harm in EU are being intensified and will yield first results in 2019.

The marine litter initiative is also in line with the Commission's Joint Communication on international ocean governance: an agenda for the future of our oceans and more specifically action 9 on the fight against marine litter[26]*.*

In view of the above, this agenda item is subject to EU competence.

Background

As a follow-up to successive UN Environment Assembly (UNEA) resolutions on plastic litter and microplastics, UNEA at its meeting held in Nairobi, Kenya from 11 to 15 March 2019 adopted a number of measures for improving the international governance on marine litter from all sources.

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

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

At MEPC 73, the EU submitted document MEPC 73/8/3 setting out elements for an IMO action plan with a number of specific recommendations, which broadly reflect the new PRF measures that the EU has developed with a view to increasing the delivery of MARPOL Annex V waste by all ships (including fishing vessels and recreational craft) to adequate port reception facilities in EU ports.

[26] http://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/join-2016-49_en.p

The Committee finally adopted an action plan on marine litter which included proposals to address marine litter from shipping, including fishing vessels; the effectiveness of port reception facilities; improving treatment of marine litter; enhanced awareness, education and seafarer training; improving the understanding of the contribution of ships to marine plastic litter; understanding of the regulatory framework applicable to marine plastic litter from ships; strengthening international cooperation; and technical cooperation and capacity-building. The envisaged timeline was that the action plan should be should be completed by 2025. The associated draft MEPC resolution on the Action Plan to address marine plastic litter from ships was also approved (resolution MEPC.310(73)).

In view of the agreement on the developed action plan, the MEPC 73 agreed to change the title of output 4.3 to "Follow-up work emanating from the Action Plan to address marine plastic litter from ships". Some countries noted that it was unclear how the large amount of work identified in the action plan could be achieved and how it could be progressed further, for example whether new outputs would be required and without proper instruction to PPR 6. In view of the issues raised it was concluded that proposals on the measures contained within the Action Plan should be made to MEPC 74, which will then decide if PPR 7 could be considered as an associated organ.

The Committee therefore established a correspondence group, coordinated by the UK, to continue working intersessionally to identify issues to be considered under an IMO Study on marine plastic litter from ships, including the most appropriate mechanism to undertake the study, as well as to develop a regulatory framework matrix which identified all international regulatory instruments and best practices related to marine plastic litter from ships.

AT its March 2019 meeting, UNEA recognised the adoption, by the IMO, of an action plan to reduce marine plastic litter from ships.

<u>Consideration at MEPC 74</u>

The report of the correspondence group is provided in document MEPC 74/8. It is an extensive document as it reflects all the comments received by the participants. The view of the majority of the Group was that the IMO Study should be both literature and quantitative. As regards to the methodology for conducting the study the majority of the Group opined that a consultant with expertise would be better placed to undertake the IMO Study. The Committee is expected to consider the outcome of the correspondence group and to continue developing the framework for the IMO Study.

MEPC 73/8/1 reports on the discussion by the fortieth Consultative Meeting of Contracting Parties to the London Convention (LC) and the thirteenth Meeting of Contracting Parties to the London Protocol (LP) in relation to the IMO Action plan to address marine plastic litter from ships. It is important to note that the LC/LP highlighted that dumping of fishing gear was in contravention of the LC/LP instruments. Therefore, it was proposed to suggest a revision to this measure with a view to reminding Member States, and therefore their registered fishing vessels, of the complete ban on the discharge and/or dumping of fishing gear under MARPOL and the LC/LP instruments. The LC/LP also proposed that they are listed as a parent organ for a number of the measures in the Action plan.

The co-sponsors of document MEPC 73/8/2, the UAE and Vanuatu, note that as expressed by some delegations at MEPC 73 it is unclear how the agreed Action Plan would be implemented. They therefore propose that the Committee develops a clear strategy, including a work plan with tangible outputs to guide short- and mid-term actions and investments throughout the sector. **DELETED**

In document MEPC 73/8/3, Vanuatu proposes an amendment to regulation 10.6 of MARPOL Annex V, as well as consequently amendments to section 2.2 of the 2017 Guidelines for the implementation of MARPOL Annex V (resolution MEPC.295(71)), mandating the reporting of any discharge or accidental loss of fishing gear. To facilitate this reporting, Vanuatu proposes the establishment of a dedicated module in GISIS. This proposal has to be taken in the light of the information given in MEPC 73/8/2 (LC/LP) whereby it is noted that there is a complete ban on the discharge and/or dumping of fishing gear.

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Agenda item 9 – Identification and protection of Special Areas, ECAs and PSSAs

Docs: MEPC 74/INF.5

MEPC 74/INF.5 (France): the importance of maritime traffic in the Mediterranean and the density of the population in coastal areas justifies the need for an impact study to measure the effect of a potential emission control area (ECA). This document presents, in annex, a study that documents and quantifies benefits on air quality in the Mediterranean countries associated with emission reduction scenarios. These scenarios are characterized by the reductions in emission factors associated to maritime shipping that could be achieved in the future (reduction of the sulphur content in fuels used from 0.5% to 0.1% and reduction of NO_x emissions by equipping a certain amount (50% or 100%) of Tier III engines.

EU relevance

As of 1 January 2015, EU Member States have to ensure that ships in the Baltic, the North Sea and the English Channel use fuels with a sulphur content of no more than 0.10%. This is the so called SO_x-Emission Control Area (SO_x-ECA) requirement which applies also under international law in virtue of the designation of those sea areas as SO_x-ECAs under the MARPOL Convention. Higher sulphur contents are still possible, but only if sustainable exhaust cleaning systems are installed on board.

As of 1 January 2020, EU Member States will also have to ensure that ships in all EU waters except SO_x-ECAs use fuels with a sulphur content of no more than 0.5% in accordance with the amendments to MARPOL Annex VI.

The EU legislation addressing sulphur oxides (SO_x) emissions from shipping in the EU is Directive (EU) 2016/802 regulating the sulphur content of certain liquid fuels (Sulphur Directive). It contains the latest limits for marine fuels mentioned above which were introduced by Directive 2012/33/EU amending Directive 1999/32/EC, and is the result of a sustained period of legislative development. The Directive also contains some additional fuel-specific requirements for ships calling at EU ports, obligations related to the use of fuels covered by the Directive and the placing on the market of certain fuels (e.g. marine gas oils).

The Commission also funded a research study entitled "The potential for cost effective air emission reductions from international shipping through designation of further Emission Control Areas in EU waters with focus on the Mediterranean Sea". The study shows that the designation of the Mediterranean Sea as an Emission Control Area could by 2030 cut emissions of SO_2 and NO_x from international shipping by 80 and 20 percent, respectively, compared to current legislation.

Consideration at MEPC 74

The Committee will only be asked to note the results of the "Technical Feasibility Study for the Implementation of an Emission Control Area (ECA) in the Mediterranean Sea" carried out by FR and reported in document MEPC 74/INF.5. The study shows that the situation in the Mediterranean will already improve in 2020 as a result of the global cap on sulphur fuel of 0.5%. However, the introduction of an ECA zone, by regulating both nitrogen and sulphur oxide emissions, would provide additional benefits, as it would allow an overall improvement in air quality throughout the Mediterranean through significant effects on certain pollutants such as nitrogen dioxide and fine particles, as well as real benefits for the health of the populations of the Mediterranean.

The Commission is supportive of such actions as also noted above through enacting legislation and the financing of research projects. In this context, the Commission already organized a workshop in EMSA premises on 13 and 14 February 2019 for raising awareness for the forthcoming 0.50% sulphur requirement where the potential establishment of a Med SECA was discussed. The meeting was attended by representatives from EU member States from the Med Region, the SAFEMED IV beneficiary countries and candidate countries sharing the Mediterranean basin along with regional organisations such as REMPEC and HELCOM. A follow-up side meeting will take place during MEPC 74 on Thursday 16th May 2019 at IMO as regards the potential future adoption of a SECA in the Mediterranean. Furthermore, at MEPC 74 the Commission is supporting the plans to have presentations by REMPEC on the "Outcome of feasibility studies in support of the designation of additional ECAs in EU waters with a focus on the Mediterranean Sea" and by IIASA on the study commissioned by DG ENV to help adopt an informed decision on the establishment of ECAs in additional EU waters, including the Mediterranean basin.

Agenda item 10 – Pollution prevention and response

Docs: MEPC 74/10, MEPC 74/10/1-13, MEPC 74/INF.10, MEPC 74/INF.31

MEPC 74/10 (Secretariat): provides the list of actions requested of the Committee on matters emanating from PPR 6.

MEPC 74/10/1 (India): proposes issuance of Interim guidance on contingency measures for addressing non-compliant fuel oil, addressing the issue of disposal of remaining non-compliant fuel oil taken on board in compliant fuel oil non-availability situation with a FONAR.

MEPC 74/10/2 (IMarEST): an amendment to regulation 14 of MARPOL Annex VI was agreed at PPR 6 extending the usage of the verification procedures given in appendix VI of that Annex to also cover in-use and onboard fuel oil samples. However, at that time there was some concern expressed that there was no existing guideline covering the drawing of an onboard sample. In seeking to allay such concerns, this submission provides a concrete proposal as the text of an onboard sampling guideline.

MEPC 74/10/3 (IMarEST): PPR 6 developed a revised version of the existing 2009 port State control Guidelines in respect of the application of MARPOL Annex VI. Due to time constraints that revision essentially only covered elements related to regulation 14 or equivalent means thereto. However, since 2009 there have been a number of amendments to MARPOL Annex VI, most notably in respect of the NOX requirements under regulation 13 and the various requirements stemming from the energy efficiency certification and fuel oil consumption data reporting requirements under the subsequently adopted chapter 4 to the Annex. In order to assist the Committee in completing this update of the port State control Guidelines, additional or amended text relevant to the NOX related aspects are proposed, together with a proposal as to the layout of those Guidelines.

MEPC 74/10/4 (Australia): proposes changes to the MARPOL Annex VI module of GISIS to facilitate investigation a Fuel Oil Non-availability Report (FONAR) and reporting on the outcomes of this investigation for the information of interested parties.

MEPC 74/10/5 (Australia): draws the attention of the Committee to amendments prepared by the III Sub-Committee on the 2009 Guidelines for port State control under the revised MARPOL Annex VI (MEPC.181(59)), which should be further considered by the Committee when finalizing the draft 2019 guidelines for port State control under MARPOL Annex VI.

MEPC 74/10/6 (Australia): proposes amendments to the draft 2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI to address actions taken to facilitate the bunkering of compliant fuel oil and define the scope of control that may be exercised by the port State where a ship is carrying non-compliant fuel during the period until 1 March 2020 but is not using it.

MEPC 74/10/7 (Australia, United States, IBIA): builds on the discussions held at the sixth session of the Sub-Committee on Pollution Prevention and Response, and in particular the draft Guidance for port State control on contingency measures for addressing non-compliant fuel oil presented in annex 2 of document PPR 6/WP.5, with the view of finalizing these contingency measures at this session.

MEPC 74/10/8 (Finland, Germany, Netherlands and Republic of Korea): comments on document MEPC 74/10 (Secretariat) and outlines an approach for addressing the impact on the Arctic of emissions of Black Carbon from international shipping.

MEPC 74/10/9 (Japan): provides comments on the draft amendments to Annex 1 (Controls on anti-fouling systems) to the AFS Convention to include controls on cybutryne developed by PPR 6.

MEPC 74/10/10 (ICS): provides comments on the draft 2019 guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI that were agreed at PPR 6, and presents related information on an industry guidance to shipping companies and crews on preparing for compliance with the 2020 global sulphur limit for ships' fuel oil in accordance with regulation 14 of MARPOL Annex VI.

MEPC 74/10/11 (IBIA and IPIECA): PPR 6 has developed draft amendments to appendix VI of MARPOL Annex VI as part of output 1.17 on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI. The proposed changes to appendix VI of MARPOL Annex VI aimed at simplifying the sulphur verification process for the MARPOL delivered sample would have unintended consequences in leading to an increased risk that ships, having purchased compliant fuel, may be alleged as having procured non-compliant fuel without further legal recourse to challenge the allegation. This document outlines the potential problem and suggests solutions to address the problem.

MEPC 74/10/12 (Pacific Environment and CSC): in this submission the co-sponsors make the case for expediting work to decide on and adopt an initial measure to reduce the impact of Black Carbon emissions from international shipping on the Arctic and recommends that ships be required to switch to distillate fuels when operating within an appropriate and agreed geographic area.

MEPC 74/10/13 (INTERTANKO and ICS): comments on the report from PPR 6 addressing a practical situation ships will most probably continue to experience in the future. This is related to situations of discrepancy between data on the BDN provided to ships and the data from tests performed by accredited laboratories on fuel oil samples taken during fuel oil delivery. Such discrepancies have been experienced by many ships, i.e. according to the BDN, fuel oil is compliant with the sulphur content required, while laboratory tests results may indicate non-compliance. This document suggests possible clarification in such situations.

MEPC 74/INF.10 (Panama): summarizes the key findings of an extensive literature review on environmental impacts of marine exhaust gas cleaning systems (scrubbers) that was commissioned by Panama and undertaken by Professor John Heywood and Dr. Emmanuel Kasseris of the Massachusetts Institute of Technology (MIT), United States, in light of the International Maritime Organization's (IMO) regulations on fuel sulphur limit coming into effect in 2020.

MEPC 74/INF.31 (FOEI, WWF, Pacific Environment and CSC): the Clean Arctic Alliance has recently published an infographic titled "How can we reduce Black Carbon emissions from international shipping".

A number of the action points mentioned in MEPC 74/10, were subject to either EU or coordinated positions at PPR 6 as are noted below.

2001 Anti-Fouling System (AFS) Convention

EU relevance

The EU Biocidal Product Regulation (EU) No 528/2012 regulates the use of i.a. anti-fouling substances. Following the outcome of several scientific studies and the peer review performed at EU level, the Commission adopted a decision that effectively prohibits making available on the market as well as the use of anti-fouling paints containing cybutryne in all EU Member States (Commission Implementing Decision (EU) 2016/107 of 27 January 2016) and EEA States. The ban is EU-wide but not worldwide.

Background

MEPC 71 approved this new output following an EU submission (MEPC 71/14) and passed it to PPR 5 for consideration. The EU submission MEPC 71/14 sets out the reasoning for adding this substance – cybutryne – to be banned under the 2001 Anti-Fouling System (AFS) Convention. PPR 5 agreed that the initial proposal to amend annex 1 to the AFS Convention submitted by the EU Member States and the Commission satisfied the requirements of annex 2 of the AFS Convention and therefore the next stage under the AFS Convention – submission of a comprehensive proposal on cybutryne – could proceed.

In view of this, MEPC 73 agreed to extend the target completion year of this output to 2020 and that the output be renamed as "Amendment of annex 1 to the AFS Convention to include controls on cybutryne, and consequential revision of relevant guidelines". Subsequently, PPR 6 discussed EU submissions PPR 6/6 and PPR 6 INF.7 (containing the comprehensive proposal) and after detailed consideration in the technical group, PPR 6 agreed to recommend to MEPC 74 to approve the ban on cybutryne.

Consideration at MEPC 74

The actions provided in MEPC 74/10 in respect of the AFS Convention include to:

1. *approve the draft amendment to annex 1 (Controls on anti-fouling systems) to the AFS Convention to include controls on cybutryne;*

2. *approve the draft amendment of the model form of the International Anti-fouling System Certificate (IAFSC), with a view to subsequent adoption, having first considered the timing of the issuance of new Certificates following the entry into force of controls on cybutryne and of the amended form of the IAFSC;*

3. *request the governing bodies of the London Convention and Protocol, at their next meeting, to consider a revision of the Revised guidance on best management practices for removal of anti-fouling coatings from ships, including TBT hull paints (LC-LP.1/Circ.31/Rev.1), in light of the introduction of controls on cybutryne under the AFS Convention, with a view to updating the guidance contained in AFS.3/Circ.3/Rev.1; and*

4. *note the need to consider an update to the list of items to be listed in the Inventory of Hazardous Materials under the Hong Kong Convention to include cybutryne when the respective controls enter into force.*

DELETED

Draft amendments to MARPOL Annex VI and associated guidelines

EU relevance

The sulphur-related requirements of the revised MARPOL Annex VI have been reflected in Directive 2012/33/EU of 21 November 2012 amending Council Directive 1999/32/EC (codified Directive (EU) 2016/802) as regards the sulphur content of marine fuels. The Energy Community countries (Montenegro, Albania, Bosnia Herzegovina, Moldova, Serbia, Ukraine) have adopted the sulphur-related EU environment acquis in the Energy Community Treaty in 2016.

Background

PPR 6 reached an agreement on various instruments related to the consistent implementation of regulation 14.1.3 of MARPOL Annex VI. The decisions taken during PPR 6 in respect of this subject were in line with the EU positions. **DELETED**

As regards the draft 2019 Guidelines for port State control under MARPOL Annex VI and the associated draft MEPC resolution, the Sub-Committee could only agree in principle and requested that interested parties could submit comments to MEPC 74. Due to the lack of time, PPR 6 concentrated primarily on the issues related to the consistent implementation regulation 14.1.3 of MARPOL Annex VI and the other content was only generally considered.

OPRC Convention

EU relevance

There is an EU interest in the implementation of the OPRC Convention, given the objectives on preparedness for marine pollution set in Decision 1313/2013/EU on a Union Civil Protection Mechanism and EMSA's involvement in its pollution control capacity with drawing up various OPRC guidance documents at IMO and in training.

Consideration at MEPC 74

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DELETED [30]

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a) **DELETED**
b) **DELETED** [31] **DELETED** **DELETED** *32*
c) **DELETED**
d) **DELETED**
e) **DELETED**
f) **DELETED**

4. **DELETED** [33]

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6. **DELETED** *34*

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10. **DELETED** [35]

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Agenda item 11 – Reports of other sub-committees

Docs: MEPC 74/11, MEPC 74/11/1-2

MEPC 74/11 (Secretariat): provides the list of actions requested of the Committee on matters emanating from III 5.

MEPC 74/11/1 (Marshall Islands, Russian Federation and IACS): proposes amendments to the draft Model Agreement developed during III 5. This includes editorial and clarification amendments, as well as some more substantial amendments which aim to facilitate the use of such Model Agreement by IACS members and the Administrations with which such Agreements will be sought.

MEPC 74/11/2 (Secretariat): reports on the preparation for the holding of the fourth meeting of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG 4) and requests the Committee to take relevant action.

A number of the action points mentioned in MEPC 74/11, were subject to either EU or coordinated positions at III 5.

Lessons learned and safety issues identified from the analysis of marine safety investigation reports

EU relevance

Directive 2009/18/EC concerns the establishment of the fundamental principles governing the investigation of accidents in the maritime transport sector. Article 5(4) indicates that the Commission shall take into account any lessons learned when updating the common methodology for investigating marine casualties and incidents. In addition, Article 14(2) of this Directive provides that all reports are to be made available to the public. Beyond publication at national level, all investigation reports stored in EMCIP by the EU accident investigation bodies (AIBs) are automatically made available on the EMCIP Portal. Therefore, this issue falls under EU competence.

Background

When discussing the issue of lessons learnt at III 5, the Sub-Committee noted that it was very difficult to carry out a sound analysis, when casualty investigation reports were incomplete. Therefore, Member States were encouraged to include all relevant information in accordance with the Casualty Investigation Code, while preparing casualty investigation reports. It was also agreed that the Secretariat will issue an III circular, to complement III.3/Circ.6 (Quality of casualty investigation reports), with the objective of improving future marine safety investigation reports.

III 5 also approved the draft text of Lessons Learned from Marine Casualties. In line with the EU positions, the Sub-Committee also approved the methodology for the development of lessons learned by marine safety investigating States as well as the Style Guide and Format for lessons learned. In this regard, the Secretariat was requested to update the GISIS MCI module to allow the upload of lessons learned by marine safety investigating States.

DELETED *The lessons learned made public by the investigating bodies can only assist both in refining the methodology of future investigations and indicating failings to be corrected.*

Consideration at MEPC 74

MEPC 74 is expected to approve the outcome of III 5 with respect to lessons learnt:

1. *to endorse, subject to concurrent decision by MSC, the issuance of III.3/Circ.6 on Casualty Analysis and Statistics containing observations on reports of investigation into casualties; and*

2. *to invite, subject to concurrent decision by MSC, Marine Safety Investigating States to prepare lessons learned using the format and the style guide.*

DELETED

Draft amendments to the 2009 Guidelines for port State Control under the revised MARPOL Annex VI (2009 PSC Guidelines)

EU relevance

Directive 2009/16/EC on port State control (PSC) concerns the enforcement, in respect of shipping using EU ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions. Therefore, the development of PSC guidelines falls under EU competence as they affect the implementation of the Directive.

Background

III 5 which was responsible to develop the 2009 Guidelines for port State Control under the revised MARPOL Annex VI (2009 PSC Guidelines) agreed to refer them to MEPC 73 for further referral to PPR 6 to carry out a technical review and to advise III 6 accordingly.

Consideration at MEPC 74

In accordance with action point 3.3 in MEPC 74/11, the Committee is invited to concur with the referral of the draft amendments to the 2009 Guidelines for port State Control under the revised MARPOL Annex VI (2009 PSC Guidelines), as reviewed by PPR 6, for advice to III 6. **DELETED**

Analysis of consolidated audit summary reports (CASR)

EU relevance

Directive 2009/21/EC on compliance with flag State requirements made the Voluntary IMO audits (VIMSAS) mandatory by virtue of Article 7. Therefore, this sub-agenda item falls under EU competence.

Background

At III 5, the Secretariat in III 5/7 provided a summary of the analysis of the first consolidated audit summary report (CASR) based on 18 audits conducted under the IMO Member State Audit Scheme (IMSAS) completed in 2016. Detailed analysis of the audits indicated that the five major areas identified in audits were related to implementation (lack of policies, of understanding the legal requirements, of management system and insufficient human and financial resources), initial actions (insufficient capacity to promulgate national legislation and keep it updated), enforcement, strategy and delegation of authority.

III 5, in line with the EU positions agreed for that session of the Sub-Committee, approved draft Guidance on the communication of information by Member States; agreed to inform both MSC and MEPC of the outcome of the CASR and to ask them to provide the necessary feedback to the Council; agreed that the Committees should use this information to identify areas where assistance could be provided to Member States; and the Secretariat was asked to continue the analysis of future CASRs using the established methodology, taking into account the proposed additional information, as well as to update GISIS.

Consideration at MEPC 74

MEPC 74 is asked to approve the measures adopted by III 5, subject to concurrent decision by MSC, including:

1. *the outcome of the analysis of the first CASRs under IMSAS;*

2. *the process for providing feedback from audits for further development of technical assistance;*

3. *the specific requirements of the relevant IMO instruments identified be reviewed in terms of their effectiveness and appropriateness for implementation;*

4. *the identification of the need for interpretation of the requirements of mandatory IMO instruments should be part of the process for the assessment of the effectiveness and appropriateness of IMO legislation;*

5. *the proposed methodology for analysis of CASRs to assess effectiveness and appropriateness of IMO regulations and to provide input to the regulatory process, based on an initial analysis by the Sub-Committee in the proposed format and the further review by relevant IMO bodies, and the related process for reporting to the Council;*

6. *requesting the Secretariat to keep a log of the provisions of the mandatory instruments recommended for review based on the analysis of CASRs, and any subsequent actions by respective IMO bodies; and*

7. *the draft Guidance on communication of information by Member States, to be considered by A 31 together with a draft Assembly resolution with a view to adoption.*

Model Agreement for the authorization of recognized organizations (ROs) acting on behalf of the Administration

EU relevance

The issue of revision of the Model Agreement falls under EU competence, in accordance with Article 5 of Directive 2009/15/EC which provides that:

"1. Member States which take a decision as described in Article 3(2) shall set out a 'working relationship' between their competent administration and the organisations acting on their behalf.

2. The working relationship shall be regulated by a formalised written and non-discriminatory agreement (...) including at least: (a) the provisions set out in Appendix II of IMO Resolution A.739(18) on guidelines for the authorisation of organisations acting on behalf of the administration, while drawing inspiration from the Annex, Appendices and Attachment to IMO MSC/Circular 710 and MEPC/Circular 307 on a model agreement for the authorisation of recognised organisations acting on behalf of the administration. [...]".

Background

When discussing the draft amendments to the Model Agreement, III 5 agreed that resolution A.739(18) should not be used in the Model Agreement, as it had been replaced by the RO Code. The Commission was of the opinion that such a reference should be kept in the Model Agreement because the amendments to MARPOL Annex IV regulation 5.2 and MARPOL Annex VI regulation 5.3.1 still referred to resolution A.739(18), while appendix 2 of the RO Code only covered MARPOL Annexes I and II. Thus, in the Commission's view, until the relevant references in MARPOL Annex IV and VI were amended in order to refer to the RO Code, the delegation of authority in relation to MARPOL Annex IV and VI should take place in accordance with Resolution A.739(18). The Sub-Committee agreed to invite MSC 101 and MEPC 74 to agree that references to resolutions A.739(18) and/or A.789(19) in existing IMO instruments should be replaced with references to the RO Code, as appropriate and that resolutions A.739(18) and A.789(19) should be revoked since the two resolutions did not have any additional benefit after the entry into force of the RO Code.

DELETED

Consideration at MEPC 74

MEPC 74 is requested to agree, subject to concurrent decision by MSC, that references to resolutions A.739(18) and/or A.789(19) in existing IMO instruments be replaced with references to the RO Code, and resolutions A.739(18) and A.789(19) be revoked (paragraph 11.8);

MEPC 74/11/1 (Marshall Islands, Russian Federation and IACS) again brings forward a number of amendments to the draft Model Agreement developed during III 5. This includes editorial and clarification amendments, as well as substantial amendments.

DELETED

Provisional agenda of the fourth session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing

EU relevance

The Commission would remind Member States that many of the items on the agenda relate to items of EU competence as detailed in the EU coordination documents for III 4 (WD 12303/1/17 Rev.1 of 25.9.2017), MEPC 72 (WD 7135/1/18 rev.1 of 23.3.2018) and MSC 99 (WD 8159/2/18 Rev.2 of 17.5.2018).

Background

In III 5/14, the IMO Secretariat presents the outcome of the detailed review of the recommendations of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG 3) by MEPC 72 and MSC 99. The only action for which III is called to consider now is the draft agenda of the next JWG, which is presented in III 5/14/1. The EU position at III 5 was to support the draft agenda which seeks to take further the issues already raised at the previous JWG and the recommendations subsequently agreed at III 4, MEPC 72 and MSC 99.

Consideration at MEPC 74

MEPC 74 is requested to approve, subject to concurrent decision by MSC, the provisional agenda of the fourth session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters as developed by III 5. In MECP 74/11/2, the Secretariat announces that JWG 4 is tentatively planned to be held from 23 to 25 October 2019 in Torremolinos, Spain, following a two and a half-day Ministerial Conference on Fishing Vessel Safety and IUU Fishing from 21 to 23 October 2019, organised by the IMO, Spain and with the kind support of FAO and Pew Charitable Trusts. Spain has agreed to sponsor the JWG meeting so there will be no cost to the IMO.

DELETED [36]

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7. **DELETED**

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Agenda item 12 – Technical cooperation activities for the protection for the marine environment

Docs: MEPC 74/12, MEPC 74/12/1-5

MEPC 74/12 (Secretariat): invites the Committee to consider and agree on the marine environment-related thematic priorities for inclusion in ITCP covering the 2020-2021 biennium.

MEPC 74/12/1 (Secretariat): provides an update on activities implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) during the period from 1 January to 30 June 2018.

[36] **DELETED**
[37] **DELETED**

MEPC 74/12/2 (REMPEC): provides an update on activities implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) for the period from 1 July to 31 December 2018.

MEPC 74/12/3 (Secretariat): provides an update on the major projects related to the protection of the marine environment during the period from 1 August 2018 to 31 January 2019.

MEPC 74/12/4 (Secretariat): provides an update on the work of the "Global Industry Alliance to Support Low Carbon Shipping", established within the framework of the GEF-UNDP-IMO GloMEEP Project.

MEPC 74/12/5 (IPIECA): provides an industry perspective on harmonized activities related to IMO's global capacity-building framework for preparedness, response and cooperation in case of incidents involving oil and HNS pollution.

The Commission wishes to draw the attention of Member States to document MEPC 74/12/3 (Secretariat) which provides information on the activities carried out under the IMO-European Union Global MTCC Network (GMN) Project on Capacity-Building for Climate Mitigation in the Maritime Shipping Industry and which included the establishment of five Maritime Technology Cooperation Centres (MTCCs).

Agenda item 13 – Capacity-building for the implementation of new measures

Docs: MEPC 74/13

MEPC 74/13 (Vice Chair): provides a preliminary assessment of capacity-building implications of the amendments to mandatory instruments and new outputs related to mandatory instruments approved at MEPC 73, to assist the Committee in its consideration of capacity-building for the implementation of new measure.

Agenda item 14 – Work programme of the Committee and subsidiary bodies

Docs: MEPC 74/14, MEPC 74/14/1-9

MEPC 74/14 (Norway): proposes an expansion of the scope of the existing output on "Amendments to the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.227(64), as amended by resolution MEPC.284(70)) to reduce inconsistencies in their application" to include revisions of MARPOL Annex IV and associated guidelines.

MEPC 74/14/1 (EU): Regulation 4 of MARPOL Annex VI allows the use of equivalent devices, in particular for the application of regulation 14 of MARPOL Annex VI to reduce the sulphur content of marine fuels. As an alternative to the use of low sulphur fuels, exhaust gas cleaning systems (EGCS) have been developed and used by ships to achieve equivalent reduction of sulphur oxide emissions. However, the present knowledge on the composition and harmfulness to the marine environment of liquid effluents discharged by the majority of these systems into ports and sensitive sea areas lead States to take local or regional restriction or prohibition measures. It is proposed that the Committee consider the inclusion of a new output in its programme of work in order to evaluate and harmonize the development of rules and guidance on the discharge of liquid effluents from EGCS, including conditions and areas.

MEPC 74/14/2 (Canada, Denmark, Finland, Iceland, Norway, Russian Federation, Sweden and United States): proposes a new output to amend the relevant paragraphs in the MARPOL Annexes to allow for regional arrangements for Arctic port waste reception facilities.

MEPC 74/14/3 (Turkey): proposes a new output to develop an operational guide compiling good practices on preparedness and response to spills of Hazardous and Noxious Substances (HNS), drawing from years of experience in this field from Member States and organizations, including the latest technologies.

MEPC 74/14/4 (Norway): proposes a new output to amend regulation 13.2.2 of MARPOL Annex VI in order to ensure that the installation of a marine diesel engine replacing a boiler shall be considered a replacement engine.

MEPC 74/14/5 (Liberia, Marshall Islands, New Zealand, Norway, United States and IACS): invites the Committee to note that document MSC 101/21/16 seeks the agreement of the Maritime Safety Committee regarding a new output on the safety-related issue of harmonizing mandatory requirements relating to watertight doors on cargo ships in a number of IMO mandatory instruments. The document also invites the Committee to agree that, if MSC concurs with the proposal in document MSC 101/21/16 (and that the review of these instruments including MARPOL and the IBC Code should be initiated at SDC 7), then the Marine Environment Protection Committee should be shown as a coordinating organ in the 2020-2021 biennial agenda.

MEPC 74/14/6 (CLIA): comments on the draft revised chapter 17 of the IBC Code and proposes some minor amendments to the carriage requirements for a limited number of products, in line with the updated Decisions with regard to the categorization and classification of products which were agreed at PPR 6 with a view to them being issued as a PPR.1 circular.

MEPC 74/14/7 (CLIA): provides comments on the proposal in document MEPC 74/14/1 (Austria et al.) for a new output in the Committee's work programme to evaluate and develop harmonized rules and guidance on the discharge of liquid effluents from exhaust gas cleaning systems (EGCS), including defining conditions and areas. CLIA welcomes the opportunity to provide constructive input.

MEPC 74/14/8 (CESA): Document MEPC 74/14/1 (Austria et al.) proposes a new output to evaluate and develop harmonized rules and guidance on the discharge of liquid effluents from exhaust gas cleaning systems (EGCS), including possible discharge bans from ships using a specific technology. The present document suggests a framework for an independent study that would gather further information on the environmental impact of EGCS discharges in advance of any decision to take further regulatory measures and suggests that any such measures should be based on appropriate threshold levels of discharges, not on technologies. Further, it proposes to change the title of the proposed output, to reflect this.

MEPC 74/14/9 (China): provides comments on document MEPC 74/14/1 (Austria et al.) and proposes elements and an approach to be considered when assessing the environmental impacts of discharge water from exhaust gas cleaning systems (EGCS).

Sewage treatment plants

EU relevance

The approval of sewage systems on board of EU ships is regulated by Directive 2014/90/EU on marine equipment. Entry MED/2.6 of Commission Implementing Regulation (EU) 2018/773) lists IMO Res. MEPC.227(64) as the applicable testing standard. Therefore, this issue falls within EU competence.

Background

DELETED

Consideration at MEPC 74

Norway (MEPC 74/14) is now requesting the Committee to widen the scope of the output in order to amend MARPOL Annex IV to establish a way to monitor and control the performance of the sewage treatment plants (STPs) during their operation on board ships. This will help to ensure that the performance of the systems is satisfactory throughout their lifetime. In particular para 16.3 (on board testing during the type approval) and 16.3 (additional measurements at the effluent) are regarded as key elements for the overall improvement of the type approval process and performances of the systems as they should be able to limit doubtful configurations of the systems.
DELETED

Discharge of liquid effluents from exhaust gas cleaning systems (EGCS)

EU relevance

Directive 2016/802/EU allows the use of emission abatement methods provided those shall continuously achieve reductions of sulphur dioxide emissions that are at least equivalent to the reductions that would be achieved by using compliant marine fuels. The Directive notes that while emission abatement methods can provide equivalent emission reductions, they should not have significant negative impacts on the environment, such as marine ecosystems. In terms of approval and use of exhaust gas cleaning systems, the Directive refers to the relevant rules set by the IMO.

Consideration at MEPC 74

Regulation 4 of MARPOL Annex VI allows the use of equivalent devices, in particular for the application of Regulation 14 reducing the sulphur content of marine fuels. As an alternative to the use of low sulphur fuels, exhaust gas cleaning systems (EGCS) have been developed and used by ships to achieve equivalent reduction of sulphur oxide emissions. However, the present knowledge on the composition and harmfulness to the marine environment of liquid effluents discharged by the majority of these systems into ports and sensitive sea areas leads States to take local or regional restriction or prohibition measures. Therefore, in MEPC 74/14/1, the EU proposes that MEPC 74 considers the inclusion of a new output in its programme of work in order to evaluate and harmonize the development of rules and guidance on the discharge of liquid effluents from EGCS, including conditions and areas.

Arctic regional port reception facilities

EU relevance

Directive 2005/35/EC of the European Parliament and of the Council 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. Polluting substances in the Directive are defined as substances covered by MARPOL Annexes I and II.

Furthermore, Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues requires Member States to ensure the availability of port reception facilities adequate to meet the needs of ships normally using their ports, with the ultimate goal to reduce discharges of ship-generated waste and cargo residues into the sea. The new PRF Directive (as proposed by the Commission in January 2018, COM(2018) 33) further clarifies the concept of 'adequacy' in line with the 2000 Guidelines for ensuring the adequacy of port waste reception facilities (resolution MEPC.83(44)), with reference to both operational and environmental requirements. The Directive also allows for waste reception and handling plans to be developed on a regional basis, for two or more neighbouring ports in the same region, with the appropriate involvement of each port, and provided that the need for an availability of port reception facilities is specified for each port.

Consideration at MEPC 74

Document MEPC 74/14/2 (Canada, Denmark, Finland, Iceland, Norway, Russian Federation, Sweden and United States) proposes a new output to amend the relevant paragraphs in the MARPOL Annexes to allow for regional arrangements for Arctic port waste reception facilities. **DELETED**

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Agenda item 17 – Any other business

Docs: MEPC 74/17, MEPC 74/17/1-3, MEPC 74/INF.14-16, 28, 29 and 36

MEPC 74/17 (Secretariat): provides an update on recent work carried out by the Secretariat, through the Marine Environment Division, in cooperation with other United Nations agencies, on issues relating to the protection of the marine environment.

MEPC 74/17/1 (Republic of Korea): proposes a review on the need to adjust the retention period of the MARPOL delivered fuel oil sample in accordance with regulation 18.8.1 of MARPOL Annex VI for ships navigating on regular routes.

MEPC 74/17/2 (Canada and France): highlights various international efforts undertaken to address and further understand adverse underwater noise from commercial shipping. The need for further research on new technical solutions and continued international collaboration is necessary to ensure that the balance between a healthy ocean and its uses is sustainably met.

MEPC 74/17/3 (FOEI, WWF, IFAW, Pacific Environment and CSC): provides comments on document MEPC 74/17/2 on "Advancing international collaboration for quiet ship design and technologies to protect the marine environment" submitted by Canada and France. The co-sponsors draw attention to the worldwide impact of underwater noise on the marine environment, the urgency of the issue, and to expressions of support for mitigation measures from international fora and civil society.

MEPC 74/INF.14 (UN Environment Convention on the Conservation of Migratory Species of Wild Animals (CMS)): reminds IMO, inter alia, of UNEP/CMS/Resolution 12.14 on Adverse Impacts of Anthropogenic Noise on Cetaceans and Other Migratory Species, adopted by the Conference of the Parties at its 12th Meeting (Manila, October 2017), in relation to shipping traffic.

MEPC 74/INF.15 (Secretariat): informs the Committee of the status of the Global Integrated Shipping Information System (GISIS), in particular recent enhancement to GISIS modules relevant to IMO's environmental conventions.

MEPC 74/INF.16 (Secretariat): provides information regarding the status of entry into force of the Hong Kong Convention.

MEPC 74/INF.28 (Canada): highlights the results of a recent review of underwater radiated noise mitigation measures from ships. These options are presented as a matrix, focussing on new builds and retrofit technologies.

MEPC 74/INF.29 (Australia, Canada, Finland, the Netherlands, New Zealand and IMarEST): provides an update on informal discussions and information sharing on biofouling, including a summary of a meeting of a group of interested parties held in the margins of MEPC 73, chaired by Australia and New Zealand.

MEPC 74/INF.36 (Canada): highlights the recommendations and outcomes from a recent international technical workshop on underwater vessel noise, titled Quieting Ships to Protect the Marine Environment.

Fuel oil samples

EU relevance

Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels (Sulphur Directive) refers to MARPOL where a three years requirement is established. In addition, Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC in Article 6.5(c) requires that on board samples collected from the fuel lines should be kept by the ship's representative for a period of not less than 12 months from the date of collection.

Consideration at MEPC 74

MEPC 74/17/1 (Republic of Korea) notes that storing samples on board can be cumbersome for ships trading on short voyages and with regular port calls as is the case of high-speed passenger ships. The Republic of Korea therefore provides two options on how this situation could be ameliorated. The first option recommends an amendment to regulation 18.11 of MARPOL Annex VI to include a reference to regulation 8.1 while the second option provides a unified interpretation of regulation 8.1 of MARPOL Annex VI. **DELETED**

Underwater noise

EU relevance

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, and repealing Decision 2010/477/EU, having regard to the 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) sets out criteria and methodological standards to assess the extent to which good environmental status is being achieved. This includes criteria and methodological standards for underwater noise.

Background

At MEPC 71, Canada made a submission, MEPC 71/16/5, returning to the issue of underwater noise and its effects on marine life and indicating its desire to revisit this issue. At the time, the following position was agreed:

> ***"Support the proposal by Canada in MEPC 71/16/5 to identify measures to address underwater vessel noise, to ensure a common approach that best addresses shipping noise without adversely affecting shipping activities and international trade."***

Canada in MEPC 72/16/5 provided further details of its work in this area and announced that it will seek an output on this subject at a later meeting, inviting interested parties to collaborate in drawing up such a submission. Canada subsequently announced an international workshop on this issue in January 2019 in MEPC 73/18/4, for which the EU position was to welcome Canada's initiative.

The EU has developed related guidelines for monitoring underwater noise, as well as a body of knowledge on underwater noise, which could be used by IMO when developing work on the issue further.

Consideration at MEPC 74

Document MEPC 74/17/2 (Canada and France) provides information on initiatives taken by different bodies to further understand the effects of underwater noise from shipping as well as possible measures to mitigate negative effects on the sustainable development of the oceans. Amongst others it notes that the Marine Strategy Framework Directive 2008/56/EC, which requires that EU Member States develop a Marine Strategy in order to achieve Good Environmental Status (GES) by 2020, includes underwater noise as one of the issues to consider. It also mentions the international survey, being conducted by the European Institute for Marine Studies which aims to identify effective management frameworks that ports can use to mitigate underwater noise from shipping. This survey is expected to be completed later this year. Canada also announces that it intends to submit a request for a new work output to MEPC 75, which will aim to address the identified policy needs related to underwater vessel noise.

The Commission would point out to EU MS that in its view this is an issue of EU competence and that therefore any paper to MEPC 75 asking for a new output should be in the form of an EU submission.

Canada supplements document MEPC 74/17/2 with two information papers. One (MEPC 74/INF.36) highlights the recommendations and outcomes from the international technical workshop on underwater vessel noise, titled Quieting Ships to Protect the Marine Environment, held at the end of January 2019 at the IMO. The other (MEPC 74/INF.28) provides the results of a review of underwater radiated noise mitigation measures from ships.

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