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From:	General Secretariat of the Council
To:	Delegations
Subject:	76th session of the IMO Marine Environment Protection Committee (10-17 June 2021) - EU coordination

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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.

ANNEX

NON-PAPER

ON THE POSITION OF THE UNION FOR
76TH SESSION OF THE
IMO MARINE ENVIRONMENT PROTECTION COMMITTEE
(MEPC 76, 10 to 17 June 2021)

The annotated agenda is presented to the Council with the view to establishing the EU positions on agenda items for the 76th session of the IMO Marine Environment Protection Committee (MEPC).[1]

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

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

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

[2] Based on documents received up to 29 April 2021.

Agenda item 1 – Adoption of the agenda

Docs: MEPC 76/1, MEPC 76/1/1

MEPC 76/1 (Secretariat): provides the provisional agenda of MEPC 76.

Agenda item 2 – Decisions of other bodies

Docs: MEPC 76/2, MEPC 76/2/1-4

MEPC 76/2 (Secretariat): provides information on the outcome of FAL 44 relevant to the work of the Committee.

MEPC 76/2/1 (Secretariat): provides information on the outcome of C 124 relevant to matters of interest to the Committee.

MEPC 76/2/2 (Secretariat): provides information on the outcome of MSC 102 relevant to the work of the Committee.

MEPC 76/2/3 (Secretariat): reports on the outcomes of the forty-second Consultative Meeting of Contracting Parties to the London Convention 1972 and the fifteenth Meeting of Contracting Parties to the 1996 Protocol to the London Convention.

MEPC 76/2/4 (Secretariat): provides information on the outcome of TC 70 relevant to the work of the Committee.

The action points arising from the documents submitted under this Agenda item will be considered by the Committee under the relevant agenda items. The relevant EU positions established for previous Committees and Sub-Committees remain valid.

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

Process of updating the Survey Guidelines under the Harmonized System of Survey and Certification

EU Relevance

The Union has competence in the matter.

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

Background

A 31 noted that a number of delegations supported the proposals in document A 31/10/2 (Germany et al.), to consider the need to amend MSC.1/Circ.1500/Rev.1 and MSC.1/Circ.1587 so that draft amendments to the HSSC Guidelines should be linked to mandatory requirements. A 31 therefore invited MSC 102 and MEPC 75 to consider document A 31/10/2 and take action as appropriate. The EU position (Non paper 14250/4/19) at A 31 was to:

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MSC 102 noted the outcome of A 31 (MSC 102/2/2), in particular that A 31 had invited MSC 102 and MEPC 75 to consider the proposals made in document A 31/10/2 (Germany et al.) on the process of updating the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and take action as appropriate. The Committee also noted that, in this connection, documents MSC 102/2/3 and MSC 102/2/4 (Russian Federation et al.) had been submitted to this session. Taking into account the time constraints, the Committee agreed to postpone consideration of this matter, including documents A 31/10/2, MSC 102/2/3 and MSC 102/2/4, to MSC 103 and requested the Secretariat to inform MEPC 75 accordingly. In line with this outcome, MEPC 75 also agreed to postpone consideration of this matter to MEPC 76. The EU position at MSC 102 (Non paper 11781/5/20 Rev 5 of 5 November 2020) was to:

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Consideration at MEPC 76

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

Docs: MEPC 76/3, MEPC 76/3/1-7,MEPC 76/INF.67

MEPC 76/3 (Secretariat): The Committee is invited to consider, with a view to adoption, proposed amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping and exemption of UNSP barges from survey and certification requirements.

MEPC 76/3/1 (Secretariat): The Committee is invited to consider, with a view to adoption, proposed amendments to MARPOL Annex I concerning the prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters.

MEPC 76/3/2 (Secretariat): The Committee is invited to consider, with a view to adoption, proposed amendments to MARPOL Annexes I and IV concerning the exemption of UNSP barges from survey and certification requirements.

MEPC 76/3/3 (Secretariat): The Committee is invited to consider, with a view to adoption, proposed amendments to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention) concerning controls on cybutryne and the form of the International Anti-Fouling System Certificate.

MEPC 76/3/4 (Secretariat): The Committee is invited to consider, with a view to approval, the annexed draft MEPC.1 circular on Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention.

MEPC 76/3/5 (Estonia, Finland, Russian Federation and Sweden): Ice-classed ships consume much more fuel when sailing in ice covered waters compared to sailing in the same area in open water conditions, which may have a big impact on their attained carbon intensity indicator (CII). In this document the need to have voyage exclusions for ice classed ships when sailing in ice conditions is explained. In case the Committee would prefer to integrate relevant voyage exclusions for ice classed ships when sailing in ice conditions into MARPOL Annex VI, a proposal is made to consider amending regulation 22B.1 therein. The definition for the ice conditions and the voyage exclusion would be correspondingly taken into account in the CII guidelines.

MEPC 76/3/6 (Brazil, China, Japan, Russian Federation, Saudi Arabia and United Arab Emirates): proposes to modify the draft amendments to regulations 6, 22 and 22B and appendix X of MARPOL Annex VI as set out in Circular Letter No.4350.

MEPC 76/3/7 (China, Japan, Russian Federation, Singapore, BIMCO, IACS and ICS): proposes modifications to the model form of the International Anti-fouling System Certificate (IAFSC), taking into account the draft amendments to AFS Convention approved at MEPC 75, as set out in document MEPC 76/3/3. The proposed modification provides greater clarity and a unified approach on to completing the IAFSC in order to avoid incorrect interpretations.

MEPC 76/INF.67 (Finland): provides information and analysis of the effect of sailing in ice conditions on the attained carbon intensity indicator (CII) of ice-classed ships.

a. Measures to reduce carbon intensity of international shipping (MEPC 76/3)

EU Relevance

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

i. The Renewable Energy Directive (2009/28/EC) establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU MS must also ensure that at least 10% of their transport fuels come from renewable sources by 2020. This Directive was revised in 2018 (Directive 2018/2001/EU) entering into force in December 2018 as part of the Clean energy for all

Europeans package, aiming to keep the EU a global leader in renewables and, more broadly, helping the EU to meet its emissions reduction commitments under the Paris Agreement. The new Directive establishes a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023.

ii. *In April 2015, the European Parliament and the Council adopted Regulation (EU) 2015/757 to establish the legal framework for an EU system to monitor, report and verify (MRV) CO2 emissions and energy efficiency from shipping. The regulation aims to deliver robust and verify CO2 emissions data, inform policy makers and stimulate the market up-take of energy efficient technologies and behaviours by addressing market barriers such as the lack of information.*

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

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

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

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

MARPOL amendments

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b. Reference to resolutions A.739(18) and A.789(19)

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. In line with the EU position, as well as with the decision of MSC 101, MEPC 75 concurred with III 5 and agreed 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, and resolutions A.739(18) and A.789(19) should be revoked.

Consideration at MSC 103

In view of the above, the Secretariat (MEPC 76/3) proposes two options for referencing the RO Code in Annex 6. **DELETED**

c. Prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters (MEPC 76/3/1)

EU Relevance

The EU has competence on the matter.

The integrated EU Arctic policy priority area concerning climate change and safeguarding of the Arctic environment[3] *has a bearing on this agenda item. The Commission recalls that in its conclusions of 20 June 2016, the Council recognised the need for urgent global action to reduce and prevent the significant risks posed by climate change and environmental impacts in the Arctic region caused notably by global activities. In addition, Article 3(1) of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements specifies the extensive scope of maritime areas covered in relation to discharges of polluting substances from ships.*

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

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d. <u>International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention) (MEPC 76/3/3)</u>

Regulation (EC) 782/2003 on the prohibition of organotin compounds on ships implements the AFS Convention. 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 Implementing Decision (EU) 2016/107 of 27 January 2016 that effectively prohibits making available on the market as well as the use of anti-fouling paints containing cybutryne in all EU Member States and EEA States. Therefore, this issue falls under EU exclusive competence. For this purpose, Council adopted Council Decision XXX/2021 of xx May 2021 on the position to be taken on behalf of the EU by Member States to adopt the draft amendments to Annexes 1 and 4 of to the AFS Convention. This issue was the subject of EU submissions to MEPC 71 and subsequently to PPR Sub-Committee meeting. These

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

amendments will ensure a global ban on the anti-fouling substance, cybutryne, which is already banned for sale within the Union.

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Agenda item 5 – Air pollution prevention

Docs: MEPC 75/5, MEPC 75/5/Add.1, MEPC 75/5/1, MEPC 75/5/3-7, MEPC 75/INF.4, MEPC 75/INF.9-10, MEPC 75/INF.13, MEPC 76/5, MEPC 76/5/1-3, MEPC 76/INF.12, MEPC INF.64, MEPC 76/INF.71

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

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

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

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

MEPC 75/5/4 (FOEI, WWF, Pacific Environment and CSC): discusses the implications for the Arctic of a recent study indicating that blended low sulphur residual fuels that have been developed to meet the IMO 2020 sulphur limit requirement will result in a significant increase in Black Carbon emissions, and calls on IMO to mandate an urgent switch to distillates for ships operating in the Arctic to avoid a sharp rise in emissions of short-lived climate forcers in this vulnerable area.

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

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

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

early data suggests that VLSFOs on average are more paraffinic in nature than the High Sulphur Fuel Oils (HSFOs) they have replaced.

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

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

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

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

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

MEPC 76/5/1 (Japan): provides the report of the Correspondence Group on Air Pollution and Energy Efficiency established at MEPC 75.

MEPC 76/5/2 (Secretariat): summarizes relevant information reported to IMO related to the entry into force of the global 0.50% sulphur limit (IMO2020) on 1 January 2020 and presents the results of the sulphur monitoring programme for 2020.

MEPC 76/5/3 ((IMCA): provides comments on the report of the Correspondence Group on Air Pollution and Energy Efficiency established at MEPC 75.

MEPC 76/INF.12 (Japan): provides a summary of comments provided to the Correspondence Group on Air Pollution and Energy Efficiency established at MEPC 75.

MEPC 76/INF.64 (ICOMIA): provides an update on the availability of Tier III NOX compliant engines for large yachts greater than 24m load-line length and less the 500 gross tonnes.

MEPC 76/INF.71 (Tokyo MoU): provides the summary of information on port State control (PSC) of the 2020 sulphur cap (IMO2020) requirements conducted by the Tokyo MOU member Authorities.

Documents MEPC 75/5 (Secretariat), MEPC 75/5/Add.1 (Secretariat), MEPC 75/5/1 (Secretariat), MEPC 75/5/3 (Republic of Korea), MEPC 75/5/4 (FOEI et al.), MEPC 75/5/5 (FOEI et al.), MEPC 75/5/6 (ICS), MEPC 75/5/7 (IPIECA and IBIA), MEPC 75/INF.4 (Secretariat), MEPC 75/INF.9 (Secretariat), MEPC 75/INF.10 (Sweden) and MEPC 75/INF.13 (Greece) were deferred from MEPC 75 to MEPC 76.

a) Sulphur in marine fuel oil

EU relevance

The Union has competence in the matter.

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

i. Implementation of regulation 18 of MARPOL Annex VI

Background

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

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

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

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

Consideration at MEPC 76

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ii. Bunker Supplier Licensing Schemes

Background

MEPC 73 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 considered document MEPC 74/5/4 (ICS et al.) that proposed a new requirement in MARPOL Annex VI to establish bunker licensing schemes for global implementation and provided a template for such a scheme based on existing IMO instruments and guidelines. The Committee had decided to refer this document to a working group to see if it could be added to the Guidance on best practice. However, the working group only recommended that the proposed example of a bunker supply licence should be referred to either PPR 7 or MEPC 75. The Committee, while endorsing this recommendation, did not take a final decision.

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MEPC 75 instructed the Correspondence Group on Air Pollution and Energy Efficiency to review and amend, as appropriate, the indicative example of a licence for fuel oil supply, as set out in the annex to document MEPC 75/5/2, taking into account best practices, as well as document MSC 94/INF.8 and other licensing regimes, and consider annexing it to the Guidance for best practice for Member State/coastal State (MEPC.1/Circ.884).

Consideration at MEPC 76

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

EU relevance

This issue falls within exclusive external competence of the Union

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

Consideration at MEPC 76

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

b) Black Carbon (BC)

EU relevance

This matter falls within EU competence.

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

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

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

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

On 9 December 2019, the Foreign Affairs Council adopted conclusions that invited the High Representative and the Commission to continue to actively implement the EU's 2016 Arctic Strategy Artic Strategy and to initiate a process in order to update the Strategy of the EU and to continue to report to the Council regularly. With the view to also respond to climate change and safeguarding the Arctic environment, promoting sustainable development in the region and further strengthening international cooperation, the revision work has started with a public consultation at the end of 2020 with the view of adoption by October 2021. On 26 January 2021, Commission Services and the External Action Service released the summary of the results of the public consultation on the way forward for the European Union's Arctic policy.[4]

The EU-funded Action on Black Carbon in the Arctic (EUA-BCA), funded through the EU's Partnership Instrument from January 2018 to June 2021, is contributing to the development of

[4] *https://ec.europa.eu/fisheries/press/summary-public-consultation-way-forward-european-union%E2%80%99s-arctic-policy_en*

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

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

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

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Background

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

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

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

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

PPR 7 and PPR 8, in view of time limitations, and despite some push from the EU, did not succeed to progress much on this issue. PPR 8 finally agreed to revise the Terms of Reference to include further work on the development of regulatory measures addressing the reduction of the impact on the Arctic of Black Carbon Emissions from international shipping with a view of approval at MEPC 76. In the view of the Commission, this proposal represented a painful compromise, but it is still a step in the right direction, which however reflected the lack of full political maturity by the IMO to move faster at this stage. The compromise was supported by all those who spoke (over 25 delegates), except environmental groups (WWF, CSC, Pacific Environment FOEI) as well as Solomon Islands. The latter group stated that they were disappointed that the IMO failed to take a quick decision in favour of sensitive environmental areas such as the Arctic region, especially on this issue, which was not only affecting the Arctic but also the whole world through global warming.

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

Consideration at MEPC 76

DELETED

c) MARPOL Annex VI NOx Tier III requirements for large yachts

EU relevance

The EU has competence on this matter.

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) and Regulation (EU) 2016/1628 setting the strictest engine standards globally).

Directive 2008/50/EC on ambient air quality sets NO_2 limit values to be respected by Member States in their territory. 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. Furthermore, under the EU Green Deal, the EU Sustainable and Smart Mobility Strategy refers to the EU resolve in establishing Emission Control Areas in all European waters.

Therefore, there is EU interest in this issue.

<u>Background</u>

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.

ICOMIA (MEPC 75/INF.27) and the US (MEPC 75/INF.28) were allowed to present information papers in plenary against the IMO practice. These delegations again attempted to prolong the 5 year exemption allowed in the North American Emission Control Area in 2016 in respect of large yachts greater than 24 m load-line length and less than 500 gross from the MARPOL Annex VI NOX Tier III requirements, which would expire on 1 January 2021, particularly in view of the problems brought about by the COVID-19 pandemic. Many delegations (from the EU side only Belgium and Germany) stated that large yachts were already given enough exemptions, noting that

this type of yacht was used by people who could afford to pay for new technologies which were already available. Others supported the US and ICOMIA recommending that the exemption, initially requested for 5 additional years, could be extended until MEPC 76 where the issue could be discussed. However, the Chair, correctly, noted that the Committee could not take decisions on the basis of information documents, and the co-sponsors always had the option to raise their concerns during future sessions of the Committee. CESA remarked that it will submit information to next session to correct information provided in the INF papers, and to prove that technology already existed.

Consideration at MEPC 76

DELETED

Agenda item 6 – Energy efficiency of ships

Docs: MEPC 75/6/1-4, MEPC 75/6/6-8, MEPC 75/6/10-13, MEPC 76/6, MEPC 76/6/1-9, MEPC 76/INF.2, MEPC 76/INF.27, MEPC 76/INF.28, MEPC 76/INF.40

MEPC 75/6/1 (Secretariat): contains draft amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships.

MEPC 75/6/2 (United States): investigates the concept of an overridable engine power limit as a strategy to improve ship energy efficiency and describes a more appropriate way to incorporate this strategy, if allowed, in the EEDI calculation methodology. Specifically, the United States proposes an improved approach (EngPoLi) for calculating PME, to include an overridable power limit. EngPoLi is based on the same methodology used to develop the EEDI equations.

MEPC 75/6/3 (ICS and RINA): provides data and analysis of minimum powering levels at a range of weather conditions and advance speeds if applying the level 2 simplified assessment method. The

data and analysis demonstrates that the simplified assessment method is very sensitive to the weather conditions and advance speed used for the assessment and that it cannot be assumed that the simplified assessment method will reduce the required level of power below that required by the level 1 minimum power lines. This document provides proposals to finalize this important work.

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

MEPC 75/6/6 (France, Germany and Spain): describes the latest developments and updates on the Shaft/Engine Power Limitation concept. The purpose is to overcome potential conflicts between EEDI requirements and safety issues regarding minimum required propulsion power.

MEPC 75/6/7 (IACS): proposes an update to MEPC.1/Circ.795/Rev.4 to clarify the "1 January 2022" application date in relation to the draft EEDI Phase 3 requirements that were approved at MEPC 74.

MEPC 75/6/8 (Germany, Japan, Norway and Spain): addresses the concerns raised at MEPC 74 about the concept of shaft / engine power limitation and encourages the Committee to make progress on the consideration of shaft / engine power limitation for energy efficiency improvement of ships without undermining safety aspects.

MEPC 75/6/10 (IMPA): supports document MEPC 75/6/3 and further expresses the extreme concerns of maritime pilots that efforts to minimise air pollution and improve engine efficiency are having severe unintended consequences upon the safety and efficiency of vessels whilst manoeuvring under pilotage in confined waters. This document serves to inform Member States and others of the concerns of maritime pilots.

MEPC 75/6/11 (IACS): proposes modifications to the draft amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships (resolution MEPC.308(73)).

MEPC 75/6/12 (Japan): provides specific comments on the arguments regarding the draft revised 2013 Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions described in document MEPC 75/6/3 (ICS and RINA).

MEPC 75/6/13 (Japan): provides comments on document MEPC 75/6/3 concerning the draft revised Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions (MEPC 71/INF.28), and proposes a way forward to finalize the work on this issue, along with supporting information to justify the proposal.

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

MEPC 76/6/1 (Secretariat): provides a report of the fuel oil consumption data for 2019 submitted to the IMO Ship Fuel Oil Consumption Database in GISIS, in accordance with regulation 22A.10 of

MARPOL Annex VI and the 2017 Guidelines for the development and management of the IMO Ship fuel oil consumption database (resolution MEPC.293(71)).

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

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

MEPC 76/6/4 (IACS and ASEF): discusses amendments to the 2015 industry guidelines for calculation and verification of the Energy Efficiency Design Index (EEDI), and the role of the verifier in conducting the verification of EEDI.

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

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

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

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

MEPC 76/6/9 (IACS): proposes amendments to the revised 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships, to add a CF conversion factor between fuel consumption and CO2 emissions to be applied for ethane fuel.

MEPC 76/INF.2 (Secretariat): provides the ninth summary of data and graphical representations of the information in the EEDI database.

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

MEPC 76/INF.28 (IACS and ASEF): contains, in the annex, a copy of the 2020 industry guidelines for calculation and verification of the Energy Efficiency Design Index (EEDI) and the role of the verifier in conducting the verification of EEDI.

MEPC 76/INF.40 (Republic of Korea): provides the information developed by a joint research group of the Republic of Korea with a view to completing the interim Guidelines for the calculation of the coefficient fW for decrease in ship speed in a representative sea condition for trial use.

EU relevance

The Union has competence in the matter.

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

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 decided 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.

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 on Air Pollution and Energy Efficiency to give further consideration to the matter and asked for concrete proposals to MEPC 74, with a view to approval at that session.

MEPC 74 finalised draft amendments to regulation 20 on the mandatory reporting of attained EEDI as well as amendments to regulation 21 to strengthen the EEDI by advancing the starting year of EEDI phase 3 to 2022. The Committee also approved draft amendments to the 2018 Guidelines on the Method of Calculation of the Attained Energy Efficiency Design Index (EEDI) for new ships (resolution MEPC.308 (73)) but deferred the adoption of paragraphs 4 and 5 to MEPC 75 to coincide with the adoption of the draft revised regulation 20.3 of MARPOL Annex VI.

MEPC 75 adopted amendments to regulation 21 to strengthen the EEDI by advancing the starting year of EEDI phase 3 to 2022 and noted the progress of the Correspondence Group on Possible Introduction of EEDI Phase 4, and instructed it to continue its work and to submit its final report to MEPC 76.

Consideration at MEPC 76

DELETED

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Agenda item 7 – Reduction of GHG emissions from ships

Eight Meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 8) submissions

Docs: In view of the limited time available for discussion during ISWG-GHG 8 which was held remotely, the Chair of the Intersessional Working Group focused solely on further consideration of concrete proposals to improve the operational energy efficiency of existing ships, with a view to developing draft amendments to chapter 4 of MARPOL Annex VI and associated guidelines, as appropriate, and the other agenda items were postponed to a future session.

(Submissions not dealt with by ISWG-GHG 7 as well as submissions to ISWG-GHG 8 are listed in Appendix 2)

MEPC 76 submissions

Docs: MEPC 76/7, MEPC 76/7/1- 17, MEPC 76/7/19 - 41, MEPC 76/7/52-55, MEPC 76/INF.7-10, MEPC 76/INF.16, MEPC 76/INF.21-25, MEPC 76/INF.30-31, MEPC 76/INF.41, MEPC 76/INF.60, MEPC 76/INF.61, MEPC 76/INF.68(+ADD.1-3)

MEPC 76/7 (+Add.1)(Secretariat): provides an update on the preparation of the comprehensive impact assessment of the short-term measure to be conducted before MEPC 76, in particular the outcomes of the first meeting of the Steering Committee on the comprehensive impact assessment of 18 January 2021.

MEPC 76/7/1 (Norway): Since the submission of the Norwegian National Action Plan (NAP) to MEPC 75 (MEPC 75/7/7) there have been several developments on the national level on green shipping. The policies have been further developed as part of the recently published climate action

plan for 2030, and development and implementation of low and zero emission solutions in the Norwegian maritime sector are moving forward.

MEPC 76/7/2 (Norway): The global introduction of alternative fuels and/or energy sources for international shipping will be integral to achieve the overall ambitions of the Initial IMO GHG Strategy. The next generation of measures needs to ensure that the 2050 ambitions are met and provide for the uptake of low- and zero-carbon fuels, and any remaining energy efficiency measures. This document presents three possible concepts for a regulatory mechanism: a fuel CO2/GHG limit; an emission cap and trading; and carbon intensity indicators and credit trading/fleet averaging. Norway proposes that further development of these concepts should take place in a structured process established by the Committee in order to identify the desired regulatory mechanism.

MEPC 76/7/3 (China, Japan and the European Commission as coordinators of the correspondence group): provides the overview of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction established at MEPC 75. The summary of discussions and actions requested of the Committee are included in the report of the Correspondence Group focusing on each item under the terms of reference (documents MEPC 76/7/4, MEPC 76/7/5 and MEPC 76/7/6).

MEPC 76/7/4 (China, Japan and the European Commission as coordinators of the Correspondence group): provides the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction established at MEPC 75, on TOR 1 (the draft technical guidelines supporting the EEXI framework).

MEPC 76/7/5 (China, Japan and the European Commission as coordinators of the Correspondence group): provides the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction established at MEPC 75, on TOR 2 (the draft technical guidelines supporting the CII framework).

MEPC 76/7/6 (China, Japan and the European Commission as coordinators of the Correspondence group): provides the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction established at MEPC 75, on TOR 3 (the SEEMP guidelines and TOR 4 (the update of other existing guidelines).

MEPC 76/7/7 (Denmark, Georgia, Greece, Japan, Liberia, Malta, Nigeria, Palau, Singapore, Switzerland, ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC): MEPC 75 considered the proposal in document MEPC 75/7/4 to accelerate R&D of low and zero-carbon technologies to help ensure delivery of the levels of ambition in the Initial IMO GHG Strategy. In response to the Committee's invitation for further commenting documents and other proposals, the co-sponsors communicate their support for establishing an International Maritime Research and Development Board and submit, inter alia, a comprehensive package of proposed draft amendments to MARPOL Annex VI to establish an International Maritime Research and Development Board and an IMO Maritime Research Fund. This document and proposal also include changes to address specific concerns and suggestions raised by some Member States at MEPC 75. An accompanying comprehensive impact assessment for the proposal is set out in document MEPC 76/7/8.

MEPC 76/7/8 (Denmark, Georgia, Greece, Japan, Liberia, Malta, Nigeria, Palau, Singapore, Switzerland, ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC): MEPC 75 considered the proposal in document MEPC 75/7/4 to accelerate R&D of low

and zero-carbon technologies to help ensure delivery of the levels of ambition in the Initial IMO Strategy. In response to the Committee's invitation for further commenting documents and other proposals, document MEPC 76/7/7 has been submitted to this session proposing, inter alia, a comprehensive package of proposed draft amendments to MARPOL Annex VI to establish an International Maritime Research and Development Board and an IMO Maritime Research Fund. This document provides an accompanying comprehensive impact assessment for that proposal.

MEPC 76/7/9 (Australia, Bahamas, Denmark, Finland, Liberia, Mexico, Netherlands, Nigeria and United Kingdom): proposes new arrangements for the Committee's work on reducing GHG emissions from ships. Accordingly, it proposes that the Committee establishes a Standing Technical Group on Reduction of GHG Emissions from Ships (ST-GHG) to replace the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG) in the future. Whilst noting the considerable progress made by ISWG-GHG, the co-sponsors are of the view that such a group would be better suited to address the Committee's heavy workload related to the reduction of GHG emissions from international shipping. The proposal also includes draft terms of reference for the ST-GHG, given in the annex.

MEPC 76/7/10 (Australia, Canada, Denmark, France, Germany, India, Jamaica, Japan, Liberia, Mexico, Morocco, Norway, Panama, Republic of Korea, Singapore, Spain, Sweden, United Arab Emirates, United States and Vanuatu): proposes a work plan for the development of mid- and long-term measures, in accordance with the Initial IMO strategy on reduction of GHG emissions from ships. It invites the Committee to approve such work plan at MEPC 76.

MEPC 76/7/11 (Belgium, Marshall Islands and Solomon Islands): aims to provide an answer to those legal questions. It finds that IMO has the power to enact any required measure via an amendment to MARPOL Annex VI. A detailed study by the Environmental Defence Fund (EDF) and the Sabin Center for Climate Change Law at Columbia Law School on the legal bases for IMO climate measures can be found in document MEPC 76/INF.22.

MEPC 76/7/12 (Marshall Islands and Solomon Islands): proposes that the Committee considers and adopts a mandatory high ambition levy on all greenhouse gas (GHG) emissions from international shipping as an immediate priority measure alongside a requisite revised level of ambition in the Revised IMO Strategy on the reduction of GHG emissions from ships.

MEPC 76/7/13 (Secretariat): MEPC 75 approved the terms of reference and arrangements for conducting a comprehensive impact assessment of the approved short-term measure, as set out in annex 6 to document MEPC 75/18/Add.1, and instructed the Secretariat to initiate the impact assessment in accordance with the approved terms of reference, with a view to the submission of a final report for the consideration of MEPC 76. This document contains a summary of the comprehensive impact assessment to be considered in parallel with the approved amendments to MARPOL Annex VI. The full report on the comprehensive impact assessment is provided in document MEPC 76/INF.68 and addendum.

MEPC 76/7/14 (INTERFERRY): suggests that High Speed Craft (HSC) should be defined as a new sector in MARPOL Annex VI, chapter 4 and for the purposes of the IMO DCS. The annual operational carbon intensity indicator (CII) shall be applied to this new sector when the necessary amendments to MARPOL have been introduced and an HSC reference line has been established.

MEPC 76/7/15 (Denmark, France, Germany and Sweden): In order to have a reasonable chance to meet the minimum levels of ambition of the Initial Strategy, a transition from fossil fuels to sustainable low-carbon and zero-carbon fuels should start well before 2030. Measures to incentivize

the use of these fuels should enter into force around the middle of this decade. The discussion on mid-term measures should commence without delay and focus on measures that are capable of ensuring a fuel transition in line with the guiding principles and levels of ambition of the Initial Strategy. These measures also need to address disproportionately negative impacts on States, and to minimize the cost of shipping's decarbonisation. Furthermore, there should be agreement on how to monitor GHG emissions and which sustainability criteria to apply.

MEPC 76/7/16 (RINA and NI): provides information on member and wider industry consultation conducted by The Nautical Institute and RINA on EEXI and the development of technical guidelines on carbon intensity and notes issues that may be of interest to the Committee. Potential amendments to the draft guidelines on the Shaft/Engine Power Limitation System to comply with the EEXI requirements and use of a power reserve set out in annex 3 to document MEPC 76/7/4 are identified for consideration by the Committee.

MEPC 76/7/17 (Republic of Korea): provides proposed amendments to the current EEDI and EEXI calculation formulas to reflect on board CO2 capture (CO2 removal).

MEPC 76/7/19 (Netherlands): comments on the Report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 2) set out in document MEPC 76/7/5 and supports the inclusion of compensation factors for reefer containers and tank heating/cooling. It also proposes the widening of the rating bands for both container ships and general cargo ships below 20,000 DWT and proposes the inclusion of a compensation factor for heavy loading gear. All proposals are based on a study conducted by Conoship and MARIN to strengthen the CII framework.

MEPC 76/7/20 (Argentina, Brazil, Chile, China, Ecuador, India, Indonesia, Morocco, Saudi Arabia, South Africa and the United Arab Emirates): provides comments on the establishment of an International Maritime Research and Development Board, in particular with regard to its mandate, purpose and relevant mechanism.

MEPC 76/7/21 (Estonia, Finland, Russian Federation and Sweden): comments on the Report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 2) set out in document MEPC 76/7/5. A proposal for the definition of "sailing in ice conditions" is given for voyage exclusions for ice classed ships when sailing in ice conditions for calculation of the attained CII for these ships.

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

MEPC 76/7/23 (France): proposes a method to assess the possibility to include potential correction factors and voyage exclusions in the CII framework. It then provides a basic assessment analysis of the options on correction factors and voyage exclusions remaining in discussion in the draft CII guidelines developed by the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction. Based on this analysis, this document finally suggests to continue to work and gather more knowledge on the design and the effects of most of the proposed correction factors and voyage exclusions before inclusion in the CII framework.

MEPC 76/7/24 (France and United States): analyses and discusses the relevance of the remaining options on the measurement of the 2030 target and the already achieved carbon intensity improvement in the Reduction factors guidelines (G3) developed by the Correspondence Group on

the Development of Technical Guidelines on Carbon Intensity Reduction. It also provides suggestions for decisions on the basis of this analysis.

MEPC 76/7/25 (Indonesia, Russian Federation, Saudi Arabia, United Arab Emirates, ICS, INTERTANKO, IPTA and WSC): provides additional information to that already provided to the Correspondence Group on Carbon Intensity to support excluding operations in severe adverse weather conditions from a ship′s carbon intensity indicator (CII) rating calculation. The proposed exclusions would only affect how a ship′s CII rating is calculated and all fuel oil used would still be reported to the IMO Data Collection System (DCS), maintaining visibility of aggregate emissions from international shipping. Failure to agree a severe adverse weather exclusion will result in efficient ships being seriously penalized because of operation in adverse environmental conditions out of their control potentially resulting in severe adverse economic consequences for those Member States served by trade routes which suffer a heightened prevalence of adverse weather. Economic consequences of unfairly penalizing ships for operating in weather conditions out of their control include distortion and damage to trade to some Member States and could result in some areas facing difficulties when sourcing shipping services.

MEPC 76/7/26 (INTERTANKO): outlines why it is essential to calculate the energy consumption associated with ″cargo handling″ by some tankers to maintain the required higher temperatures than the ambient and sea temperatures of liquid bulk cargoes and for heating and pumping water for frequent cargo tank washing. The document suggests how to account for these highly variable, but significant energy demands that occur on tankers when calculating their attained CII and ratings.

MEPC 76/7/27 (INTERTANKO): outlines the many and significant operational details of shuttle tankers and why the calculation of the attained CII for these tankers needs to take all these differences into account. The document suggests how to account for these highly variable, but significant energy demands that occur on those ship types when calculating their attained CII and ratings.

MEPC 76/7/28 (RINA): proposes some modifications to the draft guidelines on survey and certification of the attained EEXI in order to support the use of numerical methods as an equivalent to model tests for the purposes of estimating the reference speed Vref.

MEPC 76/7/29 (ICS and WSC): outlines why calculating the energy consumption associated with refrigerated containers is critical to creating an equitable CII rating system for container ships transporting chilled and frozen cargoes. The document also outlines the importance of addressing this issue to avoid disproportionate impacts on specific Member State exports and imports that are heavily dependent upon the shipment of goods requiring refrigeration.

MEPC 76/7/30 (CLIA and WSC): provides a detailed discussion of the advantages of a "Fleet-Level Monitoring" (FLM) option, and proposes discussion and finalization of this option to provide incentives for improving fleet performance and the introduction of high performing ships.

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

MEPC 76/7/32 (India): MARPOL Annex VI regulation 3.2 contains provisions for undertaking "Trials for ship emission reduction and control technology research". India has utilized the said provision with the aim to gather information on NOx emission results for biodiesel blends in existing ship's diesel engines. Since the environmental conditions of test beds are difficult to

achieve on board, the NOx measurement was carried out for both LSHSD (low sulphur high speed diesel) and biodiesel blends under similar environmental conditions and the results compared. The results obtained under regulation 3.2 provide realistic evidence of the impact of NOx emissions of such biodiesel blends as compared to LSHSD (DM-grade according to ISO 8217).

MEPC 76/7/33 (WSC): outlines issues that arise in the data and rationale for ship specific CII reduction rates. The document highlights specific questions and makes recommendations for addressing this important matter.

MEPC 76/7/34 (CLIA): provides comments on the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction. These comments express concern about the proposed Carbon Intensity Indicator calculation guidelines for cruise ships with non-conventional propulsion and provides potential alternatives to address these concerns.

MEPC 76/7/35 (Italy): proposes amendments to the draft guidelines associated with the Energy Efficiency Existing Ship Index (EEXI) for ro-ro cargo ships (vehicle carriers).

MEPC 76/7/36 (IPTA): comments on document MEPC 76/7/5 providing the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 2).

MEPC 76/7/37 (IACS): comments on the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 3 and TOR 4), with particular reference to SEEMP verification and plans for corrective actions.

MEPC 76/7/38 (Pacific Environment and CSC): provides comments on the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction. It recommends the adoption of the strongest possible reduction rates to build-up the short-term measure's ambition, transparency and implementation.

MEPC 76/7/39 (ICS, BIMCO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC): The co-sponsors agree that the Committee should decide in principle to commence deliberations on how mandatory market-based measures (MBMs) could be implemented for international shipping. To expedite development, the Committee is requested to commence discussions on MBMs as soon as possible and before 2023, with a view to taking some decisions. Additionally, the Committee should agree to allow consideration of different candidate measures, including short-term measures such as the IMRB/IMRF proposal and mid-term measures such as MBMs, in parallel, given the urgent need to make progress on delivering the levels of ambition in the Initial GHG Strategy.

MEPC 76/7/40 (Belgium): argues that neither of the current two proposals for a levy on fuel (MEPC 76/7/7 and MEPC 76/7/12) constitute a tax or a financial instrument but are requirements for ships to demonstrate that they have incurred an obligatory cost. The requirement can be checked by normal port State procedures.

MEPC 76/7/41 (Denmark): comments on the report from the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 3 and 4) set out in document MEPC 76/7/6 and proposes that the concept of a fleet-averaging approach is introduced in the SEEMP Guidelines without modifying the draft amendments to MARPOL Annex VI approved at MEPC 75.

MEPC 76/7/52 (Greece): outlining the need to consider the additional energy consumption for LNG carriers which is necessary for maintaining the temperature approximately at -160°C and the

pressure slightly above the atmospheric for the transportation of liquefied natural gas (LNG) at sea in the CII calculations.

MEPC 76/7/53 (Greece): commenting on the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 2) for the Committee's consideration.

MEPC 76/7/54 (Greece): commenting on the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 1) for the Committee's consideration.

MEPC 76/7/55 (Greece): commenting on the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction (TOR 2) and on the draft guidelines on the operational carbon intensity rating of ships (CII rating guidelines) for the Committee's consideration.

MEPC 76/INF.7 (China, Japan and the European Commission): provides a summary of comments provided to the Correspondence Group on the development of technical guidelines on carbon intensity reduction established at MEPC 75, on TOR 1 (the EEXI guidelines).

MEPC 76/INF.8 (China, Japan and the European Commission): provides a summary of comments provided to the Correspondence Group on the development of technical guidelines on carbon intensity reduction established at MEPC 75, on TOR 2 (the draft technical guidelines supporting the CII framework).

MEPC 76/INF.9 (China, Japan and the European Commission): provides a summary of comments provided to the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction established at MEPC 75, on TOR 3 (the SEEMP guidelines) and TOR 4 (the update of other existing guidelines).

MEPC 76/INF.10 (China, Japan and the European Commission): provides the Technical report on CII guidelines development prepared by the coordinators of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction established at MEPC 75, under TOR 2 (the draft technical guidelines supporting the CII framework).

MEPC 76/INF.16 (ICS): Document MEPC 76/7/7 has been submitted to this session proposing, inter alia, a comprehensive package of proposed draft amendments to MARPOL Annex VI to establish an International Maritime Research and Development Board (IMRB) and an IMO Maritime Research Fund. This document contains information about an ICS report, 'Catalysing the Fourth Propulsion Revolution', which highlights the urgent need to accelerate research and development of zero-carbon technologies for maritime application in order to achieve the targets set by the Initial IMO GHG Strategy.

MEPC 76/INF.21 (Marshall Islands): presents a Sabin Center White Paper discussing the principles of international law that bear the Organization’s authority to adopt a market-based mechanism (MBM) to reduce greenhouse gas (GHG) emissions. The memorandum particularly discusses whether any of these principles provide a basis for the IMO to allocate revenue generated by an MBM to Small Island Developing States (SIDS) and other States that are particularly vulnerable to climate change impacts.

MEPC 76/INF.22 (Belgium, Marshall Islands and Solomon Islands): At MEPC 75, questions were raised regarding the legal possibilities of IMO measures, in particular mid-term measures. This

document aims to provide an answer to those legal questions. It finds that IMO has the power to enact any required measure via an amendment to MARPOL Annex VI. A detailed study by the Environmental Defence Fund (EDF) and the Sabin Center for Climate Change Law at Columbia Law School on the legal basis for IMO climate measures can be found in the annex to this document.

MEPC 76/INF.23 (Marshall Islands): presents an initial impact assessment, prepared to accompany the proposal set out in document MEPC 76/7/12 (the Marshall Islands and Solomon Islands) for the Committee to consider and adopt a mandatory high ambition levy on all greenhouse gas (GHG) emissions from international shipping as an immediate priority measure alongside a requisite revised level of ambition in the Revised IMO Strategy on the reduction of GHG emissions from ships.

MEPC 76/INF.24 (Marshall Islands): presents a literature review and analysis of available evidence supporting a 1.5oC compatible greenhouse gas (GHG) price on international shipping to inform the Committee′s debate on market-based measures ahead of the adoption of the Revised Strategy on GHG emissions reduction due in 2023.

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

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

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

MEPC 76/INF.41 (Netherlands): contains the full report of the study conducted by MARIN and CONOSHIP international on behalf of the Netherlands. The study analysis the effect of the CII framework on general cargo ships, container ships and tankers with a focus on the small ship segments of these ship types. The research proposes improvements to the CII framework which are the basis for the Netherlands input to the Correspondence Group.

MEPC 76/INF.60 (Denmark): explores to what extent the short-term measure agreed at MEPC 75 can be used to incentivize the uptake of low- or zero-carbon fuels by allowing fleet-averaging, as an option, to comply with the CII framework. It does so by analysing the business-case for using low- and zero-carbon fuels, either exclusively or in combination with fossil fuels, for both individual ships and for fleets. The study provides data that can be utilized in the further consideration of the incorporation of a fleet-averaging approach into the SEEMP guidelines.

MEPC 76/INF.61 (Brazil): presents a comprehensive impact assessment conducted by the Institute of Economic Research Foundation (FIPE) of 15 scenarios considering four different candidate measures based on speed and propulsion power reduction of the world ship fleet. The report calculates impacts on transportation costs (CAPEX, OPEX, and VOYAGE costs), on trade (total

exports), and CO2e emissions using global data and econometric techniques. Based on the findings, cost-benefit and cost-effectiveness indicators are calculated in each scenario.

MEPC 76/INF.68 (Secretariat): provides the full report on the literature review conducted by WMU, is an integral part of the comprehensive impact assessment of short-term measure approved by MEPC 75.

MEPC 76/INF.68/Add.1 (Secretariat): provides the full report on the assessment of the impact of the measure on the fleet conducted by DNV and the assessment of the impact of the measure on States conducted by UNCTAD is an integral part of the comprehensive impact assessment of short-term measure approved by MEPC 75.

MEPC 76/INF.68/Add.2 (Secretariat): provides the full report on the stakeholder analysis conducted by Starcrest, is an integral part of the comprehensive impact assessment of short-term measure approved by MEPC 75.

MEPC 76/INF.68/Add.3 (Secretariat): provides the full report on areas of missing data conducted by Starcrest and the preliminary review of recent analysis from authoritative sources on the impact of COVID-19 on States, trade and maritime transport with a special focus on developing countries, in particular SIDS and LDCs, undertaken by the Secretariat, is an integral part of the comprehensive impact assessment of short-term measure approved by MEPC 75.

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

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

EU relevance

The Union has competence in the matter.

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

The Renewable Energy Directive (2009/28/EC) establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of

its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU MS must also ensure that at least 10% of their transport fuels come from renewable sources by 2020. This Directive was revised in 2018 (Directive 2018/2001/EU) entering into force in December 2018 as part of the Clean energy for all Europeans package, aiming to keep the EU a global leader in renewables and, more broadly, helping the EU to meet its emissions reduction commitments under the Paris Agreement. The new Directive establishes a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023.

In April 2015, the European Parliament and the Council adopted Regulation (EU) 2015/757 to establish the legal framework for an EU system to monitor, report and verify (MRV) CO2 emissions and energy efficiency from shipping. The regulation aims to deliver robust and verifiable CO2 emissions data, inform policy makers and stimulate the market up-take of energy efficient technologies and behaviours by addressing market barriers such as the lack of information. It entered into force on 1 July 2015 and started to be implemented in 2018. Related delegated Commission regulations on verification and accreditation of verifiers and on the refinement of monitoring methods were adopted on 22 September 2016. Two additional implementing regulations on cargo parameters and templates were adopted by the Commission on 4 November 2016. The EU MRV Regulation provides for emission factors for fuels on board. 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.

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

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

EU has exclusive competence for GHG emissions in shipping, notably insofar as there is a risk of affectation of EU MRV Regulation. In any case, MSs cannot act individually at the level of the IMO insofar as this would interfere with the EU strategy on the EU ETS in maritime transport and infringe their duty of sincere cooperation (Art 4(3) TEU.

The EU regulatory framework covers well-to-wake emissions: the transport emissions are accounted for on a tank-to-wake basis, while the well-to-tank emissions are part of EU energy policy. Overall, setting the appropriate emission factors and incentivising the uptake of low- and zero-carbon fuels necessitates an analysis of lifecycle fuel emissions.

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 2021.

Background

In 2011 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 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.

In 2016, following the adoption and entry into force of the Paris Agreement, the MEPC established 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 taking into account data on actual levels of emissions to become available in the next years. This is important in order to set the sector on the path towards full decarbonisation that should take place as soon as possible. The key priorities of the IMO was then the development and implementation of short-term measures that can reduce emissions also before 2023, as well as to begin work on the development of other candidate measures aiming for agreement by 2023. Following the work carried out during ISWG-GHG 7, MEPC 75 finalised the consideration of a short term measure combining both technical and operational measures for existing ships.

MEPC 75 also agreed a) draft amendments to MARPOL Annex VI to reduce the carbon intensity of existing ships with a view to adoption at MEPC 76; b) terms of reference for the comprehensive impact assessment (IA); c) a Steering Committee to oversee the development of the IA; d) a Correspondence Group on the Development of Technical Guidelines on EEXI and carbon intensity reduction – China, Japan and the Commission to be joint coordinators; e) terms of reference for the holding of ISWG-GHG 8; and f) a resolution on Encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships.

Consideration at ISWG-GHG 8

The eight intersessional working group aims to consider the results of the Correspondence Group on the Development of Development of Technical Guidelines on Carbon Intensity Reduction in respect of the drafting of the different guidelines supporting the EEXI framework and the CII framework as well as the update of the 2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP) (resolution MEPC.282(70)). The working group may also consider the way forward to develop a mandatory carbon intensity code. The results of the ISWG-GHG 8, namely the Technical Guidelines on Carbon Intensity Reduction, will be sent to MEPC 76 for finalisation and approval, in conjunction with the adoption of the MARPOL amendments to Annex VI approved at MEPC 75 (see Agenda item 3 for more details).

Carbon Intensity Reduction guidelines

MEPC 75 established the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction, coordinated by the Commission, China and Japan, in order to develop guidelines related to the implementation of the Energy Efficiency Existing Ship Index (EEXI) framework and carbon intensity (CII) reduction. The reports of the Group are contained in documents MEPC 76/7/3-6 accompanied by documents MEPC 76/INF.7-10. The Group succeeded in agreeing on a number of guidelines related to the EEXI framework and the CII framework, leaving a number of outstanding issues in square brackets for further discussion at the ISWG-GHG 8 and the decision at MEPC 76. **DELETED**

MEPC 75 also tasked the Correspondence Group to consider and update the 2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP) (resolution MEPC.282(70)), including to incorporate the development of a plan of corrective actions and verification requirements within SEEMP, as well as to consider the need to update existing instruments. Given the time constraints, the Group did not complete this work, also taking into account that it did not prove essential for the adoption of the draft MARPOL amendments at MEPC 76, and therefore proposed the re-establishment of the Group with revised terms of reference.

1. <u>EEXI guidelines (TOR1 of the Correspondence Group)</u>

The report of the Correspondence Group is contained in MEPC 76/7/5 and does not contain any issues in square brackets. **DELETED**

In addition, several documents have been issued. In MEPC 76/7/16 potential amendments are proposed to the draft guidelines on the Shaft/Engine Power Limitation System to comply with the EEXI requirements and use of a power reserve. **DELETED**

In MEPC 76/7/17, the Republic of Korea proposes amendments to the current EEDI and EEXI calculation formulas or adding separate formulas to reflect on board CO_2 capture (CO_2 removal). In the correspondence group views were divided. In MEPC 76/7/44, it is proposed to amend the formula for calculation of the mass of CO_2 emissions in paragraph 4.1 of the CII guidelines for the purpose of inclusion of carbon capture from flue gas. **DELETED**

In MEPC 76/7/28, it is proposed that numerical calculations may be accepted as equivalent not only to model propeller open water tests or used to complement the tank tests conducted (e.g. to evaluate the effect of additional hull features such as fins, etc. on ships' performance), but also as an equivalent to model tests provided that the methodology and numerical model used have been validated/calibrated against parent hull sea trials and/or model tests **DELETED**

In MEPC 76/7/35, Italy proposes a new paragraph in the EEXI calculation guidelines proposing a capacity correction factor for ro-ro cargo (vehicle carriers) ships with DWT/GT of less than 0.35. **DELETED**

In ISWG-GHG 8/2 and ISWG-GHG 8/2/rev.1 BIMCO and RINA propose to include in the draft guidelines on the method of calculation of the attained EEXI, an alternative method to determine Vref, by using empirical data from sea trial tests or the daily ship performance recordings. **DELETED**

In MEPC 76/7/54 Greece supports $P_{ME(i)}$ to be 75% of MCR_{lim}, support the proposal by BIMCO and RINA to include an alternative method to determine Vref, the extrapolation of the existing sea trials results of non – EEDI ships from ballast to EEDI draught and to set the performance margin m_v at 2.5% of the average speed or 0.5 knot, whichever is lower, in the draft guidelines on the method of calculation of the attained EEXI.

DELETED

By contrast, MEPC 76/7/38 (Pacific Environment and CSC) propose that P_{ME} is 87% of MCR_{LIM} with the aim of making EEXI more stringent. The Commission notes that the large majority of the members throughout the discussion argued that consistency with the EEDI formula would be crucial to ensure the level playing field among ships, and therefore suggested $P_{ME}(i)$ to be 75% of MCR_{lim}. **DELETED**

2. <u>CII Guidelines (TOR2 of the Correspondence Group)</u>

The report of the Correspondence Group contains a number of CII Guidelines with the following issues left in square brackets for further consideration:

1. *Draft guidelines on operational carbon intensity indicators and the calculation methods (CII guidelines, G1)*

.1 the use of AER or cgDIST for ro-ro cargo ship (not vehicle carrier);
.2 the correction factors for ships carrying refrigerated containers (reefers), and for ships with cargo heating or cooling systems;
.3 the proposals for scenarios to be excluded from CII calculation beyond regulation 3.1 of MARPOL Annex VI;
.4 the approaches for voluntarily collecting and reporting data beyond current IMO DCS for trial purposes; and
.5 the possibility to amend the Statement of Compliance to include space for comments to provide an opportunity for the ships to explain the inferior CII performance.

2. *Draft guidelines on the reference lines for use with operational carbon intensity indicators (CII Reference line guidelines, G2)*

   .1 the concrete reference lines provided in the draft G2, especially the split (separate) reference lines for gas carriers and LNG carriers; and
   .2 the concrete proposals to develop additional split (separate) reference lines.

3. *Draft guidelines on the operational carbon intensity reduction factors relative to reference lines (CII Reduction factor guidelines, G3)*

   .1 the choice of demand-based (Option 1A) or supply-based (Option 2A) measurement of 2030 target and the already achieved carbon intensity improvement;
   .2 the use of ship type specific or flat reduction factors;
   .3 the concrete reduction factors for year 2030; and
   .4 the average annual reduction factors for ship types and the starting points in year 2023.

4. *Draft guidelines on the operational carbon intensity rating of ships (CII Rating Guidelines, G4)*

   .1 the concrete rating boundaries provided in the draft G4; and
   .2 the concrete proposals on the size-dependent corrections for the given rating boundaries

Key issues

a. *Correction factors (CII guidelines, G1)*

The only correction factors included in the CII guidelines (G1 guidelines) without square brackets are the capacity correction factor for ice-classed ships (f_i), as in paragraph 2.2.11.1 in the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships (see resolution MEPC.308(73)) and a correction factor (f_m), for ice-classed ships having IA Super and IA or equivalent, as given in paragraph 2.2.19 of the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships as amended by resolution MEPC.322(74). **DELETED**

All other correction factors proposed by the members of the CG (refrigerated containers (reefers), cargo heating/ cooling systems and cargo handling gear such as cranes, excavators and side loaders) can be found in square brackets in appendix 1 to the draft guidelines on operational

carbon intensity indicators and the calculation methods (CII guidelines, G1). These proposals have been neither largely supported in the CG nor corroborated by evidence and impact analysis. While the Commission acknowledges that correction factors may be needed for the fair treatment of all ships in the segment of a specific ship-type, they must be included only in fully justified cases to avoid that the objectives of the regulatory framework are not compromised. **DELETED**

France proposes in MEPC 76/7/23 to assess proposed correction factors using 4 criteria (Policy justification, accuracy, applicability and capacity to assess their effects). **DELETED**

Correction factors are further addressed (and additional ones proposed) in a number of submissions, including MEPC 76/7/19 (Netherlands, further explaining correction factors for reefers, cargo heating/ cooling/ handling; the full report is given in MEPC 76/INF.41), MEPC 76/7/26 (INTERTANKO, cargo heating and cargo tank washing), MEPC 76/7/27 (INTERTANKO, correction factors for shuttle tankers), MEPC 76/7/29 (ISC and WSC, correction factors for reefers, which is identical to MEPC 76/7/19, but taking into account 85% of the fuel oil consumption by refrigerated containers which is to be reduced by 2% annually to promote energy efficiency of refrigerated containers in opposite to respectively 70% and 3 % in MEPC 76/7/19), MEPC 76/7/34 (CLIA, cruise ships with non-conventional propulsion), MEPC 76/7/46 (correction factors for cargo cooling on board gas carriers), ISWG 8/3/1 (Greece, proposing correction factors for tankers < 125.000 dwt and which is highlighted in MEPC 76/7/53 from Greece) and in MEPC 76/7/52 from Greece (*arguing that LNG carriers relative to other shipping sectors, have much higher fuel consumption when being in idle position to maintain the cargo temperature/pressure. However, the proposal seems not to be mature yet). MEPC 76/7/36 (IPTA) proposes correction factors for tankers concerning for cargo heating and tank washing operations.* **DELETED**

It is clear that such data collection and analysis in accordance with MEPC 76/7/23 for all the proposed correction factors mentioned above is not possible in the short timeframe available. **DELETED**

Furthermore, and similarly to voyage exclusions (see below and in Agenda item 3), the discussion on correction factors must take into account their effects on the carbon intensity reduction targets for the entire sector. As also clarified in MEPC 76/7/23, such analysis should be undertaken before including those in the CII guidelines, if possible using actual data rather than estimates, in order to be able to adjust the reduction factors accordingly, as appropriate. This will ensure that the

achievement of the reduction in CO_2 emissions per transport work at the level agreed (at least 40% by 2030) is not impaired by the use of correction factors or voyage exclusions. **DELETED**

b. Voyage exclusions (CII guidelines, G1)

The G1 guidelines as proposed in the Correspondence Group's report contain the scenarios that should be excluded from the calculation of the attained CII, as specified in regulation 3.1 of MARPOL Annex VI, which may endanger safe navigation of a ship. All other voyage exclusions as proposed by the members of the Correspondence Group are listed in paragraph 4.4 of the G1 guidelines and left in square brackets.

Voyage exclusions as proposed in MEPC 76/7/21 (Estonia, Finland, Russian Federation and Sweden), ISWG 8/3/1 (Greece) and MEPC 76/7/25 (Indonesia et al.) are also dealt with under Agenda item 3 in relation to the MARPOL amendments. **DELETED**

c. Voluntarily collecting and reporting data beyond current IMO DCS for trial purposes (CII guidelines, G1)

The draft guidelines on operational carbon intensity indicators and the calculation methods (CII guidelines, G1), contain a set of trial CIIs for use on a voluntary basis (with the purpose of further examination of the suitability of such CIIs for certain ship types, which may be better than AER). However, if further examination of such CIIs is considered, there should also be a possibility for collecting and reporting of data on such metric. The Correspondence Group concluded that since there was no mandate for the Group to consider the approaches for voluntarily collecting and reporting data beyond current IMO DCS for trial purposes, this issue is to be further considered by ISWG-GHG 8 and MEPC 76. **DELETED**

d. Proposals to develop additional split (separate) reference lines (CII Reference line guidelines, G2)

In ISWG-GHG 8/3, INTEFERRY proposes to split the reference line for the ro-ro cargo ship sector at 25,000 DWT, as a consequence of inherent diversity issues within the ro-ro cargo sector. **DELETED**

In ISWG-GHG 8/3/2, WSC proposes a refinement of the CII reference line for vehicle carriers to better reflect the three distinctive vehicle carrier subgroups that occur within the vehicle carrier ship type. **DELETED**

As regards MEPC 76/7/53 by Greece, see point f) below.

e. Reduction factors (CII Reduction factor guidelines, G3)

In the draft guidelines on the operational carbon intensity reduction factors relative to reference lines (CII Reduction factor guidelines, G3), the question on the choice of demand-based (Option 1A) or supply-based (Option 2A) measurement of the 2030 target and the already achieved carbon intensity improvement is addressed and whether to use ship type specific or flat reduction factors, including the value(s) of such reduction factors. The Correspondence Group did not reach any conclusion on this issue, subjecting it to the Committee's decision.

In MEPC 76/7/24, France and United States supported the supply-based approach on the basis of arguments that were also provided to the Correspondence Group (in line with the mandatory CII for individual ships, robustness and consistency of data). **DELETED**

In MEPC 76/7/53, Greece argues for the demand based approach for setting the reduction rates and for ship type dependent reduction rates which in their view is a more fair approach than applying flat rates. **DELETED**

On the choice between ship specific or flat reduction factors, the members of the Correspondence Group who preferred the flat reduction factor highlighted that the achieved reductions per ship type were less certain and using these could end up with unfair or even impossible requirements on some ship types. This is supported in MEPC 76/7/33 by WSC in which flat rates are preferred, the main reason being that it would be unfair for container ships to carry a large part of the burden for reducing CO_2 emissions. **DELETED**

In the report of the Correspondence Group flat reduction rates of 2% per year are proposed for the supply based approach to achieve the minimum goal of the IMO strategy (i.e. at least 40% carbon intensity improvement by 2030). **DELETED**

In MEPC 76/7/38, Pacific Environment and CSC propose that the reduction over the period 2019-2030 should be 75% to align with the Paris Agreement's temperature goals. This would imply a 7% average annual AER or cgDIST reduction for each ship type from a 2019 reference year. However, assuming that the regulation enters into force in 2023, the annual average reduction rate would

need to be recalculated based on 2022 emissions. If emissions remain flat from 2019 levels, the average annual reduction rate would be 11% between 2023 and 2030 (ca 75% over 7 years). The supply based approach and flat rates are supported. While demonstrating that there may be a clear need to increase the reduction factors, the background of the percentage of 75% is not further elaborated in the document. Furthermore, it is debatable to what extent such percentages can be achieved in reality. **DELETED**

f. Rating of ships (CII Rating Guidelines, G4)

In MEPC 76/7/55 (and MEPC 76/7/53 in relation to reference lines), Greece considers that the development of reference lines for each ship type, to which regulation 22B of MARPOL Annex VI applies, is not an accurate representation of the actual rating. Greece considers that instead of using split reference lines for different sizes, which is a complicated and a time-consuming exercise, simple correction factors could be proposed. **DELETED**

In MEPC 76/7/19, Netherlands proposes to widen the rating bands for both container ships and general cargo ships below 20,000 DWT. **DELETED**

3. Other guidelines (TOR3 and TOR4 of the Correspondence Group)

On TOR 3 the Correspondence Group started with the basic documents as provided in the TOR, including a basic document with a revised SEEMP. The revised SEEMP was updated by the coordinators so it would be aligned with the agreed MARPOL amendments, including place holder paragraphs on self-evaluation and improvement, verification and audits, corrective actions and review and update of the SEEMP. The place holder paragraphs have been further updated in the consecutive rounds of the consultation. However, comments had been made by several members that further development and finalisation of the SEEMP should await the finalisation of the CII guidelines. Therefore the work has been progressed as far as possible and the Correspondence Group proposes its re-establishment to finalise this work.

The Correspondence Group also asks for guidance of the Committee on the issues as indicated in the action paragraph of its report (new structure for the SEEMP guidelines in which a new Part III is added to the existing structure of the SEEMP guidelines with a view to clarifying the requirements for the ships falling under the scope of regulation 22B of the MARPOL amendments; the proposal on compliance on a company/fleet level basis; if supported, whether this should be addressed at the level of the guidelines or at the level of the Convention; and the development of guidance on audit and verification of the SEEMP in a separate guideline). **DELETED**

In MEPC 76/7/41, Denmark proposed that the concept of a fleet-averaging approach is introduced in the SEEMP Guidelines without modifying the draft amendments to MARPOL Annex VI approved at MEPC 75. The proposal is also addressed in MEPC 76/7/30 (CLIA and WSC). **DELETED**

In MEPC 76/7/37, IACS comments on the report of the Correspondence Group on the parts of TOR 3. The paper supports the new structure and poses the question whether the SEEMP should be a specific management plan or an auditable company management system. Furthermore, the document proposes how to clarify the purpose of verification and how the verification should be conducted. Finally, the document addresses the plan of corrective actions. **DELETED**

In MEPC 76/6/56, CLIA comments on the report of the Correspondence Group and proposes to add to the SEEMP guidelines that ships implementing planned corrective actions should be provided with two to three years for the plan to reflect changes in its attained CII and rating. **DELETED**

TOR 4 concerns the update of several other existing IMO guidelines. Also here many Members of the Correspondence Group argued this should be further developed once the CII guidelines are finalised. The correspondence group therefore only inventoried what possible updates of the existing IMO guidelines could be considered. Also here it is proposed that this work should be finalised by the re-established correspondence group.

Miscellaneous

In MEPC 76/7/14, INTERFERRY suggests that High Speed Craft (HSC) should be defined as a new category in MARPOL Annex VI, that a reference line should be established and that new MARPOL amendments have to be introduced to this effect. **DELETED**

In MEPC 76/7/22, Denmark et al. propose inter-alia to invite Administrations of Parties to MARPOL Annex VI to issue temporary exemptions for ships conducting biofuel trials for GHG reduction purposes and to do further research on sustainable marine biofuels also in relation to the NOx certification. The aim is that NOx certification does not hamper the uptake of biofuels. **DELETED**

Consideration at MEPC 76

DELETED

DELETED

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DELETED

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

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

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

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

document (MEPC 75/8/2) on "Progresses in the implementation of the Voluntary Guidelines on the Marking of Fishing Gear to reduce ALDFG and its impact".

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

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

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

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

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

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

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

EU relevance

The Union has competence in the matter.

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

Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) makes assessment and monitoring of marine litter and its impacts mandatory for EU MS and also obliges them to take measures to reduce them.

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

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

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

Finally, 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 (as described in MFSD Descriptor D10 and the associated four criteria identified to achieve good environmental status in European marine waters) and the call on Member States to prevent and significantly reduce marine pollution, including marine debris as a contribution to the UN Sustainable Development Goals "Conserve and sustainably use the oceans, seas and marine resources for sustainable development" (see specifically SDG Target 14.1 and indicator 14.1.1).

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.

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

Background

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

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

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

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

- *the terms of reference for the IMO Study on marine plastic litter from ships;*
- *Invited FAO to make information on fishing gear and logging schemes available to MEPC and/or to the GESAMP Working Group 43, as appropriate, and to collaborate with IMO and provide advice on the voluntary or mandatory application of marking of fishing gear, including costs associated with the implementation of a mandatory requirement and the most appropriate FAO or IMO instrument for potentially introducing such a requirement.*
- *Requested GESAMP to provide a report to MEPC 74 on the work of GESAMP Working Group 43 and to review term of reference 3 of the IMO Study on marine plastic litter from ships, with a view to determining if there was any additional work that GESAMP could undertake to progress the work.*
- *Invited Member States and international organizations to provide relevant information to the Secretariat, for inclusion in the regulatory framework matrix.*
- *Invited FAO to submit to future sessions of MEPC or the PPR Sub-Committee relevant information on existing reporting mechanisms of accidentally lost or discharged fishing gear, including the challenges and benefits of such systems, as well as information that could help clarify details on losses that should be reported.*
- *Invited interested Member States and international organizations to submit to the PPR Sub-Committee proposals on reporting mechanisms for accidentally lost or discharged fishing gear, including the challenges and benefits of such systems, as well as existing and potential ways to encourage fishing vessels to report.*

- *Approved the scope of work the PPR, III and HTW Sub-Committees to progress the work of the relevant short-term actions in the Action plan to address marine plastic litter from ships (resolution MEPC.310(73)).*
- *Established a Correspondence Group on Development of a Strategy to Address Marine Plastic Litter from Ships, under the coordination of Singapore.*

MEPC 75 postponed the consideration of all documents submitted under this Agenda item to MEPC 76.

Consideration at MEPC 76

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Agenda item 9 – Pollution prevention and response

Docs: MEPC 75/10 (+Add.1), MEPC 75/10/2-6, MEPC 76/9, MEPC 76/9/2-7, MEPC 76/INF.5, MEPC 76/INF.11, MEPC 76/INF.33, MEPC 76/INF.42-45

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

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

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

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

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

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

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

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

MEPC 76/9/1 (not issued yet):

MEPC 76/9/2 (EU): MEPC 76 has still to approve the draft scope of work for output 1.23. The need to address this matter is, however, urgent. This document proposes to amend the draft scope and, while respecting IMO working procedures and arrangements, to already develop elements for the consideration of the Committee. The aim of this approach is to achieve early consensus on the scope and the way forward. In particular, the annex to this document presents guiding principles and early proposals for relevant draft guidelines and regulations to address key aspects and develop

the elements outlined in parts 1 to 4 of the draft scope of work agreed by PPR 7. This document is presented for the Committee′s consideration, pending its approval of the draft scope, in view of completion at PPR 9 as appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MEPC 75/10

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

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

The Commission wishes to point out that during PPR 7 session, the review of the 2015 guidelines for EGCS resulted in deleting the existing Appendix 6 to the Guidelines on EGCS guidance on accidental breakdown; the rational given was that MEPC.1/Circ.883 approved at MEPC 74 had superseded the Appendix. Furthermore, the entire body content of Circular 883 has been retained with the only amendment being the deletion of references to the EGCS 2015 Guidelines from the title and paragraph 9 of the revised Circular and the respective footnotes. **DELETED**

DELETED

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

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

EU position: **DELETED**

In respect of this action point the EU submitted document MEPC 76/9/2 proposing an amendment to Part 3: Regulatory matters of the draft scope of work for evaluation and harmonization of rules

and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas as contained in Annex 11 of PPR 7/22/Add.1. The arguments in this document is also supported by the results of a study on the potential impact of washwater effluents from exhaust gas cleaning systems (scrubbers) on water acidification in the southern North Sea carried out by Belgium (MEPC 76/INF.11). Document MEPC 76/9/2 also proposes developments of Part 1-4 of the draft scope outlined in the appendix to document, ahead of the approval of the mentioned draft scope. EU proposals encompass draft guidelines for on risk and impact assessment and draft regulations to provide a national framework on EGCS discharge water prohibitions. This is in view of achieving and earlier consensus ahead of PPR9 which will further consider the document and take it into account to complete the relevant output.

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

EU position: **DELETED**

MEPC 75/10/1/ADD 1

c) *Action point 3.7: approve draft MEPC circular on Provision of adequate facilities at ports and terminals for the reception of plastic waste from ships.*

   Action point 3.8: approve the draft MEPC circular on Sharing of results from research on marine litter and encouraging studies to better understand microplastics from ships.

   EU position: **DELETED**

In view of action points, which were not subject to an EU position at PPR 7, new positions are being proposed.

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

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

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Agenda item 10 – Reports of other sub-committees

Docs: MEPC 75/11/1, MEPC 76/10

MEPC 75/11/1 (Secretariat): provides the list of actions requested of the Committee on matters emanating from III 6.

MEPC 76/10 (Secretariat): invites the Committee to take action on matters emanating from SDC 7 taking into account their subsequent consideration by MSC 102.

III Sub-Committee

MEPC 75 agreed to defer the consideration of document MEPC 75/11/1 (Secretariat), paragraphs 4.3 and 4.5, to MEPC 76.

Port State Control

EU relevance

The Union has competence no the matter.

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.

Background

The report of the Correspondence Group on Measures to Harmonize Port State control (PSC) Activities and Procedures Worldwide, coordinated by the Commission, contained a justification for a draft new output under the work programme on this agenda item related to the development of an entrant training manual for PSC personnel. III 6 considered this proposal and after some amendments decided to refer it to MEPC 75 and MSC 102 for approval. **DELETED**

DELETED

Consideration at MEPC 75

Action point 4.3 of MEPC 75/11/1 requests the Committee to consider the justification for, and decide on the inclusion of, a new output on "Producing a new entrant training manual for PSC personnel", which is for voluntary use and to be updated regularly, subject to concurrent decision by MSC. **DELETED**

DELETED

Agenda item 11 – Technical cooperation activities for the protection for the marine environment

Docs: MEPC 76/11, MEPC 76/11/1

MEPC 76/11 (Secretariat): provides an update on the activities related to the protection of the marine environment under IMO's Integrated Technical Cooperation Programme (ITCP) in 2020 and sets out the proposed marine environment-related thematic priorities for inclusion in the ITCP for the 2022-2023 biennium.

MEPC 76/11/1 (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 January 2020 to 31 March 2021.

Agenda item 12 – Work programme of the Committee and subsidiary bodies

Docs: MEPC 75/14, MEPC 75/14/1-3, MEPC 76/INF.17, MEPC 76/INF.32, MEPC 76/INF.39

MEPC 75/14 (Australia, Canada and United States): Recalling the International Maritime Organization's (IMO) past work on underwater vessel noise, IMO's Strategic Plan and advances in research and technology, this document proposes a new output on the agenda of MEPC to undertake

a review of the 2014 Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (MEPC.1/Circ.833) and identify next steps.

MEPC 75/14/1 (FOEI, WWF, IFAW, Pacific Environment and CSC): provides comments on document MEPC 75/14 "Proposal for a new output concerning a review of the 2014 Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (MEPC.1/Circ.833) and identification of next steps" submitted by Australia, Canada and the United States. The co-sponsors of this document draw attention to the worldwide impact of underwater noise on the marine environment, the urgency of the issue, the lack of activity to date and expressions of support for mitigation measures from international forums and civil society.

MEPC 75/14/2 (EU): expresses general support for that new output, while presenting all the initiatives taken at European level to limit underwater noise pollution from ships and its impact on the marine environment and species.

MEPC 75/14/3 (World Maritime University): This document provides comments on document MEPC 75/14 and information on the International Symposium on Anthropogenic Underwater Noise, which took place in Hamburg, Germany, in September 2019 and was organized by the Jens-Peter and Betsy Schlüter-Foundation for Shipping and Environmental Protection and the World Maritime University (WMU) with the support of IMO.

MEPC 76/12 (International Whaling Commission): The International Whaling Commission (IWC) has noted that there is evidence indicating that chronic anthropogenic underwater noise from shipping is affecting the marine acoustic environment in many regions, including potential adverse effects on some cetacean populations. IWC would welcome the opportunity to contribute to an MEPC work item on underwater noise through the work of its Scientific and Conservation Committees

MEPC 76/INF.17 (Belgium): summarizes the key findings of two desk studies on options for reducing emissions as well as underwater radiated noise from marine traffic. The first study focuses on the Belgian shipping fleet. The second study focuses on the effects of slow steaming for reducing emissions as well as underwater radiated noise from a realistic scenario of marine traffic in the North Sea.

MEPC 76/INF.32 (India): attempts to put in perspective the issue of acoustic habitat degradation in the Indian Ocean Region (IOR) with identification of hotspots in terms of extent of degradation, and proposes new means for site-specific assessment of the degradation. It also brings into focus Underwater Domain Awareness (UDA), based on the data gathered from IOR.

MEPC 76/INF.39 (Netherlands): summarizes the results of the Joint Monitoring Programme of Ambient Noise in the North Sea (JOMOPANS). JOMOPANS develops a framework for a fully operational joint monitoring programme for ambient noise in the North Sea and produces maps of depth-averaged sound pressure levels for the North Sea.

Underwater noise

EU relevance

The EU has competence on this matter.

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 and the definition of threshold values for impulsive and continuous low frequency sound.

Background

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

DELETED

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, **DELETED**

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. Ongoing work in the Technical Group on Underwater noise is currently focusing on the assessment of impacts of underwater noise, with the development of threshold values for underwater noise to be adopted in 2022 (based on the work plan of the Common Implementation strategy of the Marine strategy framework directive).

At MEPC 74, document MEPC 74/17/2 (Canada and France) provided 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 (see Descriptor 11 on Energy and Noise). 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. Canada supplemented document MEPC 74/17/2 with two information papers: 1) MEPC 74/INF.36 which highlighted 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; and 2) MEPC 74/INF.28 which included the results of a review of underwater radiated noise mitigation measures from ships.

Canada also announced that it intended 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.

Consideration at MEPC 76

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Agenda item 13 – Any other business

Docs: MEPC 76/13, MEPC 76/13/1-2, MEPC 76/INF.29, MEPC 76/INF.56, MEPC 76/INF.63, MEPC 76/INF.65

MEPC 76/13 (World Coatings Council): The AFS Convention allows anti-fouling systems to be banned through an amendment to annex 1. For this decision to be reached, a thorough risk assessment should be conducted. This is achieved by using scientific techniques to analyse the hazards, potential for exposure, and adverse effects caused by specific contaminants. The AFS Convention contains all necessary elements to allow for a risk assessment to be conducted to place an anti-fouling system in annex 1 (see articles 6 and 7). However, specific methodology or criteria are not provided. This document establishes a set of recommendations to include specific risk assessment criteria to support the decision-making process for adding an anti-fouling system to annex 1 to the AFS Convention. The World Coatings Council intends to work with Member States on proposals for a new output to create a fundamental list of specific risk assessment criteria to be addressed under the AFS Convention.

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

MEPC 76/13/2 (BIMCO and ICS): provides information about an industry standard on in-water cleaning with capture that was published in January 2021 and suggests that it be included in the Organization's review of the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (resolution MEPC.207(62)).

MEPC 76/INF.29 (Secretariat): provides a status report on FSO SAFER and the work carried out by the Secretariat to date.

MEPC 76/INF.56 (Australia): presents the main findings from a study undertaken in Australia to evaluate the performance of ballast water management systems (BWMS) fitted on board ships that visited Australian ports in 2019 and 2020. The study provided data on the use and effectiveness of BWMS in relation to the requirements of the International Convention for the Control and Management of Ships′ Ballast Water and Sediments (BWMC).

MEPC 76/INF.63 (REMPEC): provides information on the adoption and implementation of a road map for the possible designation of the Mediterranean Sea, as a whole, as an Emission Control Area for Sulphur Oxides pursuant to MARPOL Annex VI, within the Framework of the Barcelona Convention.

MEPC 76/INF.65 (FOEI): Report describing IMO food waste regulation and possible reforms and amendments, in light of estimated loading to sea of 164,000 t – 1.46 million t of food waste per year from ships.

AFS Convention (MEPC 76/13 and MEPC 76/13/1)

The EU has exclusive competence on the matter.

The AFS Convention has been transposed into EU legislation through Regulation (EC) No 782/2003 on the prohibition of organotin compounds on ships. According to the Regulation, organotin compounds which act as biocides in anti-fouling systems are no longer allowed to be applied on ships flying the flag of a Member State. The Regulation is further supplemented, firstly, by Commission Regulation (EC) 536/2008 comprising measures enabling ships flying the flag of a third State to demonstrate their compliance and procedures for control and, secondly, by Regulation (EC) 1907/2006, which prohibits the marketing and use of organostannic compounds within the EU. Under Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products, the Commission also adopted Implementing Decision (EU) 2016/107 of 27 January 2016 not approving cybutryne as an active substance for use in biocidal products for product-type antifouling products. The effect of this decision is to prohibit making available on the market as well as the use of anti-fouling paints containing cybutryne in all EU Member States and EEA States. Therefore, this issue falls under EU exclusive competence.

In MEPC 76/13, the World Coatings Council highlights the need to establish a list of risk assessment criteria to be addressed under the AFS Convention. Therefore, it states that it is willing to work with interested Member States to prepare a proposal for a new output on this issue to be submitted to a future session of MEPC 76. **DELETED**

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

a. Designation of the Mediterranean Sea as an Emission Control Area for Sulphur Oxides (MEPC 76/INF.63)

EU relevance

The Union has competence in the matter.

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 SO_x-Emission Control Area (SO_x-ECA) requirement was established 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 SO_x emissions from shipping 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. 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).

Background

The Commission 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.

MEPC 74 noted 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.

During MEPC 74, the Commission, on behalf of the Union, also supported a side meeting as regards the potential future adoption of a SECA in the Mediterranean as well as the 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 the Commission to help adopt an informed decision on the establishment of ECAs in additional EU waters, including the Mediterranean basin.

Consideration at MEPC 76

DELETED

APPENDIX 1

Agenda items postponed by MEPC 74 for consideration by MEPC 76

Agenda item 6 – Minimum propulsion power to maintain manoeuvrability of ships in adverse conditions

To note that the following item postponed from MEPC 74 could still be discussed at MEPC 76 and that a position has been agreed.

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** *The Commission recalls the positions agreed for MEPC 74:*

DELETED

APPENDIX 2

Eight Meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 8) submissions

Docs: ISWG-GHG 7/3, ISWG-GHG 7/3/1, ISWG-GHG 7/4, ISWG-GHG 7/5, ISWG-GHG 7/5/1-9, ISWG-GHG 7/6, ISWG-GHG 7/8, ISWG-GHG 7/8/1, ISWG-GHG 8/1-3, ISWG-GHG 8/3/1

ISWG-GHG 7/3 (FOEI, WWF, Greenpeace International, Pacific Environment and CSC): contains a proposal to include all greenhouse gases emitted from ships, including methane slip, in future phases of the Energy Efficiency Design Index, beginning with phase 4.

ISWG-GHG 7/3/1 (SGMF): The issue of methane slip from gas-fuelled engines highlights the issue to reduce GHG emissions from the maritime transport industry. This paper provides information in this respect and a proposal for the reduction of methane on a carbon equivalent basis. Methane slip increases the GHG emissions associated with the use of LNG as a marine fuel. A summary of actions taken by engine manufacturers to reduce methane slip is presented. To further drive the reduction of GHG emissions, a proposal is presented to add methane by means of a CO_2-equivalent in relevant measures and guidelines including EEDI.

ISWG-GHG 7/4 (OECD): aims to provide an overview of existing national fiscal measures that could facilitate the reduction of GHG emissions from shipping. Such measures could be adopted by other countries for inclusion in their National Action Plans. These fiscal measures could also be mentioned in the draft MEPC resolution on encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships. This overview is based on the study Maritime Subsidies: Do They Provide Value for Money? (2019) carried out by the International Transport Forum at the OECD, and the OECD study Taxing Energy Use (2019).

ISWG-GHG 7/5 (SGMF): contains the results of a lifecycle greenhouse gas (GHG) emissions and air quality local pollutants study conducted in order to gain more knowledge on the use of liquified natural gas (LNG) as marine fuel compared with current and post-2020 conventional oil-based fuels.

ISWG-GHG 7/5/1 (EUROMOT): adds further information to document MEPC 73/7/2, submitted by CESA and EUROMOT. Annexes 1, 2 and 3 of this document have been prepared by the International Council on Combustion Engines (CIMAC): Zero carbon energy sources for shipping (Annex 1), Production pathways for hydrogen with zero carbon footprint (Annex 2) and Zero and net zero carbon fuel options (Annex 3).

ISWG-GHG 7/5/2 (FOEI, WWF, Greenpeace International, Pacific Environment and CSC):

summarizes the key findings of a new study by the International Council on Clean Transportation (ICCT) titled "The climate implications of using LNG as a marine fuel".

ISWG-GHG 7/5/3 (Republic of Korea): highlights the importance of applying well-to-propeller analysis for marine fuels from a long-term point of view. In addition, it proposes a practical approach to investigating lifecycle GHG/carbon intensity for credible marine fuels.

ISWG-GHG 7/5/4 (Australia): To successfully achieve the 2050 ambition of 50% reduction in greenhouse gas emissions from ships compared to 2008 levels contained in the Initial IMO Strategy, deployment of new technologies and switching to alternative fuels such as hydrogen will be required. In the meantime, in order to peak emissions as soon as possible, wider adoption of technologies that are currently available to reduce emissions should not be neglected. Fuel transitioning, informed by consistent application of agreed life cycle analysis guidelines, is a measure that can offer immediate savings to reduce emissions in global shipping. This document provides an Australian case study of a life cycle analysis for Liquefied Natural Gas (LNG) as a transitional marine fuel.

ISWG-GHG 7/5/5 (CESA): highlights the need for a life cycle assessment (LCA) of alternative fuels in order to develop meaningful IMO instruments that ensure sufficient and timely GHG emission reduction as well as necessary technical flexibility. The document discusses possible consequential amendments to IMO instruments that would be necessary in order to incorporate life cycle aspects.

ISWG-GHG 7/5/6 (IMarEST): There is a pressing need and a precedent for IMO to take a whole life cycle approach. The consideration of a fuel's whole life cycle is of critical importance to ensure the incentivization of actions that have greater cost-effectiveness and avoid unintended consequences. IMO has a precedent for policy that incentivizes action beyond the ship. To address these issues, IMarEST proposes that the Bunker Delivery Note could be used to document the type of fuel and information about upstream emissions, to enable a policy that uses this information. A simple approach based on the type of fuel may enable a first inclusion of a whole life cycle and allow a more comprehensive approach to be developed over a longer period of time.

ISWG-GHG 7/5/7 (WWF): outlines the findings of an inquiry commissioned by the Sustainable Shipping Initiative to explore the potential role (if any) of biofuels in the decarbonisation of shipping. It presents an overview of the various positions, controversies and concerns about biofuels for shipping, with a focus on issues related to their sustainability and availability.

ISWG-GHG 7/5/8 (Australia, Japan, Norway, Republic of Korea and ICS): contains draft life cycle GHG and carbon intensity guidelines for maritime fuels, based on the documents submitted to and discussions during ISWG-GHG 6. To enable reporting according to the IPCC inventory guidelines, the document proposes to introduce a fuel life cycle label (FLL) which broadly categorizes a fuel based on carbon source and other sustainability aspects and determines if the CO_2 emissions should be accounted for by international shipping. All aspects in the guidelines are not fully elaborated and would need further consideration.

ISWG-GHG 7/5/9 (EU): suggests the introduction of life cycle guidelines to estimate well-to-tank greenhouse gas (GHG) emissions. These suggested life cycle guidelines would be based on sustainability and GHG emissions saving criteria to incentivize the uptake of alternative fuels at global level.

ISWG-GHG 7/6 (Secretariat): provides information on the possible areas of cooperation between UNCTAD and IMO to support assessment of impacts on States of candidate measures.

ISWG-GHG 7/8 (UNCTAD and the World Bank): Maritime transport costs vary widely. Often, Small Island Developing States (SIDS), Landlocked Developing Countries (LLDC) and Least

Developed Countries (LDC) spend more than the average country on international transport and insurance costs for trade in goods. However, existing public data on maritime transport costs required for impact assessments of GHG reduction candidate measures appears to have significant room for improvement. UNCTAD and the World Bank have therefore begun developing a global transport costs database for international trade with a special focus on trade serviced by international maritime transport. The database is to feature a new dataset that is both global and granular in nature. This is intended to help overcome the existing paucity of maritime transport costs data. The database will initially populate a limited sample of countries and commodities, before expanding its coverage to all countries and all commodities.

ISWG-GHG 7/8/1 (United Kingdom): explores possible mid-term measures to reduce GHG emissions from international shipping. It focuses on five different options for economic incentives, setting out their main characteristics and how they may contribute to achieving the objectives of the Initial Strategy.

ISWG-GHG 8/1 (Secretariat): provides the provisional agenda for ISWG-GHG 8.

ISWG-GHG 8/2 (BIMCO and RINA): proposes an alternative method to determine an accurate reference speed (Vref) for EEXI, based on empirical data from in-service ship performance measurements. The alternative method and the associated result for Vref should be verified by the recognized organization prior to issuing the International Energy Efficiency Certificate (IEEC). The alternative approach is a supplement to the draft guidelines on the method of calculation of the attained EEXI and draft guidelines on survey and certification of the EEXI provided in the annexes to document ISWG-GHG 7/2/7, as considered by the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction.

ISWG-GHG 8/3 (INTERFERRY): Based on extensive data analysis, INTERFERRY suggests that all ro-ro type ships (cargo/passenger/vehicle carriers) should make use of GT as the measure of capacity for the purposes of the CII framework. Additionally, due to inherent diversity issues within the ro-ro cargo sector it is suggested to split the reference line for the ro-ro cargo ship sector at 25,000 DWT.

ISWG-GHG 8/3/1 (Greece): acknowledges the different types of shipping trade and provides an analysis of the attained CII and operational energy efficiency performance ratings of small and medium size tankers engaged in short sea shipping.