



MARINE ENVIRONMENT PROTECTION  
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**DRAFT REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS SIXTY-FIRST SESSION  
(Continued)**

**7 INTERPRETATIONS OF, AND AMENDMENTS TO, MARPOL AND RELATED INSTRUMENTS**

7.1 The Committee noted that, at the current session, 16 substantive and four information documents had been submitted under this agenda item.

7.2 The Committee agreed to consider documents MEPC 61/7/3 (United States), MEPC 61/7/4 (Denmark *et al.*), MEPC 61/7/6 (United States), MEPC 61/7/8 (Japan), MEPC 61/7/11 (IACS) and MEPC 61/INF.9 (United States), dealing with matters related to MARPOL Annex VI and the NO<sub>x</sub> Technical Code, under agenda item 4.

7.3 The Committee agreed to consider the remaining documents under the following categories:

- .1 firstly, the outcome of the Correspondence Group on the review of MARPOL Annex V and comments thereto, with five substantive documents and two information documents, as follows: MEPC 61/7/2 (New Zealand), MEPC 61/7/5 (Norway), MEPC 61/7/10 (United States), MEPC 61/7/12 (CSC), MEPC 61/7/13 (United States), MEPC 61/INF.6 (New Zealand) and MEPC 61/INF.7 (New Zealand);
- .2 secondly, proposed amendments to MARPOL Annex IV and comments thereto, with four substantive documents and one information document,

as follows: MEPC 61/7 (Demark *et al.*), MEPC 61/7/9 and Add.1 (Bahamas *et al.*), MEPC 61/7/14 (WWF) and MEPC 61/INF.23 (United States); and

- .3 thirdly, two documents on matters concerning MARPOL Annex I (proposals for Unified Interpretations and Guidelines), as follows: MEPC 61/7/1 (Denmark *et al.*) and MEPC 61/7/7 (Republic of Korea).

#### **REVIEW OF MARPOL ANNEX V**

7.4 The Committee agreed to consider the report of the correspondence group and four documents commenting on its outcome prior to opening a general discussion, with the aim to resolve any outstanding issues in plenary to the extent possible before establishing the working group.

7.5 The delegation of New Zealand, as co-ordinator of the correspondence group, introduced document MEPC 61/7/2, with the outcome of the group's deliberations in the intersessional period. The Committee noted that the group had been successful in developing a complete draft revised MARPOL Annex V, set out in annexes 1 and 2 to the report, while annex 3 presented a summary of changes to the existing Annex V for ease of reference and annex 4 provided a list of likely revisions required for the existing Guidelines for the implementation of MARPOL Annex V once the latter's revised text had been approved.

7.6 The group, however, had identified several issues still undecided which required further consideration by the Committee, as follows (MEPC 61/7/2, paragraph 23):

- .1 the inclusion of animal carcasses as a garbage type to be regulated under Annex V, along with conditions for discharge related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged;
- .2 whether ships must be *en route* during discharge of all, or of some, garbage types permitted for discharge in regulation 3;
- .3 whether cargo residues contained in cargo hold wash water should be permitted for discharge in special areas where the ship is not leaving the special area between unloading and next loading ports;

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- .4 whether the minimum length of vessels requiring placards or signage should be 10 or 12 metres;
  - .5 whether fishing gear, lost in accordance with the provisions of regulation 6, should be reported to coastal States or flag States in addition to an entry being made in the ship's Garbage Record Book or log; and
  - .6 whether deck washing water should fall within the scope of Annex V.

7.7 In concluding her introduction, the Chairperson of the correspondence group stressed that, in order that the review could be finalized, the Committee should provide clear direction on the issues detailed above as, without it, it would be very difficult to complete the review at the current session.

7.8 The Committee thanked the correspondence group for the successful outcome of its deliberations and congratulated its Chairperson, Dr. Alison Lane, for her hard work and effective leadership.

7.9 The delegation of Norway introduced document MEPC 61/7/5 dealing with the issue of cleaning additives commonly present in deck washing water. In the view of the submitters, GESAMP could be tasked with providing advice to the DSC Sub-Committee in order to develop an approval scheme for the use of cleaning agents for tank and deck washing of solid bulk cargoes.

7.10 The delegation of the United States introduced document MEPC 61/7/10 expressing its view that discharges of carcasses of dead animals should be regulated under the London Convention and Protocol (LC-LP) provisions, as spoilt cargo. The United States advised that it had submitted a document on this matter to the LC-LP bodies and proposed a questionnaire to be disseminated among Member Governments and interested organizations in order to gather more information about spoilt cargoes on board ships so that an informed decision could be taken by the Committee and LC-LP bodies at a later stage.

7.11 In document MEPC 61/7/13, the United States commented on several issues that, in its view, needed further discussion in plenary before the establishment of the working group. These related, *inter alia*, to the following matters: the original definitions in the current Annex V should be maintained; those terms currently defined in the Guidelines should

remain there until after the amendments to Annex V have been developed; the proposed formulations for "operational wastes", "food wastes" and "cargo residues" should be revisited; further discussion was needed as regards detergents and fishing gear; the explicit prohibition for discharge of plastics should remain; cargo residues as marine pollutants should be regulated through the International Maritime Solid Bulk Cargoes Code (IMSBC Code); and, regarding poultry, Annex V should be consistent with the Antarctic Treaty regulations.

7.12 The Clean Shipping Coalition (CSC), in document MEPC 61/7/12, expressed its support for the views expressed by Friends of the Earth International (FOEI) at MEPC 60 (MEPC 60/6/8) and advanced its opinion that the revision of MARPOL Annex V should address, *inter alia*, the worldwide harmonization of port reception facility schemes; the incorporation of environmental considerations into the IMSBC Code; a requirement for all commercial seagoing vessels (however small and including fishing boats) to have a Garbage Management Plan and a Garbage Record Book; and, in the case of lost fishing gear, the coastal State where the loss has occurred should be required to take all reasonable actions to locate and retrieve the lost gear.

7.13 The Committee noted the information contained in documents MEPC 61/INF.6 and MEPC 61/INF.7, both by New Zealand, on measures implemented to reduce marine debris and research results on garbage management, respectively.

### **Discussion**

7.14 Once all documents had been introduced, the Chairman stated that the review of Annex V had been ongoing for several years and had incurred a significant delay. He stressed that it would be unfortunate if a revised MARPOL Annex V could not be approved in principle at the current session for circulation, with a view to adoption at MEPC 62 in July 2011, even with sections within square brackets, which could be resolved by further discussion in plenary at MEPC 62.

7.15 The Vice-Chairman of the DSC Sub-Committee, on behalf of its Chairperson, advised the Committee that, in the context of the proposals by Norway (MEPC 61/7/5), the United States (MEPC 61/7/13) and CSC (MEPC 61/7/12), he would like to draw the Committee's attention to the fact that, if the Committee decided to address the development of criteria and hazard profiles to identify bulk cargoes as marine pollutants, the work should be co-ordinated by the DSC Sub-Committee as this would have an impact on the IMSBC Code.

7.16 In that respect, the Committee noted the information provided by the Chairman concerning the decisions taken by DSC 15 (13 to 17 September 2010) on a related matter, as reflected in the draft report of that meeting (DSC 15/WP.1, paragraphs 4.19 and 4.20), as follows:

***"Classification criteria for all solid bulk cargoes and associated environmental hazards***

4.19 *The Sub-Committee considered a proposal from Australia (DSC 15/4/11), highlighting a potential issue that not all solid cargoes carried in bulk can be appropriately classified as required by SOLAS regulation VII/7 for the environmental hazards they present and proposing that this matter be brought to the attention of MEPC 61, and noted that the MEPC Correspondence Group for the Review of MARPOL Annex V (MEPC 61/7/2) had included a specific provision on cargo residues, in particular that the above group had recommended a new guideline be developed (in lieu of amending the IMSBC Code) to address the classification of cargo residues which could be harmful to the marine environment.*

4.20 *Bearing in mind that it is a complex issue that has yet to be resolved by the MEPC, the Sub-Committee agreed to await the outcome of MEPC 61 on the matter and encouraged Member Governments and international organizations to raise their concerns at the above session when the report of the correspondence group is considered, taking into account that the Sub-Committee has not been instructed to take any action on this issue. In this context, the Chairman advised delegations interested in considering this matter further to submit a justification for a new output in accordance with the Guidelines on the organization and method of work, for consideration by MEPC 62."*

7.17 The Committee, taking into account the above information, held the discussion focusing upon the questions put forward by the correspondence group (set out in paragraph 7.6 above) and took the following decisions:

- .1 the inclusion of animal carcasses as a garbage type should be regulated under Annex V, with conditions for discharge being related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged;

- .2 ships must be *en route* during the discharge of all garbage types permitted for discharge in draft regulation 3 with the possible exception of food wastes;
- .3 while the issue of categorization of environmental hazard and the treatment of solid cargo residues would be referred for consideration of the DSC Sub-Committee, the completion of any such categorization would take a considerable period of time. The working group was therefore requested to consider the wording of conditions for the discharge of cargo residues taking into account the need to provide an immediate solution that would also allow for possible amendments or incorporation of a new categorization scheme at a later time;
- .4 the minimum length of vessels requiring placards or signage should remain 12 metres;
- .5 fishing gear lost in accordance with the provisions of draft regulation 6 should be reported to coastal States and flag States in addition to an entry being made in the ship's Garbage Record Book or log; and
- .6 additives and cleaning agents contained in deck washing water should fall within the scope of Annex V.

7.18 The delegation of Japan highlighted that, in order to ensure compliance with the more stringent requirements expected in the revised Annex V, including a general prohibition for the discharge of garbage, it was necessary to tackle the still serious problem of lack, or inadequacy, of reception facilities. In the view of the delegation, MARPOL Annex V Parties should be urged to ensure the provision of adequate reception facilities; ships should be encouraged to notify any inadequacies of such facilities; and interim guidance could be developed for ships unable to deliver garbage to inadequate, or non-existing, reception facilities.

#### **Establishment of the Working Group on review of MARPOL Annex V**

7.19 The Committee agreed to establish the Working Group, under the co-ordination of Dr. Alison Lane (New Zealand), with the following Terms of Reference:

Taking into account all relevant documents as well as comments and decisions made in plenary, the Working Group was instructed to:

- .1 further develop and finalize draft amendments to MARPOL Annex V (the revised Annex V), based upon the text prepared by the intersessional Correspondence Group (MEPC 61/7/2);
- .2 taking into account discussion in plenary on the reporting of lost fishing gear, define which gear types should fall under these reporting requirements; and
- .3 submit a written report to plenary on Thursday, 30 September 2010.

### **Outcome of the Working Group**

[7.20 The Committee considered and approved the report of the Working Group (MEPC 61/WP.12) in general and, in particular:

- .1 noted that the group had been able to finalize draft amendments to MARPOL Annex V, albeit there were still unresolved issues (in square brackets in the text), that would need further consideration prior to adoption of the amendments;
- .2 noted the group's requirement for amendments to the Guidelines for the implementation of MARPOL Annex V, and the proposed establishment of an intersessional Correspondence Group to commence work on these amendments;
- .3 noted the other potential consequential amendments referred to in paragraph 10 of the report;
- .4 noted the need for further consideration of the discharge conditions for animal carcasses, taking into account any information provided in the intersessional period by administrations on current practices; and
- .5 noted the unresolved issue regarding the potential inclusion of fish dying during transport as live cargo.

7.21 Having noted the above issues, the Committee:

- .1 approved draft amendments to MARPOL Annex V (the Revised MARPOL Annex V), set out at annex ..., for circulation with a view to adoption at MEPC 62; and
- .2 agreed to re-establish the Correspondence Group, under the co-ordination of the United Kingdom<sup>1</sup>, recognizing that the early establishment of such a group would take advantage of the recent collaborative work and the high degree of familiarity that many delegations have with the regulations, with the following Terms of Reference:
  - .2.1 to initiate a review of the Guidelines for the implementation of MARPOL Annex V, based on draft text of the Revised Annex V, taking into account the discussion, comments and decisions made in the Working Group, as reflected in its report; and
  - .2.2 to submit a progress report to MEPC 62.

7.22 The Committee expressed appreciation to the Working Group on the review of MARPOL Annex V, and especially to its Chairperson, Dr. Alison Lane, for the excellent work done leading to the finalization of draft amendments to the Annex.]

#### **PROPOSED AMENDMENTS TO MARPOL ANNEX IV**

7.23 The Committee recalled that, at MEPC 60, it had discussed the proposal of the Baltic Sea States to amend MARPOL Annex IV with the aim of incorporating the concept of Special Areas and establishing a ban on the discharge of sewage from passenger ships within those areas, except when complying with new strict standards for nutrient concentration in the effluent and that the Baltic Sea was proposed for designation as a Special Area under MARPOL Annex IV.

7.24 The Committee noted that a majority of the delegations that intervened in the debate at MEPC 60 had agreed to the proposal, however, some concerns should be addressed, such as the adequacy of port reception facilities for large quantities of sewage from

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<sup>1</sup> **Co-ordinator:**  
[to be added]

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passenger ships in all relevant ports in the area and availability of improved new type sewage treatment plants for installation on board ships.

7.25 The Committee noted also that MEPC 60 had agreed that the best way forward was for the submitters to take into account those concerns and refine their proposal by submitting a supplementary document to MEPC 61 for approval and subsequent circulation with a view to adoption at MEPC 62.

7.26 The delegation of Finland, on behalf of the Baltic States, introduced document MEPC 61/7 providing draft proposed amendments to MARPOL Annex IV, to the Form of International Sewage Pollution Prevention Certificate and to the existing Guidelines on implementation of effluent standards and performance tests for sewage treatment plants. In addition, information was provided on available port reception facilities for sewage in ports of the Baltic Sea and on the HELCOM Road Map for upgrading port reception facilities in the area.

7.27 The delegation of [the Bahamas] introduced document MEPC 61/7/9 reiterating the concerns expressed by the industry, supported by several delegations at MEPC 60, including: current inadequacy of reception facilities for large quantities of sewage from passenger ships; lack of scientific evidence on the need to implement the proposed measures; inexistence of technology for new more stringent sewage treatment plants capable of dealing with nutrients; need to develop new specifications before manufacturers can produce the new plants; and perceived "unfairness" in targeting an industry that discharges less than 1% of all nutrient input to the Baltic Sea. In addition, the submitters contended that voluntary measures now in place provided an adequate solution to the problem.

7.28 The Committee noted document MEPC 61/7/9/Add.1 adding Liberia to the list of submitters of document MEPC 61/7/9.

7.29 The observer delegation of the World Wide Fund for Nature (WWF) introduced document MEPC 61/7/14 in support of the Baltic States' proposal stating, *inter alia*, that eutrophication, algal blooms and consequent oxygen-depleted areas (around 100,000 km<sup>2</sup>), are a tangible threat to the Baltic Sea at present. Furthermore, discharges from passenger ships are on the increase while those from land-based sources are being addressed.

7.30 The Committee noted document MEPC 61/INF.23 (United States) describing a notice recently published pertaining to its domestic programme for the regulation of ship sewage discharges.

### **Discussion**

7.31 In the ensuing debate, the Committee recognized that, at MEPC 60, it had made the basic policy decisions to agree to the proposal to amend MARPOL Annex IV to include the concept of Special Areas; to designate the Baltic Sea as a Special Area; and to impose a strict standard for the discharge of nutrients in the sewage of passenger ships within the Baltic Sea. It then followed that these matters should not be reopened for discussion as they constituted policy already determined by the Committee.

7.32 Having discussed the issue, the Committee approved draft amendments to MARPOL Annex IV, set out in annex ..., for circulation with a view to adoption at MEPC 62.

7.33 The Committee, recognizing that the Revised guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.159(55)) would need updating in view of the new requirements, agreed to instruct the DE Sub-Committee to carry out the work and, in that respect, approved the inclusion of a new unplanned output in the Sub-Committee's work plan on "Revision of resolution MEPC.159(55)" and agenda for DE 55 with a target completion date of 2012.

### **MATTERS RELATED TO MARPOL ANNEX I**

7.34 The delegation of Denmark, on behalf of the co-sponsors, introduced document MEPC 61/7/1 providing text for draft Guidance for recording of operations in the Oil Record Book. In this respect, the Committee recalled that a first draft had been submitted to MEPC 60 where some discussion took place as INTERTANKO suggested some technical adjustments to make the draft Guidelines compatible with its own guidelines which had been issued long ago and are widely used by industry. MEPC 60 agreed to this approach but, given the lack of time, an amended text could not be produced in time. Interested delegations and observers had worked together in the intersessional period and the result of their work was now before the Committee.

7.35 Following a short discussion, the Committee approved the Guidance for recording of operations in the Oil Record Book, Part I, and requested the Secretariat to issue MEPC.1/Circ ... for dissemination of the said Guidance.

7.36 The delegation of the Republic of Korea introduced document MEPC 61/7/7 with a proposal to bring up to date existing unified interpretations for regulations 12.2, 12.3 and 12.4 of MARPOL Annex I, following adoption of amendments to that regulation (resolution MEPC.187(59)), which will enter into force on 1 January 2011.

7.37 Following discussion, the Committee approved with modifications the unified interpretation to regulation 12 of MARPOL Annex I, set out at annex ... to this report and requested the Secretariat to issue it as MEPC.1/Circ....

## **10 INADEQUACY OF RECEPTION FACILITIES**

10.1 The Committee recalled that MEPC 55 had approved the Action Plan to tackle the inadequacy of port reception facilities and had instructed the FSI Sub-Committee to progress the work items described in the Action Plan, with the exception of work item 5.1 "Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities", which would be dealt with by the Committee itself.

10.2 The Committee noted that MEPC 60, in discussing work item 5.1 "Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities", had recognized that several concerns should be addressed before amendments to MARPOL could be approved, and had endorsed the proposal by the Chairman to encourage interested delegations and observers to resolve the outstanding issues and submit a joint document to MEPC 61 with draft amendments to MARPOL Annexes I, II, IV, V and VI, with a view to institutionalizing regional arrangements together with draft guidelines for establishing those arrangements (paragraph 6.25 of document MEPC 60/22). Having noted that no submissions had been received at this session on the matter, the Committee invited interested delegations and observers to submit documents addressing the outstanding issues to MEPC 62.

10.3 The Committee also noted that FSI 18 (July 2010) had completed its work on all remaining items of the Action Plan, the outcome of which was reported to the Committee under agenda item 11 (Reports of sub-committees) in document MEPC 61/11/2.

10.4 In this regard, the Committee noted further that FSI 18, as instructed by MEPC 60, had considered the submission by the Islamic Republic of Iran (MEPC 60/6/6) proposing amendments to the MARPOL Annexes for the provision of waste reception at ship recycling facilities, the outcome of which was considered under agenda item 11 (see paragraphs 11...).

## **11 REPORTS OF SUB-COMMITTEES**

### **OUTCOME OF BLG 14**

11.1 The Committee noted that the Sub-Committee on Bulk Liquids and Gases (BLG 14) had held its fourteenth session from 8 to 12 February 2010 and its report on that session had been circulated under the symbol BLG 14/17. The matters of interest to the Committee's work were set out in document MEPC 61/11 (Secretariat).

11.2 The Committee also noted that, in line with normal practice, the outcome of BLG 14 on ballast water management issues (paragraphs 2.10 to 2.13 of document MEPC 61/11) had been considered under agenda item 2 and that, in a similar manner, those matters related to MARPOL Annex VI (paragraphs 2.15 to 2.18 of document MEPC 61/11) had been addressed under agenda item 4.

11.3 In respect to the remaining actions (reflected in paragraph 2 of document MEPC 61/11) which BLG 14 had requested the Committee to address, the Committee approved the report of BLG 14 in general and took action as indicated in the ensuing paragraphs.

### **Work related to the ESPH Working Group**

11.4 The Committee noted, as requested, the various actions taken by BLG 14 and, in particular:

- .1 endorsed the action taken by the Sub-Committee following consideration of the report of ESPH 15;
- .2 approved the future work programme for an intersessional meeting of the ESPH Working Group in October 2010;
- .3 approved, noting MSC 87's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in 2011; and
- .4 endorsed the action taken by BLG 14 following consideration of the issue of bio-fuels and bio-fuel blends by the ESPH Working Group.

## **Other issues**

11.5 The Committee also:

- .1 noted that BLG 14, having noted the progress made in the development of the Guidelines for the control and management of ships' bio-fouling to minimize the transfer of invasive aquatic species, had agreed to re-establish the intersessional correspondence group;
- .2 approved the biennial and post-biennial agendas of the BLG Sub-Committee, noting that MSC 87 had approved the agendas with revisions, and approved the provisional agenda for BLG 15 (see also paragraph 20. ...); and
- .3 noted the report on the status of the planned outputs of the High-level Action Plan of the Organization relating to the BLG Sub-Committee's work.

## **OUTCOME OF DE 53**

11.6 The Committee noted that the fifty-third session of the Sub-Committee on Ship Design and Equipment (DE 53) had been held from 22 to 26 February 2010 and its report on that session had been circulated under the symbol DE 53/26. The matters of interest to the Committee's work were set out in document MEPC 61/11/1 (Secretariat).

11.7 The Committee approved the report of DE 53 concerning the work of the MEPC in general and took action as indicated in the ensuing paragraphs.

11.8 The Committee noted that DE 53, having considered a draft MSC-MEPC circular on Unified Interpretations on the application of SOLAS, MARPOL and Load Line requirements to conversions of single-hull to double-hull oil tankers or bulk carriers/ore carriers, agreed that further work was necessary and invited Member Governments and international organizations to submit their comments and proposals on the matter to DE 54.

11.9 On the issue of Manually operated alternatives in the event of pollution prevention equipment malfunctions, the Committee noted that DE 53 had agreed to establish an intersessional correspondence group on pollution prevention, under the co-ordination of the United States, and instructed it to prepare draft amendments to the Revised guidelines and

specifications for oil discharge monitoring and control systems for oil tankers (resolution MEPC.108(49)); and to report to DE 54.

11.10 The Committee also noted that DE 53, having considered proposals by the United States and Japan on test standards for add-on equipment improving existing equipment approved under resolution MEPC.60(33), agreed to instruct the correspondence group on pollution prevention referred to above to progress the issue.

11.11 As regards the development of guidelines for a shipboard oil waste pollution prevention plan, the Committee noted further that DE 53, recognizing that no documents on the issue had been submitted, agreed to task the correspondence group on pollution prevention referred to above to develop draft Guidelines for a shipboard oil waste pollution prevention plan.

#### **OUTCOME OF FSI 18**

11.12 The Committee noted that the eighteenth session of the Sub-Committee on Flag State Implementation (FSI 18) had been held from 5 to 9 July 2010 and its report on that session had been circulated under the symbol FSI 18/20. The matters of interest to the Committee's work were set out in document MEPC 61/11/2 (Secretariat).

11.13 The Committee approved the report of FSI 18 in general and took action on the specific points listed for decision in paragraph 2 of document MEPC 61/11/2 as indicated in the ensuing paragraphs.

11.14 The Committee noted:

- .1 the views of FSI 18 on the analysis of consolidated audit summary reports and the time frame to institutionalize the IMO Member State Audit Scheme;
- .2 the progress made in the development of a Code for Recognized Organizations; and
- .3 the report on the status of the planned outputs, relevant to the Sub-Committee, in the High-level Action Plan for the 2010-2011 biennium and the list of proposed outputs for the 2012-2013 biennium in SMART terms.

11.15 The Committee made the following decisions:

- .1 urged all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318, noting that mandatory reports required under MARPOL are being submitted only by one quarter of the Parties;
- .2 endorsed FSI 18's agreement that Member States should populate and maintain current information on their port reception facilities in the Port Reception Facilities Database (PRFD), and also enter, maintain and update their country contact information (both as flag and also as port State) into the GISIS PRFD; and for this purpose endorsed the continued monitoring of the GISIS PRFD, for both population levels and usage, on an as needed basis or on request from the MEPC or from the FSI Sub-Committee as appropriate;
- .3 concurred, in connection with work item 5.2 "Revision of the IMO Comprehensive Manual on Port Reception Facilities", that the Manual remained a very useful tool and was in need of updating on the basis of the guidance contained at annex 2 to the correspondence group's report (FSI 18/5). In this respect, the Committee encouraged donations from Member States and NGOs and requested the Technical Co-operation Committee, at its sixty-first session, to include this as a priority item under a Global Programme of the Integrated Technical Co-operation Programme;
- .4 in connection with work item 6.1 "Development of Assistance and Training Programme", approved the proposed plan for the strengthening of PRFs, as outlined in annex 3 to the correspondence group's report (FSI 18/5), and endorsed this as a priority theme for the next ITCP biennium 2012-2013;
- .5 endorsed FSI 18's agreement that work items 2.1, 3.2, 4.1, 4.2, 4.3, 5.2, and 6.1 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities are completed and therefore that FSI's work on the Action Plan has been satisfactorily finalized;
- .6 agreed with FSI 18's conclusion that the Hong Kong Convention already makes adequate provision for the environmentally sound management of

all wastes removed from ships at ship recycling facilities, and that, therefore, there is no need to include in all Annexes of MARPOL provisions for waste reception arrangements at ship recycling facilities;

.7 adopted, by resolution MEPC....(61), the 2010 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships, set out in annex ...;

.8 concurred that the tacit acceptance procedure is the preferred way forward to amend instruments to give mandatory status to the Code for implementation of mandatory IMO instruments and auditing; instructed the Sub-Committee to proceed with the development of texts of amendments; and agreed that each MARPOL Annex should be amended by adding a new chapter to it;

.9 concurred with the view of FSI 18 on the areas of the Code which would need to be amended at this stage; and that any proposals to reduce or expand the scope of the Code should be first submitted by Member Governments to the Committees for consideration; and

.10 approved the Sub-Committee's biennial agenda and the provisional agenda for FSI 19 (see paragraph 20....)

## **12 WORK OF OTHER BODIES**

### **Outcome of MSC 87**

12.1 The Committee noted that the eighty-seventh session of the Maritime Safety Committee (MSC 87) was held from 12 to 21 May 2010 and its report was circulated under the symbol MSC 87/26 and Adds. 1, 2 and 3. The outcome of MSC 87, relevant to the work of the Committee, was summarized in document MEPC 61/12.

12.2 The Committee, recognizing that this document covered numerous issues which were relevant to its work, agreed to note, in general, the outcome of MSC 87 on all issues of relevance to the Committee and to take MSC's action into account, as appropriate, under the relevant items of its agenda.

12.3 The Committee noted that the outcome of MSC 87 on Formal Safety Assessment (FSA), work programmes and provisional agendas of subsidiary bodies together with the application of the Committees' Guidelines would be reported under agenda items 18, 20 and 21, respectively.

12.4 Regarding MSC 87's consideration of the report of the Chairmen's meeting that took place on 15 May 2010, the Committee agreed to take its outcome into account together with the consideration of the outcome of that meeting under agenda item 21 (MEPC 61/21/1).

12.5 The Committee noted also the action taken by MSC 87 on the following topics that relate to matters under its purview:

- .1 adoption of the following amendments to mandatory instruments and other new instruments:
  - .1.1 amendments to chapter II-1 of the 1974 SOLAS Convention (resolution MSC.290(87)) incorporating by reference the International goal-based ship construction standards (GBS) for bulk carriers and oil tankers (resolution MSC.287(87));
  - .1.2 new SOLAS regulation II-1/3.11 on corrosion protection of cargo oil tanks of crude oil tankers (resolution MSC.291(87)) and the related Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.289(87)); and
  - .1.3 amendments to the existing mandatory ship reporting system "In the Western European PSSA" (resolution MSC.300(87));
- .2 other relevant actions taken by MSC 87:
  - .2.1 approval, taking into account MEPC 59's concurrent decision, of MSC-MEPC.2/Circ.9 on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs; and

- .2.2 approval of MSC.1/Circ.1370 on Guidelines for the design, construction and testing of fixed hydrocarbon gas detection systems required for oil tankers and referred to in the new chapter 16 of the FSS Code.

12.6 Concerning the Role of the Human Element, the Committee noted that MSC 87 had:

- .1 approved the report of the Joint MSC/MEPC Working Group which met during MEPC 59;
- .2 approved the convening of the Joint IMO/ILO *Ad Hoc* Working Group on Guidelines for medical examination of seafarers leading to the issue of medical certificates and revision of existing Recommendation No. 105 (No. 158) relating to ships' medicine sea chests, with the nomination of Germany, Japan, Liberia, the Marshall Islands, Panama, the Philippines, the United Kingdom and the United States to represent IMO at the first meeting to be held from 5 to 7 October 2010 in Geneva;
- .3 agreed, as proposed by the Joint MSC/MEPC Working Group and LEG 96, that there was no need to alter the past practice of establishing *Ad Hoc* Joint IMO/ILO Working Groups when necessary; and
- .4 as regards consideration of the human element in the rule-making process, agreed that an appropriate amendment to the Committees' Guidelines would need to be developed at the next session of the Joint MSC/MEPC Working Group to be convened during MSC 88.

12.7 The Committee noted that MSC 87 had approved MSC.1/Circ.1371 on List of Codes, recommendations and other non-mandatory instruments relating to safety and security.

12.8 On the matter of whether to issue a similar MEPC circular listing non-mandatory instruments related to the protection of the marine environment, the Committee, taking into account that the information on the subject is already available in hard copy or electronic format, decided that there was no need to issue such a circular.

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***Maritime emergencies involving radioactive materials***

12.9 The Committee noted that MSC 87 had considered a request by IAEA inviting the Secretariat to collaborate in the preparation of Guidance for coastal States on how to respond to a maritime emergency involving radioactive materials. MSC 87, recognizing the environmental and safety considerations associated with this initiative, noted that the MSC and the MEPC should first agree with the need for the above guidance and, if agreed, involve various technical sub-committees.

12.10 The Committee noted also that MSC 87, having noted that the issue would be further considered at MEPC 61, agreed that the Secretariat should participate in the next IAEA meeting to be held on this matter.

12.11 In this respect, the Committee recalled that it has a history of collaboration with IAEA for the development of guidelines related to the safe carriage of radioactive material and, in particular, that MEPC 39 and MSC 68 had approved the Guidelines for developing shipboard emergency plans for ships carrying materials subject to the INF Code, through the OPRC Working Group and the BLG Sub-Committee; and that these were subsequently adopted by the Assembly at its twentieth session as resolution A.854(20).

12.12 The Committee, noting that the issue was first raised at MEPC 60 following a request of the IAEA Secretariat (MEPC 60/22, paragraphs 7.13 to 7.16), concurred, in principle, with MSC 87's view that the Secretariat should participate in this exercise and requested the Secretariat to ensure that both the safety and preparedness and response aspects, as they pertain to the protection of the marine environment, are addressed in carrying out this work. The outcome of MSC 88 on the issue would then be considered by MEPC 62 in July 2011.

**Outcome of C 104**

12.13 The Committee noted that the 104th session of the Council (C 104) was held from 7 to 11 June 2010 and its summary of decisions was issued under the symbol C 104/D and Corr.1; and that matters of interest to the Committee were summarized in document MEPC 61/12/1, including the Council's decisions concerning the report of MEPC 60; Strategy and planning; Voluntary IMO Member State Audit Scheme; World Maritime Day; and report on the status of conventions and other multilateral instruments.

12.14 Regarding the consideration of the report of MEPC 60, the Committee noted that the Council had endorsed:

- .1 the Committee's views regarding the definition of "harmful substances" for performance Indicator 8(a). Consequently, it had decided to amend the indicator to read "Tonnes of oil discharged into the sea accidentally from ships subject to IMO instruments" and had agreed that, when the data of NLS discharges becomes available, the Performance Indicator should be modified to address oil and NLS; and
- .2 the Committee's approval of planned intersessional meetings in 2010.

12.15 The Committee noted also the decision of C 104 concerning Improving the conduct of IMO meetings with a view to increasing efficiency and effectiveness while also reducing the burden of work.

12.16 The Committee noted, finally, that the Council had decided to transmit the report of MEPC 60 to the twenty-seventh session of the Assembly with its comments and recommendations, in accordance with Article 21(b) of the IMO Convention.

#### **Outcome of TC 60**

12.17 The Committee noted that the sixtieth session of the Technical Co-operation Committee (TC 60) was held from 1 to 3 June 2010 and its report had been circulated as document TC 60/13. The main conclusions, decisions and recommendations of interest to the Committee were summarized in document MEPC 61/12/4.

12.18 The Committee noted the content of the document and agreed to take into account all issues related to marine environment protection in this report under agenda item 16 – Technical Co-operation Sub-programme for the Protection of the Marine Environment.

#### **Outcome of the 2010 International Conference on the revision of the HNS Convention**

12.19 The Committee noted the outcome of the Conference, as reported in document MEPC 61/12/2, in particular the adoption of the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the carriage of Hazardous and Noxious Substances by Sea, 1996.

12.20 The Committee noted that the Protocol will be open for signature at the Headquarters of the Organization from 1 November 2010 and will remain open for signature until 31 October 2011. Thereafter it will remain open for accession and will enter into force 18 months after the date on which (1) at least 12 States, including four with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it; and (2) the Secretary-General has received confirmation that those persons in such States who would be liable to contribute have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.

**Outcome of the 2010 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978**

12.21 The Committee noted the outcome of the Conference, as reported in document MEPC 61/12/3, with the adoption of the Manila amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and the Seafarers' Training, Certification and Watchkeeping Code.

12.22 The Committee noted that the Manila amendments are expected to enter into force on 1 January 2012 upon their deemed acceptance on 1 July 2011 in accordance with the provisions of the STCW Convention.

[To be continued]

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