

Marine Environment Protection Committee (MEPC) - 59th session: 13 - 17 July, 2009

Amendments to the MARPOL Convention to prevent pollution during ship-to-ship oil transfer operations were adopted by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) when it met for its 59th session from 13 to 17 July 2009, at the IMO Headquarters in London.

In a packed agenda, the MEPC also agreed to circulate voluntary and interim measures to address greenhouse gas emissions from shipping

The Committee adopted amendments to MARPOL relating to the on-board management of oil residue (sludge); approved, with a view to future adoption, proposed draft amendments to MARPOL to prohibit carriage or use of heavy grade oil in the Antarctic area; agreed, in principle, a proposal to designate specific portions of the coastal waters of the United States and Canada as an emission control area; and agreed guidelines relating to the implementation of MARPOL Annex VI, the ship recycling Convention and the Ballast Water Management Convention.

Green House Gases

The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) agreed to disseminate a package of interim and voluntary technical and operational measures to reduce greenhouse gas (GHG) emissions from international shipping; and also agreed a work plan for further consideration, at future meetings, of proposed market-based instruments to provide incentives for the shipping industry.

The agreed measures are intended to be used for trial purposes until the Committee's sixtieth session (MEPC 60) in March 2010, when they will be refined, as necessary, with a view to facilitating decisions on their scope of application and enactment. The measures include:

- interim guidelines on the method of calculation, and voluntary verification, of the Energy Efficiency Design Index for new ships, which is intended to stimulate innovation and technical development of all the elements influencing the energy efficiency of a ship from its design phase; and
- guidance on the development of a Ship Energy Efficiency Management Plan, for new and existing ships, which incorporates best practices for the fuel efficient operation of ships; as well as guidelines for voluntary use of the Ship Energy Efficiency Operational Indicator for new and existing ships, which enables operators to measure the fuel efficiency of a ship.

Market-based instruments. The Committee held an in-depth discussion on market-based instruments and agreed a work plan for its further consideration of the topic, as of its next session (MEPC 60, March 2010), to build on discussions and submissions to date, taking into account also relevant outcomes of the climate change conference (COP 15) that the United Nations is to convene in Copenhagen in December 2009. Such instruments would have purposes such as: climate change mitigation and adaptation activities; research and development; offsetting of emissions; and serving as an incentive for the industry to invest in more fuel-efficient technologies.

The Committee noted that there was a general preference for the greater part of any funds generated by a market-based instrument under the auspices of IMO to be used for climate

change purposes in developing countries through existing or new funding mechanisms under the United Nations Framework Convention on Climate Change (UNFCCC) or other international organizations.

Report to COP 15. The outcome of the MEPC on GHG emissions from ships will be reported to COP 15, which will consider a successor instrument to the Kyoto Protocol to the UNFCCC.

The Committee agreed that any regulatory scheme applied to GHG emissions from international shipping should be developed and enacted by IMO as the most competent international body.

Speaking at the close of the MEPC, IMO Secretary-General Efthimios E. Mitropoulos congratulated delegates for driving forward the Committee's agreed action plan on greenhouse gas emissions from ships, which "deserves to be recognized as compelling proof that IMO can, indeed, be entrusted with the regulation of international shipping on the issue of climatic change - an unequivocal message that needs to be heard, and fully understood, all over the globe. He went on to urge delegates to promote the successful outcome of the session, by briefing their colleagues and, through them, the competent Ministers in their home countries (e.g. of Transport, Mercantile Marine, Environment and Foreign Affairs), in particular those who will participate in COP 15, and by publicizing it widely among all concerned so that "the complexities of this most international of all industries are duly taken into account when shaping official policies and positions on the issue at hand - both at Copenhagen and at the post-Copenhagen rounds of consultations at IMO."

Mr. Mitropoulos reiterated his belief that "the time for apportioning blame as to who is responsible for the state of the planet has passed. Now it is time for action. Developed and developing countries, industrialized and emerging economies alike are left with no option other than to get together and, together, work out solutions that will serve well the good cause of reversing the route to planet destruction."

Greenhouse gas study 2009. The MEPC was assisted in its deliberations by the outcome of the Second IMO GHG Study on greenhouse gas emissions from ships, 2009, which is the most comprehensive and authoritative assessment of greenhouse gas emissions from ships engaged in international trade.

The Study estimated that ships engaged in international trade in 2007 contributed about 2.7 per cent of the world's anthropogenic CO₂ emissions and also states that emission reductions are feasible through technical and operational measures as well as through the introduction of market-based reduction mechanisms.

In the absence of global policies to control greenhouse gas emissions from international shipping, the emissions may increase by between 150 and 250 percent by the year 2050 due to the expected continued growth in international seaborne trade.

MARPOL amendments - transfer of oil cargo between oil tankers at sea

The MEPC adopted amendments to MARPOL Annex I for the prevention of marine pollution during some ship-to-ship (STS) oil transfer operations. The amendments are expected to enter into force on 1 January 2011.

The new chapter 8 on Prevention of pollution during transfer of oil cargo between oil tankers at sea will apply to oil tankers of 150 gross tonnage and above and will require any oil tanker involved in oil cargo STS operations to have, on board, a plan prescribing how to conduct STS operations (the STS Plan), which would be approved by its Administration.

Notification to the relevant coastal State will be required not less than 48 hours in advance of the scheduled STS operations although some relaxation to this rule is allowed in certain, very specific, cases. The regulations are not intended to apply to bunkering operations.

Consequential amendments to the International Oil Pollution Prevention (IOPP) Certificate, the Supplement to the IOPP Certificate and the Oil Record Book were also adopted.

Oil residue (sludge) MARPOL amendments

Amendments to MARPOL Annex I regulations 1, 12, 13, 17 and 38, relating to the on board management of oil residue (sludge), were also adopted. The amendments clarify long standing requirements and remove existing ambiguities in order to facilitate compliance by ships' crews. Definitions for oil residue (sludge), oil residue (sludge) tanks, oily bilge water and oily bilge water holding tanks are introduced for the first time.

Related amendments to the Supplement to the IOPP Certificate, Form A and Form B, and to the Oil Record Book were also adopted. The amendments are expected to enter into force on 1 January 2011.

Special measures to protect the Antarctic to be considered for approval. The MEPC approved, with a view to adoption at its next session (MEPC 60 in March 2010), proposed draft amendments to MARPOL Annex I on Special requirements for the use or carriage of oils in the Antarctic area.

The proposed draft amendments would add a new chapter 9 with a new regulation 43, which would prohibit the carriage in bulk as cargo, or carriage and use as fuel, of: crude oils having a density at 15°C higher than 900 kg/m³; oils, other than crude oils, having a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/s; or bitumen, tar and their emulsions. An exception is envisaged for vessels engaged in securing the safety of ships or in a search and rescue operation.

ECA proposal approved

The MEPC approved a proposal to designate specific portions of the coastal waters of the United States and Canada as an Emission Control Area (ECA). The ECA would be for the control of emissions of nitrogen oxides (NO_x), sulphur oxides (SO_x), and particulate matter, under the revised MARPOL Annex VI Prevention of Air Pollution from Ships, which was adopted in October 2008 and is expected to come into force on 1 July 2010.

The draft amendments to the revised MARPOL Annex VI concerning the proposed ECA will be submitted to MEPC 60 (March 2010) for adoption (i.e. after the deemed acceptance date of the revised MARPOL Annex VI on 1 January 2010).

Currently, the revised Annex lists two areas for the control of SO_x emissions: the Baltic Sea area and the North Sea, which includes the English Channel.

MARPOL Annex VI Guidelines adopted

MEPC 59 adopted Guidelines for the development of a volatile organic compound (VOC) management plan; revised Guidelines for monitoring the worldwide average of sulphur; and revised Guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI.

Based on input received by the Joint Group of Experts on the Scientific Aspects of Marine Environment Protection (GESAMP), the Committee also approved Interim criteria for discharge of washwater from exhaust gas cleaning systems (exhaust scrubbers), intended to update the existing criteria contained in the Guidelines for Exhaust Gas Cleaning Systems (contained in resolution MEPC.170(57)).

The Committee also approved circulars on Guidelines for the application of the NO_x Technical Code relative to certification and amendments of tier I engines and Definitions for the cost effectiveness formula in regulation 13.7.5 of the revised MARPOL Annex VI.

This comprehensive package of guidelines on MARPOL Annex VI is intended to assist Administrations in preparing for its entry into force and in subsequently implementing and enforcing its provisions.

Guidelines to implement ship recycling convention adopted

Following the adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, at a conference held in Hong Kong, China, in May 2009, the Committee adopted Guidelines for the development of the inventory of hazardous materials.

Progress was also made in developing draft Guidelines for safe and environmentally sound ship recycling. These are the first two guidelines intended to assist with the implementation of the Convention and are crucial for the voluntary implementation of the Convention prior to its entry into force.

Implementation of the BWM Convention

The MEPC approved Guidance to ensure safe handling and storage of chemicals used to treat ballast water and the development of safety procedures for risks to the ship and crew resulting from the treatment process. This Guidance is intended to assist with the implementation of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), adopted in 2004.

The MEPC also agreed to give "final approval" to four ballast water management systems that make use of active substances and "basic approval" to three such systems.

The Ballast Water Review Group met during MEPC 59 to consider the status of ballast water technologies. Following its discussions, the Committee noted that the number of ballast water treatment technologies amounted to six Type Approved systems with four additional systems being granted Final Approval at this session. The Committee noted further that the installation of ballast water management systems may require extensive design consideration such as

physical and technical feasibility, modification of ships designs and sufficient lead time necessary for these modifications.

While acknowledging the difficulties, the Committee agreed that ballast water treatment technologies were available and were currently being fitted on board ships and confirmed that sufficient ballast water management systems would be available to ships constructed in 2010. The Committee agreed to instruct the Secretariat to prepare a draft MEPC resolution, requesting Administrations to encourage the installation of ballast water management systems during new ship construction in accordance with the application dates contained in the BWM Convention, to be presented to MEPC 60 for consideration and adoption.

To date, 18 States have ratified the Convention, representing 15.27 per cent of the world's merchant shipping. The Convention will enter into force twelve months after the date on which not fewer than 30 States, the combined merchant fleets of which constitute not less than 35 percent of the gross tonnage of the world's merchant shipping, have become Parties to it. The Committee urged other States to ratify the Convention at the earliest opportunity.

Adverse impact of ship noise on marine life

The report of a correspondence group on Noise from commercial shipping and its adverse impact on marine life was considered, and the MEPC agreed to re-establish the correspondence group to continue its work on the future development of voluntary technical guidelines for ship quieting technologies.

Harmful anti-fouling systems for ships - best practices agreed

The MEPC agreed to disseminate, via a circular, Guidance on best management practices for removal of anti fouling coatings from ships, including TBT hull paints, which was developed by the Scientific Groups under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and its 1996 Protocol (London Protocol).

The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, entered into force in September 2008 and requires ships to either replace, or over-coat, any existing organotin-based anti fouling systems.

Joint MSC/MEPC Working Group on the Human Element

The Joint MSC/MEPC Working Group on the Human Element met during MEPC 59 to consider human element issues.

The MEPC agreed proposed draft amendments to the Revised Guidelines on implementation of the International Safety Management (ISM) Code, for submission to the IMO Assembly's 26th session in November-December 2009, for adoption.

OPRC-HNS implementation - model courses approved

The MEPC considered the report of the ninth meeting of the OPRC HNS Technical Group, which was held in the week prior to the Committee's session.

The Committee approved two introductory IMO model courses on preparedness for and

response to HNS pollution incidents in the marine environment, one aimed at the operational level and the second aimed at management level; the revised OPRC Train-the-Trainer course; and a Guidance document on the identification and observation of spilled oil.

The MEPC noted the ongoing work in developing a Manual on chemical pollution to address legal and administrative aspects of HNS incidents; a Manual on oil pollution, Section I - Prevention; a Manual on incident command system during oil spill response; and Guidelines for oil spill response in fast currents.