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30 May 2019

MC(19)52

To: MARINE COMMITTEE

Copy: All Full and Associate Members (for information)

MEPC 74 - ICS REPORT

Action required: *Members are invited to note the ICS report on the outcome of MEPC 74.*

The 74th session of the IMO Marine Environment Protection Committee was held in London (13 – 17 May 2019) with Mr Hideaki Saito (Japan) as Chair and Mr Harry Conway (Liberia) as Vice Chair. The session was well attended with representation from 109 Member Governments, 3 Associate Members, 4 UN and Specialized Agencies, 6 IGOs, 54 NGOs and 1 IMO Training Institute. For details, see the list of participants contained in document MEPC 74/INF.1.

1. CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS (AGENDA ITEM 3).

1.1 Draft amendments to MARPOL Annexes I, II and V concerning Electronic Record Books

The Committee adopted amendments to MARPOL Annexes I, II and V related to Electronic Record Books and agreed entry-into-force date would be 1 October 2020 having noted that MEPC 73 had considered and approved the related draft amendments. The amendments concerned are detailed in the annex to document MEPC 74/WP.7, annex 1. The United States reserved its position with regard to the adoption of the amendments concerned.

1.2 Amendments to the NO_x Technical Code 2008

The Committee adopted amendments to the NO_x Technical Code 2008 related to Electronic Record Books and certification requirements for SCR systems and agreed entry-into-force date would be 1 October 2020 having noted that MEPC 73 had considered and approved the related draft amendments. The amendments concerned are detailed in MEPC 74/WP.7, annex 4. The United States reserved its position with regard to the adoption of the amendments concerned.

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

The Committee adopted amendments to MARPOL Annex II related to cargo residues and tank washings of persistent floating products and agreed entry-into-force would be 1 January 2021 having noted that MEPC 73 had considered and approved the related amendments. The amendments concerned are detailed in MEPC 74/WP.7, annex 2 and include provisions for prewash and discharge of residue related to prewash operations involving category Y substances that are identified in relation to persistent floating substances. The date of entry into force of the amendments concerned was amended by the Committee from 1 October 2020 to 1 January 2021 as they were agreed to be directly linked to the amendments to the IBC Code, see below, which were also adopted at MEPC 74.

1.4 Amendments to the IBC Code

The Committee confirmed the contents of the draft amendments to the IBC Code, taking into account the decisions taken, as well as the requisite draft resolution and agreed that the entry-into-force date of the amendments to the IBC Code would be 1 January 2021. The amendments concerned are detailed in MEPC 74/WP.7, annex 5.

1.5 Amendments to the BCH Code

No comments were submitted on the draft amendments or the draft resolution, the Committee therefore confirmed their respective contents and agreed that the entry-into-force date of the amendments to the BCH Code would be 1 January 2021. The amendments concerned are detailed in MEPC 74/WP.7, annex 6

2. HARMFUL AQUATIC ORGANISMS IN BALLAST WATER (AGENDA ITEM 4)

2.1 Status of entry into force and ratification of the BWM Convention.

Noting that the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention) had entered into force on 8 September 2017 the Committee was advised that at the time of the meeting the number of Contracting Governments was 81, representing 80.76% of the world's merchant fleet tonnage.

2.2 The Experience-building phase.

The Committee noted that a new tab is now available on the IMO's Global Integrated Shipping Information System (GISIS) to accommodate the experience-building phase. The tab, which was launched in December 2018, is structured in accordance with the interfaces in the approved data gathering and analysis plan (see BWM.2/Circ.67), allowing Member States and other stakeholders, including shipowners, to provide relevant data. No data has been received to date on this tab.

2.3 Amendments to the form of the International Ballast Water Management Certificate.

The Committee considered MEPC 74/4/14 (China and IACS) containing draft amendments to the form of the International Ballast Water Management Certificate (IBWMC). Following

discussions, a new check box option was added to the existing form of the Certificate to cover other options for means of compliance to those currently listed.

2.4 Commissioning testing of ballast water management systems

The Committee approved draft amendments to regulation E-1 of the BWM Convention in order to form the regulatory basis for the relevant survey item in the HSSC Guidelines regarding sampling and analysis during commission testing.

With regards to the commissioning testing the Committee agreed the following:

- Commissioning testing should begin as soon as possible in accordance with BWM.2/Circ.70 "*Guidance for the commissioning testing of ballast water management systems*";
- Commissioning testing should not be applicable to ships that installed a BWMS and were certified for compliance with regulation D-2; and
- The analysis undertaken in the context of commissioning testing would be indicative.

In this regard, the Committee also considered the concerns raised by ICS concerning paragraph 4.2 of BWM.2/Circ.70 "*Guidance for the commissioning testing of ballast water management systems*" which states that "representative samples should be analysed for all size classes included in the D-2 standard". This, in the opinion of the ICS Secretariat, creates an unwanted anomaly between what is envisaged for indicative sampling and analysis as part of BWMS commissioning testing and what is envisaged for PSC indicative sampling and analysis where there is no equivalent guidance stating that PSC analysis should cover all size classes in the D-2 standard. Since the revision of the G8 Guidelines in 2016 where indicative sampling and analysis during BWMS commissioning was first envisaged it has always been understood that it would mirror the indicative sampling and analysis envisaged to be conducted by PSC and no more. The Committee hearing the ICS concerns invited submissions on any appropriate changes to BWM.2/Circ.70 in light of the draft amendments to regulation E-1.

2.5 Application of the BWM Convention to specific ship types

Due to lack of time for consideration of the proposals contained within, the related documents MEPC 74/4/13 (Russian Federation), MEPC 74/4/18, MEPC 74/4/19 and MEPC 74/4/20 (Turkey) on the application of the BWM Convention to specific ship types were deferred for consideration by MEPC 75.

2.6 Other matters related to ballast water management

The Committee considered MEPC 74/4/16 (China), proposing to develop a unified interpretation on calculation methods of ballast water capacity in the International Ballast Water Management Certificate and invited interested Member Governments and international organizations to submit proposals for a unified interpretation of ballast water capacity in the International Ballast Water Management Certificate at a future session of the PPR Sub-Committee.

The Committee also considered documents MEPC 74/4/10 and MEPC 74/INF.17 (France), providing information on a new analysis method proposed to be added in the Guidance on ballast water sampling and analysis for trial use in accordance with the BWM

Convention and Guidelines (G2) (BWM.2/Circ.42/Rev.1). The documents were referred to PPR 7 for further consideration.

3. AIR POLLUTION AND ENERGY EFFICIENCY OF SHIPS (RELATED TO AGENDA ITEMS 5 & 10).

The Committee considered a large number of submissions under this agenda item and made a number of significant decisions. The principal outcomes of the session are provided below.

3.1 2020 0.5% Sulphur Cap

The Committee finalised preparation of a number of matters relating to the 2020 0.5% sulphur cap, as follows:

1. Amendments to regulations 1, 2, 14 and 18, appendix I and appendix VI of MARPOL Annex VI were approved and are expected to be adopted at MEPC 75. The amendments introduce on-board and in-use samples alongside the MARPOL as delivered sample of fuel oil along with provisions for testing the on-board and in-use samples along with the requirement for designated sampling points for taking the in-use sample. The fuel oil testing procedure provided in Appendix VI of the Annex was amended to incorporate testing procedures for the in-use and on-board samples. The amended procedure significantly amends the requirement for the MARPOL as delivered sample, removing stage two of the verification procedure.

ICS and other associations representing the interests of shipowners had strongly supported the amended text, agreed at PPR 6 since the revisions recognised that shipowners cannot control the sulphur content of fuel oil in the way that suppliers can, therefore suppliers should build any uncertainty over test uncertainty into their blend target for sulphur content but that the 0.59R confidence factor should be accorded the on-board and in-use samples. Representatives of the fuel oil suppliers had made strong efforts to re-instate stage two of the verification procedure for the MARPOL as delivered sample, this was unsuccessful and stage two was not re-inserted. Representatives of fuel oil suppliers also tried to remove a statement that the result of the sulphur testing would be final, introducing potential for constant re-testing and dispute, the Committee finally agreed compromise text stating that "*The final results obtained from this verification procedure shall be evaluated by the competent authority*", applicable to both the MARPOL as delivered sample and to the in-use and on-board samples. The Committee noted that further guidance may be needed to assist competent authorities to undertake such evaluation of sample test results;

2. Following consideration of document MEPC 74/5/4 which had been co-sponsored by ICS, the Committee did not support developing a mandatory fuel oil bunker supplier licensing scheme, however it was noted that the draft Guidance for best practice for Member State/coastal State included a statement that parties might consider establishing a fuel oil bunker supplier license scheme and that the draft fuel oil bunker supplier license template provided in MEPC 74/5/4 might be attached to this guidance as the basis for a voluntary scheme.

Unfortunately, time did not allow the working group to attach the template to this guidance, however the template is to be considered as early as possible at a future meeting (e.g. PPR 7 or MEPC 75). Although ICS is disappointed that there was not stronger support for a mandatory scheme at this session, attaching the bunker template to the IMO guidance for member states to promote licensing of fuel oil bunker suppliers by member states is welcomed as a first step;

3. The Committee adopted a draft MEPC resolution on "*2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI*", as prepared by PPR 6. The guidelines provide useful guidance for both shipowners and competent authorities, and address matters such as ship implementation plans, problems associated with lower sulphur fuels and compliant fuel oil non-availability. The guidelines provide a fuel oil non-availability reporting (FONAR) template and provide guidance to competent authorities on actions to take in the event of a ship having non-compliant fuel on-board, and include a reference to the ICS guidance on *Compliance with the 2020 'Global Sulphur Cap for Ships' Fuel Oil in Accordance with MARPOL Annex VI* as a footnote;
4. The Committee adopted a draft MEPC resolution on 2019 Guidelines for port State control under MARPOL Annex VI Chapter 3 to update these guidelines in line with changes to MARPOL Annex VI regulations 14 and the forthcoming 0.5% sulphur cap. The revised guidelines include some changes to capture changes in regulation 13 and NO_x Tier III engines;
5. The Committee approved MEPC circular MEPC.1/Circ.882 "Guidance for port State control on contingency measures for addressing non-compliant fuel oil". This includes guidance that the ship and the port State should consider the following possible contingency measures:
 - Actions predetermined in the Ship implementation plan, if available, for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI;
 - Discharging non-compliant fuel oil to another ship to be carried as cargo or to an appropriate shipboard or land-based facility, if practicable and available;
 - Managing the non-compliant fuel oil in accordance with a method acceptable to the port State; and
 - Operational actions, such as modifying sailing or bunkering schedules and/or retention of non-compliant fuel oil on board the ship. The port State and the ship should consider any safety issues and avoid possible undue delays.

The guidance is considered to be a good compromise between promoting robust implementation of the revised regulation 14 whilst also recognising that ships may be forced to load non-compliant fuel as a result of non-availability.

6. The Committee approved MEPC circular MEPC.1/Circ.881 "Early application of the approved amendments to the verification procedures for a MARPOL Annex VI fuel oil sample (regulation 18.8.2 or regulation 14.8)", this will promote early implementation of the revised procedure for verifying fuel samples ahead of amendments to the Convention entering into force during 2021;
7. The Committee approved MEPC circular MEPC.1/Circ.884 "Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the EGCS fails to meet the provision of the Guidelines". This guidance was based on text submitted by the IMO secretariat in document MEPC 74/5/8, a reference to EGCS malfunctions lasting more than one hour being reportable was removed following concerns that this might be perceived as weakening regulatory requirements. The final guidance is considered to be a balanced document which should promote robust enforcement of compliance in the case of ships using EGCS as an equivalent means of compliance whilst also providing pragmatic guidance for those incidences where a single instrument might fail or for short term exceedances;
8. The Committee approved MEPC circular MEPC.1/Circ.864/Rev.1 "2019 Guidelines for on board sampling for the verification of the sulphur content of the fuel oil used on board ships";
9. The Committee approved, subject to concurrent approval by MSC 101, a draft MSC-MEPC circular on delivery of compliant fuel oil by suppliers, as developed by PPR 6; and
10. The Committee approved MEPC circular MEPC.1/Circ.883 "Guidance for Best practice for Member State/coastal States".

This was the last session of MEPC before implementation of the 0.5% sulphur cap on 1 January 2020 and it was essential to complete outstanding work items. Overall ICS is satisfied with the progress made by the Committee and will be updating the ICS guidance document *Compliance with the 2020 'Global Sulphur Cap' for Ships' Fuel Oil in Accordance with MARPOL Annex VI* to reflect the outcomes of the session. However, a significant outstanding matter is guidance for collecting on-board samples of fuel oil. IMarEST had made a submission (document MEPC 74/10/2) proposing guidance for collecting on-board samples however time constraints prevented consideration of the document at this session and it was forwarded to PPR 7 for further attention.

3.2 Energy Efficiency Design Index (EEDI) Phase 3

The Committee approved the draft amendments to regulation 20 of MARPOL Annex VI, which should be adopted at MEPC 75 to advance the starting year of EEDI Phase 3 to 2022 for some ship types and to introduce a graduated Phase 3 reduction rate for container ships. The amendments are largely in accordance with the recommendations of the correspondence group which had considered EEDI beyond phase 2, and document MEPC 74/5/12 submitted by the World Shipping Council and supported by ICS co-sponsored document MEPC 74/5/27. The only exceptions were LNG carriers and Cruise passenger ships having non-conventional propulsion for which EEDI Phase 3 will start in

2022, as opposed to 2025 as recommended by the correspondence group. The Committee reconfirmed its earlier decision that EEDI Phase 3 will start in 2025 for bulk carriers and tankers. Despite the overwhelming support of plenary, it should be noted that the European Commission and a small number of European member states attempted to re-open discussion of the required reduction rates for container ships in the working group that considered the matter and it is possible we may see further submissions which try to change the agreed amendments when they are considered for adoption at MEPC 75.

3.3 Energy Efficiency Design Index (EEDI) Potential Future Phase 4

The Committee agreed terms of reference (ToR) for a correspondence group to consider the potential future EEDI Phase 4. Document MEPC 74/5/6 which had been co-sponsored by ICS and which provided proposals intended to promote a rational and evidence based process for developing future EEDI phases was not considered at this session but was deferred to MEPC 75 however it was included in the ToR of the correspondence group after having received significant support from member states when making interventions on the proposed ToR. In addition, document MEPC 74/5, submitted by IACS, was also included in the ToR as one of the documents to be considered.

3.4 Reference line for large bulk carriers

Following consideration of document MEPC 74/5/22 submitted by Brazil et al, the Committee agreed to amend the reference line for large bulk carriers above 279,000DWT. This should address some of the concerns at the difficulties faced by large bulk carriers in achieving the necessary EEDI reductions and is to be welcomed. The adjustment was approved by the Committee and should be adopted at MEPC 75.

3.5 Shaft Power Limitation (ShaPoLi)

Following consideration of documents submitted on the matter of shaft power limitation as a means to reconcile compliance with both strengthening EEDI requirements and with the minimum power guidelines it was agreed that development of the ShaPoLi concept could proceed in parallel with work to finalise minimum power guidelines. ICS had co-sponsored document MEPC 74/5/26 which although not objecting to the ShaPoLi concept in principle called for any potential agreement to introduce regulatory amendments to be deferred until the final minimum power guidelines had been agreed and an analysis undertaken to understand the potential usefulness and impacts of ShaPoLi. In response to an intervention that such a deferment was not necessary since the Level 1 minimum power guidelines were conservative and so would address the concerns of ICS and others it was explained that, contrary to assumption, the Level 2 simplified assessment method might actually require a higher level of installed power than the Level 1 power lines depending on the weather and advance speed assumptions used to underpin the calculation given how sensitive the calculation is to these assumptions.

3.6 Amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships

The Committee adopted resolution MEPC.308(73) on amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships.

3.7 Unified interpretations to MARPOL Annex VI (regulations 13.2.2, 13.5.3, 14.1 and 16.9)

The Committee approved MEPC circular MEPC.1/Circ.795/Rev.4 "Unified interpretations to MARPOL Annex VI (regulations 13.2.2, 13.5.3, 14.1 and 16.9)" relating to the time of the replacement or addition of an engine, shipboard incinerators and the applicability of recording requirements to replacements engines (Tier II) subject to resolution MEPC.230(65).

3.8 Black Carbon

The Committee approved the proposals of Finland et al, provided in document MEPC 74/10/8 for further develop work on the matter of Black Carbon following completion of work to identify appropriate control measures. This will:

- Consider regulating or otherwise directly control Black Carbon emissions from marine diesel engines (exhaust gas) to reduce the impact on the Arctic of Black Carbon emissions from international shipping, taking into account the identified candidate control measures;
- Further consider the recommended Black Carbon measurement methods (FSN, PAS, LII) to be used in conjunction with regulations to control Black Carbon emissions from marine diesel engines; and
- Develop a standardized sampling, conditioning and measurement protocol, including a traceable reference method and an uncertainty analysis, taking into account the three most appropriate Black Carbon measurement methods (FSN, PAS, LII), to make accurate and traceable (comparable) measurements of Black Carbon emissions.

A report is to be submitted to MEPC 77. The Committee therefore invited Member States and international organizations to submit concrete proposals to PPR 7 on how to regulate or otherwise directly control Black Carbon emissions from marine diesel engines to reduce the impact on the Arctic of Black Carbon emissions from international shipping as well as concrete proposals on a standardized sampling, conditioning and measurement protocol, taking into account the three most appropriate Black Carbon measurement methods (FSN, PAS, LII).

A proposal submitted by CSC and Pacific Environment in document MEPC 74/10/12 to ban the use of HFO in the Arctic in order to reduce emissions of Black Carbon was not agreed.

4. FURTHER TECHNICAL AND OPERATIONAL MEASURES FOR ENHANCING THE ENERGY EFFICIENCY OF INTERNATIONAL SHIPPING (AGENDA ITEM 6).

Time constraints meant that all the documents submitted under this agenda item, including proposals for transport work proxies for offshore vessels and cruise passenger ships, could not be considered by the Committee. Documents submitted to the session will therefore be considered at the next session of the Committee, MEPC 76.

5. REDUCTION OF GHG EMISSIONS FROM SHIPS (AGENDA ITEM 7).

Members will recall that the outcomes of the fifth intersessional meeting on the matter of reduction of GHG emissions from ships (ISWG-GHG 5) were provided in board circular

BOARD19(09). Discussions continued at MEPC 74, with agreement being reached on a draft MEPC circular providing the procedure for assessing impacts on States of candidate measures. This is considered to be a crucial outcome as without this impact assessment procedure, which forms part of the initial strategy, it would have been impossible to agree and develop GHG reduction measures. The final procedure is considered to be a good compromise which was acceptable to both the high ambition member states and to those emerging economies and member states who are remote from their markets and international shipping lanes who are particularly concerned that GHG reduction measures could unduly affect their economies.

The Committee did not consider actual GHG reduction measures in detail, with all proposed measures remaining under consideration, however it was clear that three particular ideas have strong support from a wide range of IMO member states, these being:

- Enhancing the SEEMP;
- Further development of the EEXI proposal proposed by Japan in document MEPC 74/7/2; and
- Speed optimisation.

The ICS Secretariat considers it to be positive that a goal based measure based on the SEEMP received good support from a wide range of member states and will continue to work with other stakeholders to further develop the idea. ICS Secretariat considers that there is good potential for convergence between enhancing the SEEMP and further developing the EEXI proposal of Japan.

On the matter of speed limits, whilst a number of predominantly European member states and green NGOs advocated speed limits, including support for the document submitted by France (ISWG-GHG 5/4/11) on the matter there was a clear majority in favour of speed optimisation in preference to speed limits.

On the matter of future working arrangements, the Committee considered IMO secretariat document MEPC 74/7/1 on possible future working arrangements to support consideration and implementation of the follow-up actions of the Initial Strategy. This had provided two possible ways to improve working arrangements on the matter of reducing GHG emissions, either establishment of a dedicated standing technical group on reduction of GHG emissions from ships, or establishment of a new sub-committee on reduction of GHG emissions from ships reporting to MEPC. Finally the Committee invited the Council to note the discussion, and that the matter could be considered at a future session. In the meantime it was agreed that two further intersessional meetings should be held before MEPC 75 to expedite work, with the first meeting (ISWG-GHG 6) to be held from 11 to 15 November 2019, subject to the endorsement of the Council. The second meeting is expected to be held immediately after the first one. The Committee agreed the terms of reference for ISWG-GHG6.

While the adoption of the procedures for developing impact assessments is a real achievement, the pressure to agree upon some kind of short term measure at MEPC 75 which, consistent with the IMO GHG Strategy can deliver additional emission reductions before 2023, will be intense, particularly if unilateral action by the EU is to be avoided.

There was a point in the working group discussion when it seemed that the possibility of adopting a measure, such as the 'Super SEEMP', as early as 2020 would be blocked off.

Following an intervention by ICS this possibility remains open. Nevertheless, the challenge of persuading MEPC 75 to finalise a measure at the next session will be considerable. The Secretariat is therefore currently considering possible next steps and how to build the necessary alliance with a broad cross section of Member States in advance of the next intersessional meeting in November, bearing in mind that any further submissions, including preparation of a preliminary impact assessment of the Super SEEMP proposal, will have to be finalised by the end of the summer.

6. FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS MARINE PLASTIC LITTER FROM SHIPS (AGENDA ITEM 8)

A Working Group on Marine Plastic Litter met under the chairmanship of Annalise Sly (Australia). The Group produced a significant number of actions to be undertaken by the Committee and other IMO bodies. The Committee agreed terms of reference for an IMO study on marine plastic litter from ships. The study will be conducted by an expert appointed by the Committee, and funded by donations from member States and interested parties. The study will attempt to estimate the contribution to marine plastic litter (macro and microplastics) by all ships (including fishing vessels) and identify any knowledge gaps in determining this contribution and, where possible, provide a variety of analyses and visualizations in relation to that estimation. The work will also cover issues relating to delivery, storage and reception of plastic waste. The study will not duplicate work already undertaken or being carried out, but instead build on the reports and analyses of GESAMP and other organizations by providing new information and quantitative data that would partly fill the knowledge gaps that had already been or would be identified by other studies.

It should be noted that the study will cover both macro and micro plastic litter from shipping, and that although plastic entrained in grey water has not been explicitly referred to in the terms of the study, it is possible that it will be considered. ICS will continue to monitor this, and prepare policy positions for consideration by members when appropriate. It remains the case that the majority of micro-plastic derives from land-based sources, and that there is currently little, if any, technology available to address the problem.

The regulatory framework matrix, which identifies relevant existing regulations relating to marine plastic litter, was updated and agreed by the Committee. The Committee also agreed to the elements for inclusion in a strategy to address marine plastic litter from ships developed by the Working Group, which arranged the items of the action plan on a short, mid, long term and continuous basis. It should be noted that submissions were invited to MSC on a compulsory system of formatted declarations of the loss of containers and the means on board to easily identify the exact number of losses and, that the CCC and NCSR Sub-Committees should be asked to review the action, reporting to MSC and MEPC as appropriate. Consideration of the most appropriate instrument to address the responsibility and liability for plastic consumer goods lost at sea from ships was listed as a mid-term objective, and proposals were invited to the IMO Legal Committee.

Much of the work agreed by the Committee focusses on the role of fishing vessels in minimizing marine plastic litter, and the Committee instructed PPR to consider how to amend MARPOL Annex V so as to facilitate and enhance reporting of the accidental loss or discharge of fishing gear, as currently provided in regulation 10.6 of MARPOL Annex V. This decision was reached after significant interventions in plenary, which overturned the Working Group's original proposal that PPR should be invited to consider whether to amend the instrument.

A Correspondence Group was formed, under the chairmanship of Singapore, to finalize a draft strategy to address marine plastic litter from ships.

In general, the outcome of the working group can be considered as meeting industry's needs and concerns with respect to the issue of marine plastic litter from ships. In particular, the outcome with respect to the reporting of container losses was a consequence of interventions by ICS and WSC and increases the likelihood of a pragmatic resolution in the near future. Furthermore, whilst the issues of microplastic in grey water and, the most appropriate instrument to address the responsibility and liability for plastic consumer goods lost at sea from ships may well be subject to further consideration, the organisation of the strategy and the general conduct of work on marine plastic litter increase the prospect of the issues being resolved in a pragmatic and practicable manner that is of benefit to both industry and the protection of the marine environment.

7. IDENTIFICATION AND PROTECTION OF SPECIAL AREAS, ECAs AND PSSAs (AGENDA ITEM 9).

In relation to a possible future proposal for the designation of a Mediterranean ECA France provided, in submission MEPC 74/INF.5 (France), details of a study defining benefits on air quality in the Mediterranean countries associated with possible emission reduction scenarios, based on reduction of the sulphur content in fuels used, from 0.5% to 0.1%, and reduction of NO_x emissions through Tier III engine requirements. As this was an information paper the Committee simply noted it. It should be noted that if a future application to designate the Mediterranean as an ECA should be made it would require the support of all the littoral States.

8. POLLUTION PREVENTION AND RESPONSE (AGENDA ITEM 10)

8.1 Draft amendments to the AFS Convention

In considering proposals by Japan (MEPC 74/10/9), for modifications to the draft amendments to the AFS Convention, specifically, the deletion of the draft provisions requiring the removal or sealing of existing antifouling systems containing cybutryne on grounds that the retrospective requirements to mandate blasting or sealer coatings to all ships that have applied the anti-fouling system in the past need further careful consideration. In discussion, a slight majority of delegations supported the proposals of Japan, though many opposed the deletion of provisions requiring the removal or sealing of existing AFS containing cybutryne. In this context, IPPIC observed that that existing sealer coats for AFS containing organotin may be effective in sealing cybutryne, and that other approaches for sealing cybutryne may also exist (e.g. overcoating with tie coats, primers and other antifouling coatings). However, as evidence was required to ensure that the product supplied would be effective at preventing cybutryne loss from the underlying coating, more time was required for further consideration of the matter.

It was agreed to refer the draft amendments to Annex 1 of the AFS Convention to PPR 7 for further consideration, including addressing the potential conflict between the proposed amendments to Annex 1 as set out MEPC 74/10/9 and article 4(2) of the AFS Convention, and for the outcome to be reported to MEPC 75 as an urgent matter. In this regard, the Committee requested the Secretariat to provide possible legal advice to PPR 7 in relation to article 4(2) of the AFS Convention. The Committee further invited Member States and international organizations to submit information to PPR 7 on the impact of the removal or sealing of existing anti-fouling systems utilizing cybutryne that have been applied to ships, taking into account the information in document MEPC 74/10/9.

9. WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES (AGENDA ITEM 14)

9.1 Exhaust Gas Cleaning Systems (EGCS)

The Committee agreed to a new work output to consider EGCS discharges and develop harmonized requirements as proposed in document MEPC 74/14/1 by Austria et al. The title of the new output is "Evaluation and harmonization of rules and guidance on the discharge of liquid effluents from EGCS into waters, including conditions and areas".

9.2 Proposal for a new output on development of an operational guide on the response to spills of Hazardous and Noxious Substances (HNS)

The Committee agreed to a new output to develop an operational guide compiling good practices on preparedness and response to spills of hazardous and noxious substances (HNS) and assigned it to the post-biennial agenda for the PPR sub-committee.

9.3 Expanding the scope of the existing output 1.26 to include a revision of MARPOL Annex IV

Proposals by Norway to expand the scope of the existing output on amendments to the 2012 guidelines on implementation of effluent standards and performance tests for sewage treatment plants were approved by the Committee. Concerns expressed by CLIA and ICS with respect to the retrofitting of existing ships as a consequence of the amendments received some support, but in general the member States supporting the Norwegian proposals expressed the view that any revisions should apply to existing ships, and it is therefore likely that this line will be taken as the work progresses. The Committee forwarded the agreed expanded scope to PPR for further consideration. It is disappointing that industry concerns were not taken into consideration and it will be necessary for industry to continue to demonstrate the issues that exist with respect to the expanded scope of the guidance and Annex, and the impact it will have on the world fleet, as the work progresses.

10. ANY OTHER BUSINESS (AGENDA ITEM 18)

Due to time constraints, the Committee agreed to defer the consideration of documents under this agenda to MEPC 75.

11. DATES OF THE 2020 MEETINGS OF THE COMMITTEE AND THE SIXTH AND SEVENTH MEETINGS OF THE INTERSESSIONAL WORKING GROUP ON REDUCTION OF GHG EMISSIONS FROM SHIPS

MEPC 75 is scheduled to take place from 30 March to 3 April 2020 with MEPC 76 scheduled 19 to 23 October 2020.

The sixth and seventh meetings of the Intersessional Working Group on Reduction of GHG Emissions from Ships, ISWG-GHG 6 and ISWG-GHG 7, are scheduled to take place 11 to 15 November 2019 and 23 to 27 March 2020 respectively.

Jonathan Spremulli
Principal Director - Marine