

# ESSENTIAL RESULTS AND DECISIONS TAKEN BY THE IMO MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC) AT ITS 59 SESSION – LONDON, 13 TO 17 JULY 2009

The present paper was drafted by the International Department of the Russian Maritime Register of Shipping on the basis of the Report by the IMO Secretariat on the 59th session of the MEPC, as set forth in documents MEPC 59/24 and MEPC 59/24/Add.1

## 1. MEPC RESOLUTIONS

1.1 Calculation of Recycling Capacity for Meeting the Entry-into-Force Conditions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (Resolution MEPC.178(59)) (Annex 1 to MEPC 59/24/Add.1 and para. 3.8 of MEPC 59/24)

*By its Resolution MEPC.178(59) the Committee specified the basis for calculating the entry-into-force conditions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships; corresponding statistical data for the calculation should be taken from the Lloyd's Register – Fairplay databases.*

1.2 Guidelines for the Development of the Inventory of Hazardous Materials (Resolution MEPC.179(59)) (Annex 2 to MEPC 59/24/Add.1 and para. 3.18.2 of MEPC 59/24)

*The Guidelines for the Development of the Inventory of Hazardous Materials on board the ship were developed and approved by the Committee in response to Resolution 4 of the Hong Kong International Conference on the Safe and Environmentally Sound Recycling of Ships (document SR/CONF/46 by the Conference). The Resolution includes a paragraph inviting Governments to apply the Guidelines 'as soon as possible', or 'when the Convention becomes applicable to them'.*

1.3 Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) for the Revised MARPOL Annex VI (Resolution MEPC.180(59)) (Annex 5 to MEPC 59/24/Add.1 and para. 4.32.1 of MEPC 59/24)

*The amendments take due account of the requirements of the revised MARPOL Annex VI, as adopted by Resolution MEPC.176(58); while not having the status of a mandatory IMO instrument, the Resolution nevertheless invites Governments carrying out surveys required by the revised MARPOL Annex VI, to 'follow its provisions' as from 1 July 2010. It is expected that in future any amendments relating to the survey procedures in accordance with MARPOL Annex VI, will be adopted in the form of amendments to Assembly Resolution A.997(25). Initially the survey guidelines in accordance with the HSSC requirements were approved by MEPC as its Resolution MEPC.128(53).*

1.4 2009 Guidelines for Port State Control under the Revised MARPOL Annex VI (Resolution MEPC.181(59)) (Annex 6 to MEPC 59/24/Add.1 and para. 4.32.2 of MEPC 59/24)

*As decided by MEPC, the Guidelines will become applicable starting from 1 July 2010. Initially the guidelines were approved by MEPC in the form of its Resolution MEPC.129(53); it is expected that in future any amendments relating to MARPOL Annex VI will be adopted in the form of amendments to IMO Assembly Resolution A.787(19), as amended by A.882(21).*

1.5 2009 Guidelines for the Sampling of Fuel Oil for Determination of Compliance with the Revised MARPOL Annex VI (Resolution MEPC.182(59)) (Annex 7 to MEPC 59/24/Add.1 and para. of 4.32.3 MEPC 59/24)

*The guidelines meant for the replacement of the preceding instrument (MEPC.96(47)) will be put into effect as from 1 July 2010.*

1.6 2009 Guidelines for Monitoring the Worldwide Average Sulphur Content of Residual Fuel Oils Supplied for Use on Board Ships (Resolution MEPC.183(59)) (Annex 8 to MEPC 59/24/Add.1 and para. of 4.32.4 MEPC 59/24)

*The guidelines meant for the replacement of the preceding instrument on the monitoring (MEPC.82(43)) will be put into effect as from 1 July 2010. The Committee took decision to review the guidelines in 2010 with the aim of extending the monitoring to all kinds of ship fuel. Resolution MEPC.82(43) will cease to be in effect as from 01.07.2010.*

1.7 2009 Guidelines for Exhaust Gas Cleaning Systems (Resolution MEPC.184(59)) (Annex 9 to MEPC 59/24/Add.1 and para. 4.32.6 of MEPC 59/24)

*The guidelines meant for the replacement of the preceding instrument on the monitoring (MEPC.170(57)) will be put into effect as from 1 July 2010; Resolution MEPC.170(57) will be revoked from the same date.*

1.8 Guidelines for the Development of a VOC Management Plan (Resolution MEPC.185(59)) (Annex 10 to MEPC 59/24/Add.1 and para. 4.32.7 of MEPC 59/24)

*The instrument is expected to be put into effect on the date of the entry into force of the revised Annex VI to MARPOL, i.e. from 1 July 2010. The guidelines were developed by MEPC on the basis of Regulation 15.6 of Annex VI, which, *inter alia*, prescribes that the Volatile Organic Compounds (VOC) Management Plan for tankers should be approved by the Administration.*

1.9 Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Addition of a New Chapter 8 to MARPOL Annex I and Consequential Amendments to the Supplement to the IOPP Certificate, Form B) (Resolution MEPC.186(59)) (Annex 22 to MEPC 59/24/Add.1 and para. 5.17.1 of MEPC 59/24)

*New Chapter 8 regulates the issues of pollution prevention while transferring the cargo of oil between tankers having a gross tonnage of 150 and above at sea. The expected date of the entry into force of the amendments is 1 January 2011. The amendments would be applicable to the oil cargo transfer operations between ships at sea carried out on 1 April 2012 and after that date.*

1.10 Amendments to the Annex to the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Amendments to Regulations 1, 12, 13, 17 and 38 of MARPOL Annex I, Supplement to the IOPP Certificate and oil Record Book Parts I and II) (Resolution MEPC.187(59)) (Annex 23 to MEPC 59/24/Add.1 and para. 5.17.2 of MEPC 59/24)

*The amendments envisage the introduction of requirements for ships having a gross tonnage of 400 and above to have tanks intended for oil residue (sludge) as well as the adjustment of definitions of oil bilge water and tanks meant for its containment. The expected date of the entry into force of the amendments is 1 January 2011.*

## 2. CIRCULARS APPROVED BY MEPC AT ITS 59 SESSION

### MEPC circulars

2.1 Guide to Good Practice for Port Reception Facility Providers and Users (para. 10.39 of MEPC 59/24, **MEPC.1/Circ.671**)

*The guide is intended for port Authorities providing the corresponding facilities for residues as well as for ship owners, masters, operators and other stakeholders.*

2.2 Guidance Document for Minimizing the Risk of Ship Strikes with Cetaceans (para. of 18.5 MEPC 59/24, **MEPC.1/Circ.674**)

*The guidance is intended for the Governments Members to the Organization as well as for maritime Administrations, recognized organizations, shipping companies and other stakeholders.*

2.3 Discharge of Cargo Hold Washing Water in the Gulfs Area and Mediterranean Sea Area under MARPOL Annex V (para. 6.40 of MEPC 59/24, **MEPC.1/Circ.675**)

*The circular clarifies conditions of discharge of cargo hold washing water in the area in question. The instrument contents is meant, **inter alia**, for Port State Control.*

2.4 Amendment to the 2008 Revised Guidelines for Systems for Handling Oily Wastes in Machinery Spaces of Ships Incorporating Guidance Notes for an Integrated Bilge Water Treatment System, IBTS (circular MEPC.1/Circ.642) (para. 6.56 of MEPC 59/24, **MEPC.1/Circ.676**)

*The amendment takes due account of the corrections to Regulation 12.2.2 of MARPOL Annex I к MARПОЛ whose entry into force is expected on 1 January 2011, ref. para. 1.10 above.*

2.5 Guide to Diagnosing Contaminants in Oily Bilge Water to Maintain, Operate and Troubleshoot Bilge Water Treatment Systems (para. 10.28 of MEPC 59/24, **MEPC.1/Circ.677**)

*The guide is intended for facilitating maintenance and operation of bilge water treatment systems in the port as well as on board the ship.*

2.6 Definitions for the Cost Effectiveness Formula in Regulation 13.7.5 of the Revised MARPOL Annex VI (para. 4.32.8 of MEPC 59/24, **MEPC.1/Circ.678**)

*The circular is intended for manufacturers of ship engines, ship owners, designers and Administrations. It itemizes the definitions of parameters used in the formula for the assessment of cost effectiveness of the existing ship engines.*

2.7 Guidelines for the Application of the NO<sub>x</sub> Technical Code Relative to Certification and Amendments of Tier I Engines (para. 4.32.9 of MEPC 59/24, **MEPC.1/Circ.679**)

*The guidelines aims at rendering assistance to Administrations in applying the corresponding version of the NO<sub>x</sub> Code as regards engines installed on board ships constructed before 1 January 2011.*

2.8 Technical Information on Systems and Operation to Assist Development of VOC Management Plans (para. 4.32.10 of MEPC 59/24, **MEPC.1/Circ.680**)

*The circular provides additional useful information for those developing VOC Management Plans for tankers, as defined in Resolution MEPC.185(59), ref. para. 1.8 above.*

2.9 Interim Guidelines on the Method of Calculation of the Energy Efficiency Design Index for New Ships (para. 4.137.1 of MEPC 59/24, **MEPC.1/Circ.681**)

*The method of calculating the EEDI for new ships proposed by the circular is set out also in Annex 17 to the second part of the Committee's report on its 59<sup>th</sup> session, MSC 59/24/Add.1.*

2.10 Interim Guidelines for Voluntary Verification of the Energy Efficiency Design Index (para. 4.137.2 of MEPC 59/24, **MEPC.1/Circ.682**)

*The aim of this circular is to render assistance to manufacturers and designers of ship energy equipment, including also ship owners, and ensure that the procedures of calculating the energy efficiency design index (EEDI) value are correctly and consistently understood and followed by them. The EEDI value is to be calculated on the basis of methods developed for new ships. The contents of this circular are set out also in Annex 18 to the second part of the Committee's report on its 59<sup>th</sup> session, MSC 59/24/Add.1.*

2.11 Guidance for the Development of a Ship Energy Efficiency Management Plan (SEEMP) (para. 4.137.3 of MEPC 59/24, **MEPC.1/Circ.683**)

*The purpose of the plan, or SEEMP, is development of such a mechanism for the Company and/or ship which would allow optimization of the energy using on board the ship. Such guidance is reproduced also in Annex 19 to the second part of the Committee's report on its 59<sup>th</sup> session, MSC 59/24/Add.1.*

2.12 Guidelines for Voluntary Use of the Ship Energy Efficiency Operational Indicator (EEOI) (para. 4.137.4 of MEPC 59/24, **MEPC.1/Circ.684**)

*The guidelines are meant for ship owners and operators with the aim of rendering to them assistance in their assessment of the ship operation from the CO<sub>2</sub> emission point of view. The document is reproduced also in Annex 20 to the second part of the Committee's report on its 59<sup>th</sup> session, MSC 59/24/Add.1.*

2.13 Discharge of Waste Water from Cruise Ships in Semi-Closed and Closed Sea Areas (para. 14.6 of MEPC 59/24, **MEPC.1/Circ.685**)

*This circular informs all stakeholders of the intent of Baltic States to come up to the next, 60<sup>th</sup> MEPC session, on behalf of the Helsinki Commission, with a proposal to designate the Baltic Sea as a Special Area in terms of MARPOL Annex IV, in order to prevent its eutrophication.*

2.14 Guidance on Managing Spoilt Cargoes (para. 6.48 of MEPC 59/24, **MEPC.1/Circ.688**).

*This circular is meant for the replacement and updating of the previous guidance, as attached to IMO circular letter No. 2074.*

**Other circulars**

2.15 Clarification Regarding the Application Dates Contained in Regulation B-3.1 of the BWM Convention (para. 2.29.1 of MEPC 59/24, **BWM.2/Circ.19**). The circular provides additional clarifications in respect of the dates when ships must comply with the requirement to be equipped with ballast water treatment systems, as related to surveys carried out after the dates indicated in Regulation B-3.1.

2.16 Guidance to Ensure Safe Handling and Storage of Chemicals and Preparations Used to Treat Ballast Water and the Development of Safety Procedures for Risks to the Ship and Crew Resulting from the Treatment Process (para. 2.29.2 MEPC 59/24, **BWM.2/Circ.20**). The circular provides instructions on how to handle substances intended for the ballast water treatment. It is expected that the precautions prescribed therein are to be included in the ship SMS.

2.17 Engineering Questionnaire on Ballast Water Management Systems (para. 2.29.4 of MEPC 59/24, **BWM.2/Circ.21**). The circular proposed by Brazil was approved by MEPC for compiling in some future a reference book of water ballast management systems that will be intended for entities interested in purchasing such systems.

2.18 Prohibition of Blending MARPOL Cargoes on Board During the Sea Voyage (para. 11.21 of MEPC 59/24, **MSC-MEPC.2/Circ.8**). The circular is approved finally after its preliminary approval at MSC-86. It prescribes that any blending of cargoes subject to the MARPOL Convention is not acceptable while at sea.

2.19 Measurement of Distances (para. 6.7 of MEPC 59/24, **MSC-MEPC.5/Circ.5**). The circular is approved finally after its preliminary approval at MSC-86. Interpretations of distances contained therein proposed by IACS are applicable to SOLAS, MARPOL and LL Conventions as well as to the codes mandatory under these Conventions. The moulded values of dimensions (i.e., length, breadth and depth of the ship's hull and its structures) are to be taken as design parameters.

2.20 Guidance on the Timing of Replacement of Existing Certificates by the Certificates Issued After the Entry into Force of Amendments to Certificates in IMO Instruments (para. 10.51 of MEPC 59/24, **MSC-MEPC.5/Circ.6**). The guidance should be applied to IMO Conventions as well as to the codes which are mandatory under these conventions.

2.21 Guidance on the Best Management Practices for Removal of Harmful Anti-Fouling Systems, Including Hull Corrosion Protection Coatings Containing TBT (para. 13.4 of MEPC 59/24, **AFS.3/Circ.3**). The guidance is meant to ensure compliance with the requirements of the International 2001 Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS).

### **3. INTERPRETATIONS & CLARIFICATIONS OF MANDATORY INSTRUMENTS**

3.1 Unified Interpretations of Distances in IMO Instruments (para. 6.7 of MEPC 59/24) – ref. paragraph 2.19 above.

3.2 Unified Interpretations of Regulation 23 of MARPOL Annex I (Annex 24 to MEPC 59/24/Add.1 and para. 6.9 of MEPC 59/24)

*The interpretation specifies the overpressure value in case of the inert gas system availability and sets it at the 5kPa level. The document replaces interpretation that contained in Annex 18 to MEPC 58(23).*

3.3 Interpretation of the Requirements of MARPOL Annex I Regulation 15 as Regards Discharge of Oil and Oily Waste from Fixed and Floating Platforms (paras 6.13 and 6.14 of MEPC 59/24)

*The MEPC interpretation brings clarifications into aspects of the application of Regulation 15 to the discharge from slop tanks of installations intended for production, storage and unloading of hydrocarbons.*

3.4 Clarification of the Requirements of MARPOL Annex I Regulation 12A (paras 6.16 to 6.18 of MEPC 59/24)

*An interpretation proposed by the Committee extends the scope of the previous one (MEPC 58/23 para. 6.10) regarding the 'major conversions' to cover all ship types and not only 'single-hull tankers' converted into bulk/ore carriers.*

#### **4. DRAFT AMENDMENTS TO IMO INSTRUMENTS (INCLUDING ASSEMBLY RESOLUTIONS)**

4.1 Draft Amendments to Regulations 13 and 14 of the Revised MARPOL Annex VI (Annex 11 and para. 4.32.13 of MEPC 59/24). The coastal waters of the United States and Canada are expected to be designated as a new NO<sub>x</sub>, SO<sub>x</sub> and Particulate Matter Emission Control Area (ECA).

4.2 Draft Amendments to Resolution MEPC.121(52) (Annex 27 to MEPC 59/24/Add.1 and para. 8.4 of MEPC 59/24). The Committee approved a number of amendments to Resolution MEPC.121(52) which adjust limits of West European waters as a particularly vulnerable area, as established by the said Resolution. The amendments are expected to be reviewed and endorsed by the IMO NAV Sub-Committee before their adoption at MEPC-60.

4.3 Draft Amendments to MARPOL Annex I on Prohibition of Carriage of Heavy Oils in the Antarctic Area (Annex 28 to MEPC 59/24/Add.1 and para. 10.20 of MEPC 59/24). The draft is intended for its final consideration and adoption at the next, 60<sup>th</sup> session, and it envisages inclusion in Annex I of a new Chapter 9 which prohibits carriage and use as a fuel of heavy grade oils on board ships operating in the Antarctic area.

4.4 Draft Assembly Resolution on Adoption of the Code on Alerts and Indicators, 2009 (para. 10.24 of MEPC 59/24). The Committee approved a draft Assembly resolution preliminarily approved by the MSC at its 86<sup>th</sup> session, for its final consideration and approval by the 26 Assembly. *Note: the draft may be found in Annex 13 to the report of MSC on its 86<sup>th</sup> session, MSC 86/26/Add.1.*

4.5 Draft Assembly Resolution on Guidelines for Ships Operating in Polar Waters (para. 10.24 of MEPC 59/24). The Committee approved a draft Assembly resolution preliminarily approved by the MSC at its 86<sup>th</sup> session, for its final consideration and approval by the 26 Assembly. *Note: the draft may be found in Annex 18 to the report of MSC on its 86<sup>th</sup> session, MSC 86/26/Add.2.*

4.6 Draft Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC, Resolution A.997(25)) (para. 10.48 of MEPC 59/24). The draft, preliminarily approved by the MSC at its 86<sup>th</sup> session, is meant for its final consideration and approval by the 26 Assembly. *Note: the draft may be found in Annex 20 to the report of MSC on its 86<sup>th</sup> session, MSC 86/26/Add.2.*

4.7 Draft Amendments to the Code on the Implementation of Mandatory IMO Instruments (Resolution A.996(25)) (para. 10.55 of MEPC 59/24). The draft, preliminarily approved by the MSC at its 86<sup>th</sup> session, is meant for its final consideration and approval by the 26 Assembly. *Note: the draft may be found in Annex 21 to the report of MSC on its 86<sup>th</sup> session, MSC 86/26/Add.2.*

4.8 Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations (Annex 30 and para. 16.34 of MEPC 59/24). The draft is intended for its final consideration and adoption at the 26 Assembly. The new Resolution is meant for the replacement of the existing guidelines adopted by Resolution A.913(22).

## 5. OTHER IMPORTANT DECISIONS REACHED AT MEPC-59

5.1 MEPC agreed to grant its **basic approval** to the following ballast water management systems (MEPC 59/24, para. 2.5):

5.1.1 **Blue Ocean Shield Ballast Water Management System** by China (Chinese document MEPC 59/2/2);

5.1.2 **Hyundai Heavy Industries Co., Ltd. (HHI) Ballast Water Management System (EcoBallast)** by the Republic of Korea (ROK document MEPC 59/2/4);

5.1.3 **AquaTriComb™ Ballast Water Treatment System** by Germany (MEPC 59/2/8).

This decision on the basic approval was taken on the grounds of the recommendations made by the GESAMP Group (documents MEPC 59/2/16, Annexes 7 and 8, and MEPC 59/2/19, Annex 6). "Basic approval" means that the Administrations of China, Republic of Korea and Germany should follow a number of additional actions recommended by GESAMP on completing these systems (MEPC 59/24, paras 2.6. and 2.7).

5.2 The Committee agreed to grant its **final approval** to the following ballast water management systems (MEPC 59/24, paras. 2.8 and 2.9):

5.2.1 **RWO Ballast Water Management System (CleanBallast)** by Germany (German paper MEPC 59/2);

5.2.2 **NK-O3 BlueBallast System (Ozone)** by the Republic of Korea (MEPC 59/2/3);

5.2.3 **Hitachi Ballast Water Purification System (ClearBallast)** by Japan (MEPC 59/2/5);  
and

5.2.4 **Greenship Sedinox Ballast Water Management System** by the Netherlands (MEPC 59/2/6).

5.3 Intent of MARPOL Annex I Regulation 15 and its interpretations. The Committee considered (upon an initiative of the Marshall Islands) the issues of application of Regulation I/15 of the Convention and its unified interpretation No. 22. The Committee proposed additional interpretations to that regulation (paragraphs 6.19 to 6.23 of MEPC 59/24).

5.4 MEPC approved amendments to the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies – MSC-MEPC.1/Circ.2 (Annex 29 and para.

11.23 of MEPC 59/24), approved preliminarily by MSC at its 86 session. These amendments deal with capacity building required for rendering assistance to the States when adopting new IMO instruments or amending the existing ones.

5.5 The next, 60<sup>th</sup> session of the Committee will be held at IMO Headquarters in London, from 22 to 26 March 2010 (MEPC 59/24, para. 20.27). The following working (WG) and drafting (DG) groups are expected to be convened at that session (MEPC 59/24, para. 20.28):

- WG on GHG Issues;
- WG on Guidelines for Ship Recycling;
- WG on Environmental Risk Evaluation Criteria; and
- DG on Amendments to Mandatory Instruments.

5.6 MEPC approved the establishment of the following correspondence working groups whose reports should be submitted to MEPC-60 (MEPC 59/24, para. 20.29):

- on Environmental Risk Evaluation Criteria;
- on Review of MARPOL Annex V;
- on Development of Ship Recycling Guidelines; and
- on Noise from Commercial Shipping and Adverse Impacts on Marine Life.

5.7 The Committee approved proposals on holding the following intersessional meetings (MEPC 59/24, para. 20.30):

- OPRC/HNS Technical Group (March 2010, the week preceding MEPC-60);
- ESPH Working Group – one meeting in 2010.

5.8 MEPC unanimously re-elected Messrs. Andreas CHRISOSTOMOU (Cyprus) and Captain Manuel NOGUEIRA (Spain) as Chairman and Vice-Chairman, correspondingly, for the year 2010 (MEPC 59/24, paragraph 22.1).

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