

MARINE ENVIRONMENT PROTECTION  
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75th session  
Agenda item 18

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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS SEVENTY-FIFTH SESSION**

<b>Section</b>		<b>Page</b>
1	INTRODUCTION – ADOPTION OF THE AGENDA	3
2	DECISIONS OF OTHER BODIES	5
3	CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	5
4	HARMFUL AQUATIC ORGANISMS IN BALLAST WATER	8
5	AIR POLLUTION PREVENTION	12
6	ENERGY EFFICIENCY OF SHIPS	15
7	REDUCTION OF GHG EMISSIONS FROM SHIPS	17
8	FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS MARINE PLASTIC LITTER FROM SHIPS	37
9	IDENTIFICATION AND PROTECTION OF SPECIAL AREAS, ECAs AND PSSAs	37
10	POLLUTION PREVENTION AND RESPONSE	37
11	REPORTS OF OTHER SUB-COMMITTEES	42
12	TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT	46
13	CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES	48
14	WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES	49
15	APPLICATION OF THE COMMITTEES' METHOD OF WORK	51

16	ANY OTHER BUSINESS	51
17	ELECTION OF THE CHAIR AND VICE-CHAIR FOR 2021	52
18	ACTION REQUESTED OF OTHER IMO ORGANS	52

### LIST OF ANNEXES

ANNEX 1	RESOLUTION MEPC.324(75) – AMENDMENTS TO MARPOL ANNEX VI (PROCEDURES FOR SAMPLING AND VERIFICATION OF THE SULPHUR CONTENT OF FUEL OIL AND THE EEDI)
ANNEX 2	RESOLUTION MEPC.325(75) – AMENDMENTS TO REGULATION E-1 AND APPENDIX I OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004
ANNEX 3	RESOLUTION MEPC.326(75) – 2020 GUIDELINES FOR MONITORING THE WORLDWIDE AVERAGE SULPHUR CONTENT OF FUEL OILS SUPPLIED FOR USE ON BOARD SHIPS
ANNEX 4	RESOLUTION MEPC.327(75) – ENCOURAGEMENT OF MEMBER STATES TO DEVELOP AND SUBMIT VOLUNTARY NATIONAL ACTION PLANS TO ADDRESS GHG EMISSIONS FROM SHIPS
ANNEX 5	DRAFT AMENDMENTS TO MARPOL ANNEX VI (MANDATORY GOAL-BASED TECHNICAL AND OPERATIONAL MEASURES TO REDUCE CARBON INTENSITY OF INTERNATIONAL SHIPPING)
ANNEX 6	TERMS OF REFERENCE AND ARRANGEMENTS FOR THE CONDUCT OF A COMPREHENSIVE IMPACT ASSESSMENT OF THE SHORT-TERM MEASURE BEFORE MEPC 76
ANNEX 7	DRAFT AMENDMENTS TO THE AFS CONVENTION (ANNEXES 1 AND 4)
ANNEX 8	DRAFT AMENDMENTS TO MARPOL ANNEX I (PROHIBITION ON THE USE AND CARRIAGE FOR USE AS FUEL OF HEAVY FUEL OIL BY SHIPS IN ARCTIC WATERS)
ANNEX 9	DRAFT AMENDMENTS TO MARPOL ANNEXES I, IV AND VI (EXEMPTION OF UNSP BARGES FROM SURVEY AND CERTIFICATION REQUIREMENTS)
ANNEX 10	BIENNIAL STATUS REPORT OF THE PPR SUB-COMMITTEE
ANNEX 11	PROVISIONAL AGENDA FOR PPR 8
ANNEX 12	STATUS REPORT OF THE OUTPUTS OF MEPC FOR THE 2020-2021 BIENNIUM
ANNEX 13	POST-BIENNIAL AGENDA OF MEPC
ANNEX 14	ITEMS TO BE INCLUDED IN THE AGENDA OF MEPC 76

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ANNEX 15 SECRETARY-GENERAL'S REMARKS ON THE **FSO SAFER** UNDER AGENDA ITEM 1 AND ON THE APPROVAL OF THE DRAFT AMENDMENTS TO MARPOL ANNEX VI UNDER AGENDA ITEM 7

ANNEX 16 STATEMENTS BY DELEGATIONS AND OBSERVERS

## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The seventy-fifth session of the Marine Environment Protection Committee, originally scheduled to be held from 30 March to 3 April 2020, was postponed due to the COVID-19 pandemic (Circular Letter No.4213/Add.1) and was eventually held remotely from 16 to 20 November 2020 (Circular Letter No.3985/Rev.1), chaired by Mr. H. Saito (Japan). The Vice-Chair of the Committee, Mr. H. Conway (Liberia), was also present.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MEPC 75/INF.1.

1.3 The session was also attended by the Chair of the Facilitation Committee, Mrs. Marina Angsell (Sweden).

### Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link:

<https://www.imo.org/en/MediaCentre/SecretaryGeneral/Pages/Secretary-GeneralsSpeechesToMeetings.aspx>

### Chair's remarks

1.5 The Chair thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

### Statements by delegations

1.6 The delegation of France, on behalf of the delegations of Germany, the Netherlands, Saudi Arabia and the United Kingdom, supported by the delegation of Malaysia, made a statement related to the risk of major oil spill posed by the **FSO** (floating storage and offloading unit) **SAFER** anchored off the Yemeni western port of Ras Issa, calling on IMO Member States to take urgent action to prevent an imminent disaster. The delegation of Saudi Arabia further requested the Secretariat to coordinate an action to mobilize resources from interested donors and partners to build the capacity in the region to respond to any unfortunate oil spill incidents. In responding, the Secretary-General introduced actions taken by IMO to date and added that a separate presentation on the issue would be held for seeking advice from Members on further actions to be taken by the Organization. The full text of the statement and the remarks made by the Secretary-General are set out in annex 16 and annex 15, respectively.

**Measures taken to facilitate the remote session**

1.7 The Committee recalled that, at its first extraordinary session in September 2020, which was part of the extraordinary session of all IMO Committees (ALCOM/ES), it had agreed to waive rule 3 of its rules of procedure, in part, to allow sessions to be held remotely, as well as other relevant rules. The Committees also adopted MSC-LEG-MEPC-TCC-FAL.1/Circ.1 on *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic*.

1.8 The Committee, also recalled that:

- .1 taking into account the rescheduling of MEPC 75 and MEPC 76, document MEPC 75/1/2 (Secretariat) had been issued, proposing possible additional submissions by the Secretariat to this session;
- .2 according to Circular Letter No.3985/Rev.1 concerning the resumption of MEPC 75, submission of additional documents to MEPC 75 by 25 September 2020 had been allowed subject to them commenting on the documents listed under paragraph 10 of the circular letter; and
- .3 subsequent to the deadline for additional documents, as referred to in sub-paragraph .2 above, document MEPC 75/1/3 (Chair) and its corrigenda and addendum were published on IMODOCS.

1.9 The Committee endorsed the Chair's proposals on the arrangements for the remote session as set out in document MEPC 75/1/3 (Chair) and its corrigenda and addendum.

1.10 In this context, the Committee agreed to the Chair's proposals, with modifications if appropriate, in relation to the documents considered by correspondence prior to the virtual meeting, as set out in document MEPC 75/1/3/Corr.2, having noted document MEPC 75/1/3/Add.1 providing a collation of all comments received by correspondence and explanations on how those comments had been addressed. The Committee noted that the above-mentioned proposals by the Chair and the discussion would be reflected under relevant agenda items.

1.11 The Committee also agreed to postpone the consideration of the documents listed in annex 4 to document MEPC 75/1/3 (see also MEPC 75/1/3/Corr.1) to MEPC 76. Lists of documents to be postponed to MEPC 76 are reproduced at the end of relevant agenda items.

**Adoption of the agenda and related matters**

1.12 The Committee adopted the agenda (MEPC 75/1/Rev.1) and agreed to be guided in its work by the provisional timetable (MEPC 75/1/3, annex 1, as corrected by MEPC 75/1/3/Corr.1). In this connection, the Committee noted that the annotated agenda set out in document MEPC 75/1/1 was not relevant to the remote session, as it had been prepared and issued before the COVID-19 restrictions had been put in place.

**Credentials**

1.13 The Committee noted that the credentials of 104 delegations attending the session were in due and proper form.

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## **2 DECISIONS OF OTHER BODIES**

2.1 Following consideration by correspondence, prior to the virtual meeting, in accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 1 on agenda item 2), the Committee noted the decisions and outcomes of LEG 106 (MEPC 75/2), FAL 43 (MEPC 75/2/1), MSC 101 (MEPC 75/2/2), C 122 (MEPC 75/2/3), TC 69 (MEPC 75/2/4), LC 41/LP 14 (MEPC 75/2/5), A 31, C/ES.30 and C 123 (MEPC 75/2/6), and C/ES.31 and C/ES.32 (MEPC 75/2/7) with regard to its work, and agreed to take action as appropriate under the relevant agenda items.

2.2 With regard to the outcome of MSC 102, the Committee noted that agenda items 4, 5, 6, 8, 9, 10, 11, 12, 20 and 23 of that session, and the respective documents submitted under those items, were deferred to MSC 103, taking into account the limited time available at the remote session and in order to ensure continuity of the work of the Sub-Committees.

## **3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

### **Amendments to mandatory instruments**

3.1 The Committee considered this agenda item during the virtual meeting and was invited to consider and adopt proposed amendments to:

- .1 MARPOL Annex VI, concerning procedures for sampling and verification of the sulphur content and the Energy Efficiency Design Index (EEDI); and
- .2 the Ballast Water Management Convention (BWM Convention), concerning commissioning testing of ballast water management systems and the form of the International Ballast Water Management Certificate.

3.2 The Committee noted that the text of the aforementioned amendments to the mandatory instruments had been circulated, in accordance with articles 16(2)(a) of MARPOL and 19(2)(a) of the BWM Convention, to all IMO Members and Parties to MARPOL and the BWM Convention by Circular Letters No.3984 of 28 June 2019 and No.3974 of 1 July 2019, respectively.

### **Draft amendments to MARPOL Annex VI**

3.3 The Committee recalled that MEPC 74 had considered and approved draft amendments to MARPOL Annex VI concerning procedures for sampling and verification of the sulphur content and EEDI, with a view to adoption at this session, as set out in the annex to document MEPC 75/3.

3.4 The Committee had for its consideration three documents commenting on the draft amendments, as follows: MEPC 75/3/2 (Japan), MEPC 75/3/3 (Republic of Korea) and MEPC 75/3/4 (IACS).

3.5 The Committee considered document MEPC 75/3/2 (Japan) proposing a number of editorial modifications to regulations 2 and 14 of MARPOL Annex VI which, in Japan's view, would bring greater precision to the description of certain terms and the application of the amendments.

3.6 The Committee did not agree on the proposed amendments to regulation 2 with regard to the addition of the wording "fuel oil" in relation to the terms "MARPOL delivered sample", "in-use sample" and "onboard sample", but concurred with the view that further improvement of the text in paragraph 11 of regulation 14 was needed with respect to the inclusion of the specific date of the entry into force of the amendment, to ensure clarity on the date of application.

3.7 The Committee considered document MEPC 75/3/3 (Republic of Korea) providing comments on the draft revised regulation 21 of MARPOL Annex VI regarding EEDI Reference Line of Bulk Carriers.

3.8 Having considered the analysis provided and the proposal that line 2.25 of regulation 21, table 2 related to bulk carriers be retained in its current format, the Committee did not agree with the proposal and agreed that the wording of the amendment as contained in document MEPC 75/3 be retained.

3.9 The Committee, having considered document MEPC 75/3/4 (IACS) proposing modifications to the draft new regulation 20.3 of MARPOL Annex VI, in order to avoid creating a new administrative burden, did not agree to the proposed revisions.

3.10 Having noted that the observer from IACS had also proposed in document MEPC 75/3/4 that the reporting of attained EEDI and related information for passenger ships other than ro-ro passenger ships and cruise passenger ships with non-conventional propulsion should not be covered by the new draft regulation 20.3 of MARPOL Annex VI, and being of the view that the proposal aimed to provide interpretation or clarification of the amendment, the Committee invited IACS to resubmit a document on this issue to MEPC 76 for consideration at that session under agenda item 6 on "Energy efficiency of ships".

3.11 The Committee noted the intervention by the observer from CESA regarding the application of phase 3 EEDI requirements to cruise passenger ships having non-conventional propulsion, notably the request that, with regard to cruise ships in series production, the delivery date of 1 January 2029 be maintained for phase 3 ships to ensure that sister ships built to an identical technical specification under the same contract could be finalized according to EEDI requirements applicable at contract date.

3.12 Having noted the proposal by the observer from CESA to address the above-mentioned matter in the context of developing or revising relevant unified interpretations, the Committee invited CESA to submit a document on this issue to MEPC 76 for consideration at that session under agenda item 6 on "Energy efficiency of ships".

3.13 Having decided on the aforementioned proposals, the Committee confirmed the contents of the requisite resolution and, taking into account the postponement of MEPC 75, agreed that the deemed acceptance date should be 1 October 2021 and the date of entry into force of the amendments should be 1 April 2022. The Committee further agreed that the starting date of the early application of EEDI Phase 3, as set out in the proposed amendments to the existing table 1 in regulation 21, should also be changed from 1 January 2022 to 1 April 2022.

3.14 The Committee also agreed to add a paragraph in the draft requisite MEPC resolution, as follows:

"ALSO INVITES the Parties to consider the application of the annexed amendments from 1 January 2022."

3.15 Having finalized its consideration of the text of the draft amendments, the Committee noted the statement made by the observer from IBIA urging the early application of the draft amendments by the Parties concerning a revised procedure for sampling and verification of the sulphur content, as soon as possible prior to the date of entry into force, to ensure a more consistent and harmonized approach in the context of implementation of 0.5% sulphur content requirements. The full statement is included in annex 16.

3.16 Having decided on the respective modifications to the draft amendments and the modified dates and wording of the resolution, taking into account the postponement of MEPC 75, the Committee instructed the drafting group to prepare the final text of the requisite MEPC resolution together with the amendments to MARPOL Annex VI, taking into account the decisions taken in plenary, for the Committee's consideration and adoption.

### **Draft amendments to the BWM Convention**

3.17 The Committee recalled that MEPC 74 had considered and approved draft amendments to the BWM Convention regarding commissioning testing of ballast water management systems and the form of the International Ballast Water Management Certificate, with a view to adoption at this session, as set out in document MEPC 75/3/1.

3.18 The Committee confirmed the contents of the requisite resolution and, taking into account the fact that MEPC 75 had been postponed, agreed that the deemed acceptance date should be 1 December 2021 and the date of entry into force of the amendments should be 1 June 2022.

3.19 Having agreed on the modified dates, the Committee instructed the Drafting Group to prepare the final text of the requisite MEPC resolution, together with the amendments to the BWM Convention for the Committee's consideration and adoption.

3.20 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of document MEPC 75/3/5 (China) to MEPC 76 under agenda item 4 on "Harmful aquatic organisms in ballast water".

### **Establishment of the virtual Drafting Group on Amendments to Mandatory Instruments**

3.21 The Committee established the virtual Drafting Group on Amendments to Mandatory Instruments and instructed it, taking into account comments, proposals and decisions made in plenary, to prepare:

- .1 the final text of the draft amendments to MARPOL Annex VI, concerning procedures for sampling and verification of the sulphur content and EEDI; and
- .2 the final text of the draft amendments to the BWM Convention, concerning commissioning testing of ballast water management systems and the form of the International Ballast Water Management Certificate.

### **Report of the Drafting Group**

3.22 Having considered the report of the Drafting Group (MEPC 75/WP.5), the Committee approved it in general and took action as indicated below.

### **Amendments to MARPOL Annex VI**

3.23 The Committee concurred with the addition of a new preambular paragraph in the resolution of the amendments to MARPOL Annex VI, making reference to MEPC.1/Circ.882, in line with new paragraph 4 inviting early application of the amendments.

3.24 The Committee considered the final text of the draft amendments to MARPOL Annex VI concerning procedures for sampling and verification of the sulphur content and EEDI (MEPC 75/WP.5, annex 1), and adopted the amendments by resolution MEPC.324(75), as set out in annex 1.

3.25 In adopting resolution MEPC.324(75), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL that the adopted amendments to MARPOL Annex VI shall be deemed to have been accepted on 1 October 2021 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 April 2022, in accordance with article 16(2)(g)(ii) of the Convention.

### **Amendments to the BWM Convention**

3.26 The Committee considered the final text of the draft amendments to the BWM Convention regarding commissioning testing of ballast water management systems and the form of the International Ballast Water Management Certificate (MEPC 75/WP.5, annex 2), and adopted the amendments by resolution MEPC.325(75), as set out in annex 2.

3.27 In adopting resolution MEPC.325(75), the Committee determined, in accordance with article 19(2)(e)(ii) of the BWM Convention, that the adopted amendments shall be deemed to have been accepted on 1 December 2021 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 19(2)(e)(ii) of the Convention) and shall enter into force on 1 June 2022, in accordance with article 19(2)(f)(ii) of the Convention.

### **Instructions to the Secretariat**

3.28 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts, to make any editorial corrections that might be identified as appropriate, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions requiring action by the Parties to MARPOL and the BWM Convention.

## **4 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER**

### **MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING**

4.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 2 on agenda item 4), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/4 (Republic of Korea), containing an application for Final Approval of the EcoGuardian™ ballast water management system on fresh water;
- .2 MEPC 75/4/1 (Republic of Korea), containing an application for Final Approval of the HiBallast™ ballast water management system on fresh water;



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- .3 MEPC 75/4/2 (Republic of Korea), containing an application for Final Approval of the Electro-Cleen™ System on fresh water;
  - .4 MEPC 75/4/3 (Norway), containing an application for Final Approval of the CleanBallast® – Ocean Barrier System;
  - .5 MEPC 75/4/4 (United Kingdom), containing an application for Final Approval of the BALPURE® ballast water management system on fresh water;
  - .6 MEPC 75/4/5 (Cyprus), containing an application for Final Approval of the FlowSafe ballast water management system;
  - .7 MEPC 75/4/6 (Secretariat), containing the report of the thirty-ninth meeting of the GESAMP-Ballast Water Working Group;
  - .8 MEPC 75/4/9 (Liberia), containing an application for Final Approval of the SeaCURE® BWMS;
  - .9 MEPC 75/4/10 (Liberia), containing an application for Final Approval of the NK-O3 BlueBallast II Plus ballast water management system on fresh water;
  - .10 MEPC 75/4/12 (Secretariat), containing the report of the fortieth meeting of the GESAMP-Ballast Water Working Group (except the action requested in paragraph 3.2 of the document, which was considered during the virtual meeting);
  - .11 MEPC 75/INF.2 (Viet Nam), providing information on the type approval of the Thao Linh Development Maritime Technology Co. Ltd. ballast water management system;
  - .12 MEPC 75/INF.6 (United Kingdom), providing information on the type approval of the Cathelco Ltd Evolution ballast water management system;
  - .13 MEPC 75/INF.7 (Greece), providing information on the type approval of the ERMA FIRST BWTS ballast water management system;
  - .14 MEPC 75/INF.11 and Corr.1 (Singapore), containing the findings from a study to evaluate the performance of ballast water management systems installed on board ships against the D-2 standard of the Ballast Water Management Convention;
  - .15 MEPC 75/INF.12 (Denmark), providing information on the type approval of the Bawat BWMS Mk2 manufactured by Bawat A/S;
  - .16 MEPC 75/INF.14 (Norway), providing information on the type approval of the COSCO (Weihai) Shipbuilding Marine Technology Co., Ltd.'s BLUE OCEAN SHIELD ballast water management system;
  - .17 MEPC 75/INF.15 (Norway), providing information on the type approval of the GloEn-Patrol 2.0 ballast water management system;
  - .18 MEPC 75/INF.16 (Norway), providing information on the type approval of the Envirocleanse inTank™ bulk chemical ballast water treatment system;

- .19 MEPC 75/INF.17 (Norway), providing information on the type approval of the Oceansaver ballast water treatment system MKIIB;
- .20 MEPC 75/INF.18 (Norway), providing information on the type approval of the Ecochlor® ballast water management system;
- .21 MEPC 75/INF.20 (ISO), providing an update on ISO work for a standard approach for the verification of ballast water compliance monitoring devices; and
- .22 MEPC 75/INF.21 (Norway), providing information on the type approval of the Hyde GUARDIAN US ballast water treatment system.

4.2 During the virtual meeting, the Committee reconfirmed the endorsement of the Chair's proposals in annex 3 to document MEPC 75/1/3, as set out in the following paragraphs 4.3 to 4.12.

### **Approval of ballast water management systems**

#### ***Consideration and approval of ballast water management systems that make use of Active Substances***

4.3 The Committee extended the original Final Approvals of the EcoGuardian™ ballast water management system, the HiBallast™ ballast water management system, the Electro-Clean™ System, the BALPURE® ballast water management system and the NK-O3 BlueBallast II Plus ballast water management system for use in fresh water as proposed by the Republic of Korea in documents MEPC 75/4, MEPC 75/4/1 and MEPC 75/4/2, the United Kingdom in document MEPC 75/4/4, and Liberia in document MEPC 75/4/10, respectively.

4.4 The Committee granted Final Approval to the CleanBallast® – Ocean Barrier System and the SeaCURE® BWMS, as proposed by Norway in document MEPC 75/4/3 and Liberia in document MEPC 75/4/9, respectively.

4.5 The Committee did not grant Final Approval to the FlowSafe ballast water management system proposed by Cyprus in document MEPC 75/4/5, noting that a further application for Final Approval of the same system proposed by Cyprus in document MEPC 75/4/11 would be considered at the virtual meeting along with the relevant outcome of GESAMP-BWWG 40 and commenting document MEPC 75/4/13 (Cyprus).

4.6 The Committee invited the Administrations of Liberia, Norway, the Republic of Korea and the United Kingdom to verify that all the recommendations contained in the reports of the thirty-ninth and fortieth meetings of GESAMP-BWWG (MEPC 75/4/6, annexes 4 and 6 to 9, and MEPC 75/4/12, annexes 4 and 6) were fully addressed during the further development of the ballast water management systems.

4.7 The Committee noted the view of GESAMP-BWWG that a unified approach was needed to determine when a change to a ballast water management system after Final Approval or type approval should be considered as a significant change in accordance with paragraph 8.4.2 of Procedure (G9), and requested GESAMP-BWWG to prepare draft guidelines for re-evaluations in cases where modifications had been made, for consideration by the Committee at a future session.

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### ***Type approval of ballast water management systems***

4.8 The Committee noted the information regarding type-approved ballast water management systems provided in documents MEPC 75/INF.2 (Viet Nam), MEPC 75/INF.6 (United Kingdom), MEPC 75/INF.7 (Greece), MEPC 75/INF.12 (Denmark), MEPC 75/INF.14, MEPC 75/INF.15, MEPC 75/INF.16, MEPC 75/INF.17, MEPC 75/INF.18 and MEPC 75/INF.21 (Norway).

4.9 The Committee noted that the Secretariat had restructured the list of approved ballast water management systems on the Organization's website (<https://www.imo.org/en/OurWork/Environment/Pages/BWMTechnologies.aspx>) to distinguish those systems that were type-approved in accordance with the *2016 Guidelines for approval of ballast water management systems* (G8) or the *Code for Approval of Ballast Water Management Systems* (BWMS Code).

4.10 The Committee invited Member States to submit information on Type Approval Certificates that might have been updated in accordance with the 2016 Guidelines (G8) or the BWMS Code.

### **Other matters related to the implementation of the BWM Convention**

#### ***Information on other matters related to the implementation of the BWM Convention***

4.11 The Committee noted the information contained in document MEPC 75/INF.11 and Corr.1 (Singapore) on a study to evaluate the performance of ballast water management systems installed on board ships against the D-2 standard of the BWM Convention.

4.12 The Committee noted the information contained in document MEPC 75/INF.20 (ISO) on work towards a standard approach for verifying ballast water compliance monitoring devices and invited the observer from ISO to provide a further update on this work to MEPC 76. The delegation of France provided comments by correspondence, which noted that further work had been carried out since the submission of the document, both by ISO and by IMO, on developing a standard and protocol for verifying ballast water monitoring devices, and that further continuation of relevant work by IMO was expected at PPR 8, all of which should also be taken into account by ISO in its own further work.

### **MATTERS CONSIDERED DURING THE VIRTUAL MEETING**

#### **Approval of ballast water management systems**

##### ***Consideration and approval of ballast water management systems that make use of Active Substances***

4.13 The Committee noted that, during its last (fortieth) meeting, GESAMP-BWWG had, inter alia, evaluated an application for Final Approval of the FlowSafe ballast water management system proposed by Cyprus in document MEPC 75/4/11, the report of this meeting had been circulated as document MEPC 75/4/12, and Cyprus had submitted document MEPC 75/4/13 commenting on the report.

4.14 The Committee considered document MEPC 75/4/13 (Cyprus), providing comments on the recommendation of GESAMP-BWWG that Final Approval should not be granted to the FlowSafe ballast water management system, as well as additional clarification of a few points that, in Cyprus' view, might provide sufficient justification for reconsideration of the Group's conclusion, and requesting the Committee to agree that Final Approval be granted to the FlowSafe ballast water management system.

4.15 The Chair of GESAMP-BWWG highlighted the importance of the completeness check on all information needed to perform the evaluation and stated that the applicant had not provided information in its application, or following requests by the Group, on how the FlowSafe ballast water management system would guarantee the maximum allowable discharge concentration (MADC) of total residual oxidant (TRO) at all times, which was an important lack of information that resulted in not recommending Final Approval for the FlowSafe ballast water management system.

4.16 In the ensuing discussion, some delegations supported the view of Cyprus that the previous recommendations of GESAMP-BWWG 39 had been taken into account and sufficient safeguards had been implemented to control TRO and MADC, and that the type approval process in accordance with the BWMS Code should ensure that all recommendations would be taken into account and acted upon. Therefore, those delegations supported the granting of Final Approval to the FlowSafe ballast water management system.

4.17 Other delegations expressed their confidence in the expertise of GESAMP-BWWG, noting that the Group had carefully evaluated all aspects thoroughly and that sufficient evidence had not been provided by the applicant to demonstrate that the protection of the marine environment from risks associated with the chemicals used in this ballast water management system would be safeguarded. Consequently, those delegations supported maintaining the GESAMP-BWWG recommendation not to grant Final Approval to this system.

4.18 Following consideration, the Committee requested GESAMP-BWWG to further consider the application of the FlowSafe ballast water management system, contained in document MEPC 75/4/11 (Cyprus), at its next regular meeting or any available earlier opportunity, taking into account the comments provided by Cyprus in document MEPC 75/4/13. In this regard, the Committee noted that no submission of a new application would be required.

## **MATTERS DEFERRED TO MEPC 76**

### **Application of the BWM Convention to specific ship types**

4.19 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of documents MEPC 75/4/7 (Australia et al.), MEPC 75/4/8 (Russian Federation), MEPC 74/4/13 (Russian Federation), and MEPC 74/4/18, MEPC 74/4/19 and MEPC 74/4/20 (Turkey) to MEPC 76.

## **5 AIR POLLUTION PREVENTION**

### **MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING**

5.1 In accordance with the arrangement of the remote session, as outlined in documents MEPC 75/1/3 and its addendum and corrigenda (paragraphs 9 to 12) and its annex 3 (section 3 on agenda item 5), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/5/8 (Secretariat), providing information on the monitoring programme of the worldwide average sulphur content of fuel oils supplied for use on board ships after 1 January 2020, and proposing amendments to the *2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* (resolution MEPC.192(61), as amended by resolution MEPC.273(69));

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- .2 MEPC 75/5/9 (Secretariat), presenting the results of the monitoring programme of the worldwide average sulphur content of fuel oils for 2019;
  - .3 MEPC 75/INF.27 (ICOMIA), providing an overview of the application of the NO<sub>x</sub> Tier III requirements set out in regulation 13 of MARPOL Annex VI on large yachts greater than 24 m load-line length and less than 500 gross tonnage; and
  - .4 MEPC 75/INF.28 (United States), providing additional information relating to a delayed application of Tier III NO<sub>x</sub> limits for marine diesel engines installed on recreational vessels greater than 24 m load-line length and less than 500 gross tonnage.

5.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3 as modified by its addendum and corrigenda, as set out in the following paragraphs 5.3 to 5.7.

### **IMO monitoring programme of the worldwide average sulphur content of fuel oils supplied**

5.3 The Committee noted the information provided in document MEPC 75/5/9 (Secretariat) with regard to the outcome of the monitoring of the worldwide average sulphur content of residual and distillate fuel oils supplied for use on board ships throughout 2019.

5.4 The Committee adopted resolution MEPC.326(75) on *2020 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships*, as set out in annex 3.

5.5 Following a comment provided by the delegation of Germany by correspondence, the Committee noted that distillate fuel and residual fuel would continue to be reported and displayed separately under the 2020 Guidelines.

### **MARPOL Annex VI NO<sub>x</sub> Tier III requirements for large yachts**

5.6 The Committee noted the information in documents MEPC 75/INF.27 (ICOMIA) and MEPC 75/INF.28 (United States), providing an update on the implementation of the Tier III NO<sub>x</sub> emissions regulations for large yachts greater than 24 m load-line length and less than 500 gross tonnage as set out in regulation 13 of MARPOL Annex VI (see also paragraphs 5.8 to 5.12).

5.7 The delegation of Italy provided comments by correspondence, which informed the Committee of the difficulties faced by the yachting sector in complying with the Tier III NO<sub>x</sub> emissions standards by the agreed deadline of January 2021, which were mostly due to the current lack of compliant engines to be installed in newly built yachts and the impact of the COVID-19 pandemic. Furthermore, the delegation of Italy was not convinced that a further delay in the entry into force of regulation 13 of MARPOL Annex VI would be the solution to the challenges. It suggested exploring possible other solutions, including temporarily suspending the enforcement of the part of regulation 13 referring to the yachting sector and having the industry submit equivalent measures that should be approved by MEPC.

**CONSIDERATION OF THE MATTER DURING THE VIRTUAL MEETING**

5.8 Further to the consideration of documents MEPC 75/INF.27 (ICOMIA) and MEPC 75/INF.28 (United States) by correspondence, prior to the virtual meeting, the Committee noted an intervention by the delegation of the United States, supported by the observer from ICOMIA, commenting that the recreational boat industry continued to face serious challenges in building recreational boats that were compliant with the Tier III NO<sub>x</sub> limits and that these challenges had been intensified by the COVID-19 pandemic. In recognizing that there was not sufficient time for an in-depth discussion at this session, the delegation of the United States urged the Committee to recommend Parties to MARPOL Annex VI to take a pragmatic approach with regard to enforcing Tier III NO<sub>x</sub> limits to large yachts, at least until a more thorough discussion could be held at MEPC 76.

5.9 A number of delegations supported the intervention by the delegation of the United States, expressed concerns about the impact that COVID-19 had had on boat builders and engine manufacturers and concurred with the need to consider deferring enforcement of the regulation to large yachts until following further discussion at MEPC 76.

5.10 A number of other delegations, however, expressed the view that, as only information documents on the subject matter had been submitted to this session, which were noted by the Committee by correspondence, prior to the virtual meeting (see paragraph 5.6), there was no justification for further discussion or action at this session. Nor were there any clear grounds for suspending enforcement of the requirements as of 1 January 2021 until further notice. New proposals on the matter should be submitted to MEPC 76 for consideration before taking any action to relax the enforcement, if appropriate.

5.11 Following discussion, the Committee noted the concerns about large yachts not being able to comply with Tier III NO<sub>x</sub> limits by 1 January 2021, as set out in documents MEPC 75/INF.27 and MEPC 75/INF.28. It agreed that, should any Member States wish to pursue the matter further, they should submit further proposals to a future session.

5.12 As requested, the text of the statement made by the observer from ICOMIA is set out in annex 16.

**OTHERS MATTERS CONSIDERED DURING THE VIRTUAL MEETING****Establishment of the Correspondence Group on Air Pollution and Energy Efficiency**

5.13 The Committee recalled that in annex 2 to document MEPC 75/1/3 the Chair had proposed the draft terms of reference for the Correspondence Group on Air Pollution and Energy Efficiency to be established at this session.

5.14 Following consideration, the Committee established the Correspondence Group on Air Pollution and Energy Efficiency, to be coordinated by Japan,<sup>1</sup> with the following terms of reference:

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

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<sup>1</sup> Coordinator:  
Mr. Naoto Nakagawa  
Director/International Environment Office Ocean Development and Environment Policy Division Maritime Bureau, Ministry of Land, Infrastructure, Transport and Tourism  
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- .2 consider the proxies proposed in documents MEPC 74/6, MEPC 74/6/1 and MEPC 74/6/3, and consider draft amendments to appendix IX on *Information to be submitted to the IMO Ship Fuel Oil Consumption Database of MARPOL Annex VI*;
- .3 pursuant to regulation 22A.10 of MARPOL Annex VI, consider as "other relevant information" for inclusion in the annual report to the Committee the performance indicators set out in the annex to document MEPC 74/6/2;
- .4 further consider the proposal for shaft power limitation set out in document MEPC 75/6/6, taking into account documents MEPC 75/6/2, MEPC 75/6/8, MEPC 74/5/5, MEPC 74/5/17, MEPC 74/5/26, MEPC 74/5/29, MEPC 74/5/31 and ISWG-GHG 7/2/35, with a view to developing a work plan to progress the work on the shaft power limitation concept, and to advise the Committee accordingly;
- .5 further consider documents MEPC 75/6/3, MEPC 75/6/10, MEPC 75/6/12 and MEPC 75/6/13, with a view to finalizing the revision of the interim minimum power guidelines contained in MEPC.1/Circ.850/Rev.2;
- .6 finalize the draft amendments to the *2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships*, set out in document MEPC 75/6/1, taking into account the amendments in document MEPC 75/6/11;
- .7 prepare a final draft of the unified interpretation, using document MEPC 75/6/7 as a basis, to clarify the dates related to EEDI phases 2 and 3 for "new ships", to be issued as a new MEPC circular following the entry into force of the corresponding amendments to MARPOL Annex VI;
- .8 consider whether there is a need to further clarify the ship types that are subject to the provisions for "Attained EEDI" and "Required EEDI", taking into account document MEPC 74/5/14, and advise the Committee accordingly; and
- .9 submit a written report to MEPC 76.

## **MATTERS DEFERRED TO MEPC 76**

5.15 As proposed in documents MEPC 75/1/3 (annex 4) and MEPC 75/1/3/Corr.1, the Committee agreed to defer the consideration of documents MEPC 75/5 (Secretariat), MEPC 75/5/Add.1 (Secretariat), MEPC 75/5/1 (Secretariat), MEPC 75/5/3 (Republic of Korea), MEPC 75/5/4 (FOEI et al.), MEPC 75/5/5 (FOEI et al.), MEPC 75/5/6 (ICS), MEPC 75/5/7 (IPIECA and IBIA), MEPC 75/INF.4 (Secretariat), MEPC 75/INF.9 (Secretariat), MEPC 75/INF.10 (Sweden) and MEPC 75/INF.13 (Greece) to MEPC 76.

## **6 ENERGY EFFICIENCY OF SHIPS**

### **MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING**

6.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 and its addendum and corrigenda (paragraphs 9 to 12) and its annex 3 (section 4 on agenda item 6), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/6 (Secretariat), containing matters to be further considered as requested by MEPC 74 and a list of documents that were deferred to this session;
- .2 MEPC 75/6/5 (Japan), providing the interim report of the Correspondence Group on Possible Introduction of EEDI Phase 4, established at MEPC 74;
- .3 MEPC 75/INF.3, MEPC 75/INF.3/Corr.1 and MEPC 75/INF.3/Add.1 (Secretariat), providing the eighth summary of data and graphical representations of the information contained in the EEDI database;
- .4 MEPC 75/INF.8 (Japan), providing comments received during the work of the Correspondence Group on Possible Introduction of EEDI Phase 4 established at MEPC 74; and
- .5 MEPC 74/6/2 (IACS and OCIMF), providing information on possible analysis of data from the IMO Ship Fuel Oil Consumption Database including identification of performance indicators and the possible further analyses that could be undertaken.

6.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3 as modified by its addendum and corrigenda, as set out in paragraphs 6.3 to 6.7 below.

#### **List of documents deferred from MEPC 74**

6.3 The Committee noted document MEPC 75/6 (Secretariat) on matters to be further considered as requested by MEPC 74 and a list of documents that had been deferred to this session.

#### **EEDI reviews required under regulation 21.6 of MARPOL Annex VI**

6.4 The Committee noted the information submitted to the EEDI database as contained in documents MEPC 75/INF.3, MEPC 75/INF.3/Corr.1 and MEPC 75/INF.3/Add.1 (Secretariat) that data had been received from 10 recognized organizations for 6,431 ships in total (as on 3 September 2020), and that the aggregated and anonymized data had been posted in the MARPOL Annex VI module of GISIS.

#### **Interim report of the Correspondence Group on Possible Introduction of EEDI Phase 4**

6.5 The Committee noted the progress of the Correspondence Group on Possible Introduction of EEDI Phase 4, as described in documents MEPC 75/6/5 (Japan) and MEPC 75/INF.8 (Japan), and the need to streamline the work with respect to the ongoing work in ISWG-GHG.

6.6 The Committee instructed the Correspondence Group to continue its work and to submit its final report to MEPC 76.

#### **MATTERS CONSIDERED DURING THE VIRTUAL MEETING**

##### **Establishment of a Correspondence Group on Air Pollution and Energy Efficiency**

6.7 The Committee established a Correspondence Group on Air Pollution and Energy Efficiency (see paragraph 5.14).



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**MATTERS DEFERRED TO MEPC 76**

6.8 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of documents MEPC 75/6/1 (Secretariat), MEPC 75/6/2 (United States), MEPC 75/6/3 (ICS and RINA), MEPC 75/6/4 (INTERTANKO), MEPC 75/6/6 (France et al.), MEPC 75/6/7 (IACS), MEPC 75/6/8 (Germany et al.), MEPC 75/6/10 (IMPA), MEPC 75/6/11 (IACS), MEPC 75/6/12 (Japan), MEPC 75/6/13 (Japan), MEPC 74/5 (IACS), MEPC 74/5/5 (France et al.), MEPC 74/5/6 (ICS et al.), MEPC 74/5/7 (Secretariat), MEPC 74/5/14 (Republic of Korea), MEPC 74/5/17 (Denmark), MEPC 74/5/26 (ICS et al.), MEPC 74/5/29 (United States), MEPC 74/5/30 (China), MEPC 74/5/31 (China), MEPC 74/6 (Russian Federation and IMCA), MEPC 74/6/1 (CLIA), MEPC 74/6/2 (IACS and OCIMF), MEPC 74/6/3 (Russian Federation) and MEPC 74/INF.39 (China) to MEPC 76.

**7 REDUCTION OF GHG EMISSIONS FROM SHIPS****MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING**

7.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 and its addendum and corrigenda (paragraphs 9 to 12) and its annex 3 (section 5 on agenda item 7), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/7 (Secretariat), providing information on the establishment and operation of the GHG TC-Trust Fund;
- .2 MEPC 75/7/1 (Secretariat), providing the outcome of the United Nations Climate Action Summit, held in New York, the United States, on 23 September 2019;
- .3 MEPC 75/7/5 (Indonesia), providing comments on document MEPC 75/7 and proposing blended finance to support the establishment and operation of the GHG-TC Trust Fund;
- .4 MEPC 75/7/6 (Secretariat), providing the outcome of the United Nations Climate Change Conference held in Madrid, Spain, in December 2019 (COP 25); and
- .5 MEPC 75/INF.22 (Secretariat) on Just In Time Arrival Guide – Barriers and Solutions.

7.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3 as modified by its addendum and corrigenda, as set out in the following paragraphs 7.3 to 7.8.

**Outcome of the UN Climate Action Summit 2019 and relevant UNFCCC meetings**

7.3 The Committee noted the information provided by the Secretariat in document MEPC 75/7/1 reporting on the outcome of the United Nations Climate Action Summit held in New York, the United States, on 23 September 2019, and in document MEPC 75/7/6 reporting on the outcome of the 25th session of the United Nations Climate Change Conference (COP 25) held in Madrid, Spain, in December 2019, which included the fifty-first session of the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA 51).

7.4 The Committee requested the Secretariat to continue its well-established cooperation with the UNFCCC Secretariat and its attendance at relevant UNFCCC meetings and to continue, as appropriate, to bring the outcome of IMO's work to the attention of appropriate UNFCCC bodies and meetings.

#### **Information on the establishment and operation of the GHG TC-Trust Fund**

7.5 The Committee noted the information provided in document MEPC 75/7 (Secretariat) on the establishment and operation of the GHG TC-Trust Fund and, in particular, that since the GHG TC-Trust Fund was established on 2 July 2019, the Governments of Malaysia and France had provided a financial contribution of \$10,000 and \$80,209 respectively, and that a number of other Member Governments had expressed interest in contributing to the GHG TC-Trust Fund.

7.6 The Committee encouraged Member Governments and international organizations to consider making a financial contribution to the GHG TC-Trust Fund.

7.7 The Committee noted the information provided in document MEPC 75/7/5 (Indonesia) and invited interested Member States and international organizations to provide their further comments and experience on concepts relating to "blended financing".

#### **Information on just-in-time arrival**

7.8 The Committee noted that the Just In Time Arrival Guide, developed by the Global Industry Alliance to Support Low Carbon Shipping (GIA) established under the framework of the GEF-UNDP-IMO GloMEEP Project, had been finalized and was set out in the annex to document MEPC 75/INF.22 (Secretariat).

#### **MATTERS CONSIDERED DURING THE VIRTUAL MEETING**

##### **Sixth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 6)**

7.9 The Committee noted that the sixth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 6) had been held from 11 to 15 November 2019 and that its report had been submitted to it as document MEPC 75/7/2. Having considered the report and additional information provided orally by the Chair of the Group, Mr. Sveinung Oftedal (Norway), the Committee approved the report in general, noted the progress made during the sixth meeting of the Working Group and took action as described below.

##### ***MEPC resolution on encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships***

7.10 The Committee noted that the Intersessional Working Group had finalized the draft MEPC resolution on encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships, as set out in annex 1 to document MEPC 75/7/2.

7.11 Following consideration, the Committee adopted resolution MEPC.327(75) on *Encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships*, as set out in annex 4, and instructed the Secretariat to facilitate the sharing of the submitted National Action Plans by developing and updating a dedicated page on the IMO website and reporting to the Committee.

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**Seventh meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 7)**

7.12 The Committee noted that the seventh meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 7) had been held remotely from 19 to 23 October 2020 and that its report had been submitted to it as document MEPC 75/WP.3. Having considered the report and the additional information provided orally by the Chair of the Group, Mr. Sveinung Oftedal (Norway), the Committee approved the report in general and took action as described below.

7.13 The Committee noted the appreciation expressed by the delegations of Fiji, Kenya and Trinidad and Tobago and the observer from SPC for the support provided through the EU-funded Global MTCC Network (GMN) project on the implementation of energy efficiency measures and the Initial GHG Strategy in developing countries, in particular SIDS and LDCs, as well as the request to continue the project. The text of the statement made by the delegation of Kenya in this regard is set out in annex 16.

***Further consideration of draft amendments to MARPOL Annex VI to reduce the carbon intensity of existing ships***

7.14 The Committee noted the discussion of the Intersessional Working Group on its development of draft amendments to MARPOL Annex VI to reduce the carbon intensity of existing ships.

7.15 In this regard, the Committee noted that the following documents submitted to MEPC 75 had also been considered during ISWG-GHG 7, in addition to those documents submitted to the intersessional meeting:

- .1 MEPC 75/6/9 (INTERFERRY) arguing that requiring existing ro-ro type ships to match the perceived performance of new designs needed to be carefully considered; that the metrics used as proxy for transport work should be revisited; and that a period of data gathering and experience gaining should precede an entry into force of compulsory efficiency requirements;
- .2 MEPC 75/7/8 (IPTA – also submitted as document ISWG-GHG 7/2/1) providing comments on operational factors affecting fuel oil consumption in the chemical/parcel tanker sector, highlighting that the diverse nature of chemical/parcel tanker trade and the differing operational demands placed on fuel consumption by the various products carried meant that in most cases it would be extremely difficult to produce an accurate record of such ships' carbon intensity; and suggesting maintaining flexibility in the measures adopted, in order to ensure that compliance was monitored in the most appropriate way for the ship in question;
- .3 MEPC 75/7/9 (Pacific Environment and CSC – also submitted as document ISWG-GHG 7/2/4) assessing the potential for engine power limitation (EPL) to reduce CO<sub>2</sub> emissions from the existing fleet, based on the results of a new study by the International Council on Clean Transportation; and concluding that EPL as currently envisaged was not fit for purpose as a short-term measure to reduce the carbon intensity of international shipping and that other measures, including mandatory speed reduction and directly limiting the operational carbon intensity of ships, would be more effective and appropriate; and

- .4 MEPC 75/INF.24 (Pacific Environment and CSC – also submitted as document ISWG-GHG 7/2/5) summarizing the key findings of a new study by the International Council on Clean Transportation on the effectiveness of engine power limitation (EPL) as a measure to reduce CO<sub>2</sub> emissions from existing ships; and providing the complete study in the annex.

7.16 The Committee considered the draft amendments to MARPOL Annex VI on reducing the carbon intensity of existing ships as set out in annex 1 to document MEPC 75/WP.3, with the understanding that this was a package together with the terms of reference for a comprehensive assessment of the possible impacts of the short-term measure on States.

7.17 In the ensuing discussion, many delegations expressed their support for the approval of the short-term GHG reduction measure as set out in the draft amendments to MARPOL Annex VI combining EEXI, SEEMP and CII rating, stating that this new measure provided a good balance that would enable international shipping to achieve at least 40% carbon intensity reduction by 2030 compared with 2008 in line with the Initial IMO GHG Strategy, while allowing for the gathering of additional information, gaining more experience on the functioning of the measure and avoiding undue penalization of ships which were not able to reduce their carbon intensity due to reasons out of their control.

7.18 Several delegations were of the view that the short-term measure was both ambitious and practical, contributing to both responding to climate change and protecting the smooth development of international trade. This was of paramount importance for the sustainable development of all countries, including developing countries, in particular LDCs and SIDS.

7.19 Many delegations, while underlining the importance of urgently finalizing consideration of the short-term GHG measure and supporting its approval at this session as an important first and concrete step towards implementation of the Initial IMO GHG Strategy, also expressed the view that the measure lacked ambition, strong enforcement and sanctions, and would neither sufficiently penalize poorly rated ships nor incentivize fast-movers or a rapid uptake of energy efficient ships and technologies. That could have a negative impact on the global level playing field and could lead to national or regional GHG emission reduction measures.

7.20 Regardless, many delegations highlighted that the draft amendments represented a compromise that was a result of complex but fruitful negotiations among Member States and acknowledged that the combined short-term measure, in particular the enhanced SEEMP and the rating mechanism, provided a solid regulatory framework which the Organization could build upon in the future, including when considering possible mid- to long-term candidate measures.

7.21 Several delegations highlighted the need to work as soon as possible on developing technical guidelines to support the implementation of the short-term measure by 2023 in line with the programme of follow-up actions of the Initial Strategy.

7.22 Several other delegations stressed the importance of finalizing associated guidelines at the time of adopting the measure, in particular with regard to the EEXI, including the correction factor for ro-ro passenger and ro-ro cargo ships, the carbon intensity reduction factor and the rating mechanism.

7.23 In considering the draft amendments to MARPOL Annex VI, many delegations highlighted that, before adopting the short-term measure, it was essential to undertake a comprehensive assessment of its impacts on States, including developing countries, in particular SIDS and LDCs, in accordance with the Initial IMO GHG Strategy, the procedure

contained in MEPC.1/Circ.885 and the approved terms of reference and arrangements for conducting a comprehensive impact assessment of the short-term measure prior to MEPC 76. In that regard, those delegations underlined that the draft amendments and the terms of reference for a comprehensive assessment of the possible impacts of the short-term measure on States should be approved as a package (see also paragraphs 7.35 to 7.37 below).

7.24 The delegations of New Zealand, the Marshall Islands, Solomon Islands and Tuvalu, supported by the observers from WWF, CSC and Pacific Environment, highlighting the urgency of substantial climate action, expressed their disappointment with the draft amendments, which in their view would fail to peak GHG emissions from international shipping as soon as possible, not achieve GHG emissions reduction before 2023, and not put international shipping on a CO<sub>2</sub> emissions reduction pathway consistent with the Paris Agreement temperature goals. These delegations also called upon the Organization to urgently consider additional measures, with some suggesting market-based measures, notably using carbon pricing as a basis. The delegations of the Marshall Islands, Solomon Islands and Tuvalu, supported by the observers from WWF, CSC and Pacific Environment, suggested that the measure not be approved at this session, but instead be revised and strengthened for adoption at MEPC 76. As requested, the text of the statement made by the observer from CSC is set out in annex 16.

7.25 Many delegations stressed, in referring to the findings of the Fourth IMO GHG Study 2020, the urgent need for the Organization to embark on the development of mid- and long-term measures to reduce GHG emissions of international shipping in line with the vision set out in the Initial Strategy, in particular the acceleration of the work on alternative low-carbon and zero-carbon fuels, including life cycle carbon intensity guidelines and initiation of the work on new and innovative mechanisms to incentivize GHG emissions reduction.

7.26 Several delegations further emphasized the importance of rapidly advancing the development of a carbon intensity code and the review of the measure by 2025 in view of possible strengthening of the enforcement mechanism and level of ambition of the measure.

7.27 As requested, statements made by the delegations of Argentina, the Cook Islands, France, Germany, the United States and Vanuatu are set out in annex 16.

7.28 Following consideration, the Committee, in expressing its appreciation to the Working Group on Reduction of GHG Emissions from Ships under the leadership of its Chair, Mr. Oftedal Sveinung (Norway), approved the draft amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping, as set out in annex 5, and requested the Secretary-General to circulate the draft amendments in accordance with MARPOL article 16(2) with a view to adoption at MEPC 76.

7.29 The Committee noted a statement by the Secretary-General following approval of the draft amendments to MARPOL Annex VI, as set out in annex 15.

7.30 The Committee requested the Secretariat to include the following text when preparing the draft requisite MEPC resolution on the adoption of the draft amendments to MARPOL Annex VI:

- .1 invite the Organization, mindful of the review clauses provided for in regulations 21A.3 and 22B.11 of the aforesaid amendments to MARPOL Annex VI, to initiate this review as early as possible;
- .2 invite also the Parties to consider and initiate as soon as possible the development of a carbon intensity code;

- .3 invite further the Organization to keep under review the impacts on States of the aforesaid amendments to MARPOL Annex VI, paying particular attention to the needs of developing countries, especially small island developing States (SIDS) and least developed countries (LDCs), so that any necessary adjustments can be made; and
- .4 encourage the Parties to consider early application of the aforesaid amendments.

7.31 The Committee authorized the Secretariat to review the draft amendments from a drafting point of view and to effect any editorial corrections that might be identified, as appropriate, including updating references to renumbered paragraphs, and to bring to its attention any errors or omissions which would require its action at MEPC 76.

7.32 The Committee instructed the Secretariat to prepare the draft amendments on the short-term measure in the form of a draft revised MARPOL Annex VI, incorporating all previous amendments.

#### ***Assessment of impacts on States***

7.33 The Committee noted the discussion of the Intersessional Working Group on the assessment of impacts on States.

7.34 The Committee considered the draft terms of reference and arrangements for conducting a comprehensive impact assessment of the short-term measure before MEPC 76, as set out in annex 2 to document MEPC 75/WP.3.

7.35 In the ensuing discussion, many delegations highlighted the need to consider the draft amendments and the assessment of their impacts on States as a package, and that accordingly MEPC 76 should consider the draft amendments for adoption and the outcome of the comprehensive impact assessment as a package. In pointing out the vast social and economic impacts of the COVID-19 pandemic leading to business and job reductions, and with investments and revenues at a low, which could take years to recover, some delegations cautioned that the potential increase of shipping costs could have a significant impact on their countries unless appropriate mitigation measures were taken. Several other delegations stressed the importance of mitigation of any identified negative impact on the SIDS and LDCs, which were most likely to be affected by significant increase of transport cost, due to their distance from main trading routes, high dependency on imports and low ability to absorb increased prices without significant welfare impacts.

7.36 In addition, a number of delegations emphasized that the findings of the comprehensive impact assessment could potentially lead to adjustments of the measure at the time of its adoption. Delegations further expressed the view that it would be important to keep the possible impacts of the measure on States under review after adoption of the measure, and that these impacts would have to be considered when reviewing the short-term measure, to be completed by 1 January 2026.

7.37 Following consideration, the Committee approved the terms of reference and arrangements for conducting a comprehensive impact assessment of the short-term measure, set out in annex 6, and instructed the Secretariat to initiate the impact assessment in accordance with the approved terms of reference, with a view to the submission of a final report for the consideration of MEPC 76.

7.38 Following approval of the terms of reference, the delegation of Argentina, in referring to the *Procedure for assessing impacts on States of candidate measures* (MEPC.1/Circ.885), which provided that disproportionately negative impacts must be addressed before the measure was considered for adoption, stressed that it would not happen before adoption of the measure; that in their view the expectation was that negative impacts would be identified by the comprehensive impact assessment to be undertaken by UNCTAD so they could be remedied or mitigated; that those impacts, as they also should be avoided (as stated in paragraph 15.3 of the circular), should be an integral part of the review foreseen for 2026; and that the review provided for in the short-term measure should include impacts on States in accordance with the terms of reference, the Initial Strategy and MEPC.1/Circ.885. The delegation of Argentina also referred to paragraph 3.3 of the terms of reference and, in indicating that it had been editorially adjusted, stated that in their understanding, although UNCTAD would not be expected to carry out a specific assessment of the impact of the COVID-19 pandemic on States, such impact, which had been disproportionately negative on developing countries, would be one of the elements to be taken into account in the context of the comprehensive assessment of the combined measure.

7.39 The Committee further instructed the Secretariat to establish a steering committee in accordance with the approved terms of reference so that the work could start as soon as possible.

7.40 In this context, the Committee agreed to relax the deadline for submission of the comprehensive impact assessment to MEPC 76 to the 9-week deadline.

7.41 The Committee noted with appreciation that the delegations of Denmark, France, Germany, the Netherlands and Norway had pledged financial contributions of €10,000, €50,000, €80,000, €10,000 and €60,000, respectively, for the conduct of the comprehensive impact assessment and invited other interested Member States and international organizations to provide financial contributions towards the comprehensive impact assessment so as to ensure its timely delivery.

7.42 The Committee noted an intervention by the delegation of the Cook Islands suggesting that the Committee should invite the Technical Cooperation Committee at its seventieth session to consider how to facilitate mobilizing resources with a view to further assisting developing countries, in particular LDCs and SIDS, with regard to negative impacts, if any, impacting on them resulting from the comprehensive impact assessment of the short-term measure.

7.43 In the ensuing discussion, a number of delegations supported the proposal, with the understanding that the Technical Cooperation Committee would support follow-up actions resulting from the comprehensive impact assessment after adoption of the amendments to MARPOL Annex VI at MEPC 76. A number of other delegations, while seeing value in principle of the involvement of the Technical Cooperation Committee, highlighted that such involvement should not affect the agreed timelines for conducting the comprehensive impact assessment and the adoption of the short-term measure at MEPC 76.

7.44 Following consideration, the Committee agreed to invite TC 70 to initiate discussions on the above-mentioned proposal, notably to consider possible means of resource mobilization for assisting developing countries, in particular LDCs and SIDS, to complement any response if the comprehensive impact assessment of the short-term measure were to find that there were likely to be disproportionately negative impacts on those States.

***Development of draft associated guidelines and carbon intensity code and the associated work plan***

7.45 The Committee noted the discussion of the Intersessional Working Group on developing draft associated guidelines and a carbon intensity code and the associated work plan.

7.46 In this regard, the Committee noted that ISWG-GHG 7 had agreed on the urgency of finalizing the draft guidelines and that, in order to provide clarity on mandatory requirements and the recommendatory nature of the guidelines, it had agreed on the need to develop a mandatory carbon intensity code (MEPC 75/WP.3, paragraph 59).

***Establishment of a correspondence group***

7.47 The Committee established a Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction, under the joint coordination of China, Japan and the European Commission,<sup>2</sup> with the following terms of reference:

- "1 further consider and develop the draft technical guidelines supporting the EEXI framework as set out in annexes to document ISWG-GHG 7/2/7:
  - .1 draft guidelines on the method of calculation of the attained EEXI;
  - .2 draft guidelines on survey and certification of the attained EEXI;
  - .3 draft guidelines on the Shaft/Engine Power Limitation System to comply with the EEXI requirements and use of a power reserve;
- .2 consider and develop technical guidelines supporting the CII framework for voluntary application first until 1 January 2026, using documents ISWG-GHG 7/2/21, ISWG-GHG 7/2/27 and ISWG-GHG 7/2/30 as a basis, and taking into account available data, as follows:
  - .1 draft guidelines on operational carbon intensity indicators and the calculation methods (CII guidelines);
  - .2 draft guidelines on the reference lines for use with operational carbon intensity indicators (CII Reference line guidelines);

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- .3 draft guidelines on the operational carbon intensity reduction factors relative to reference lines (CII Reduction factor guidelines);
  - .4 draft guidelines on the operational carbon intensity rating of ships (CII Rating guidelines);
  - .3 consider and update the *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* (resolution MEPC.282(70)), including to incorporate the development of a plan of corrective actions and verification requirements of SEEMP;
  - .4 consider the need to update existing guidelines, procedures or guidance, including:
    - .1 *2017 Guidelines for administration verification of ship fuel oil consumption data* (resolution MEPC.292(71)), as appropriate;
    - .2 *2017 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database* (resolution MEPC.293(71));
    - .3 procedure on *Submission of data to the IMO data collection system of fuel oil consumption of ships from a State not Party to MARPOL Annex VI* (MEPC.1/Circ.871);
    - .4 *Procedures for port State control, 2019* (resolution A.1138(31));
    - .5 *2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI* (MEPC/1/Circ.815); and
  - .5 submit a written report to MEPC 76, to be first considered by ISWG-GHG 8."

7.48 The Committee agreed to forward document ISWG-GHG 7/2/35 (China) to the Correspondence Group on Air Pollution and Energy Efficiency established at this session (see paragraph 5.14).

***Draft terms of reference for the eighth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 8)***

7.49 Further, the Committee approved the holding of the eighth intersessional meeting of the Working Group on Reduction of GHG Emissions from Ships before MEPC 76, with the following terms of reference:

"The Intersessional Working Group on Reduction of GHG Emissions from Ships is instructed, taking into account documents submitted to ISWG-GHG 8 and the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction, and relevant documents submitted to ISWG-GHG 6, ISWG-GHG 7 and MEPC 75, to:

- .1 finalize the draft technical guidelines supporting the EEXI framework as set out in the annexes to document ISWG-GHG 7/2/7:
  - .1 draft guidelines on the method of calculation of the attained EEXI;

- .2 draft guidelines on survey and certification of the attained EEXI; and
- .3 draft guidelines on the shaft/engine power limitation system to comply with the EEXI requirements and use of a power reserve;<sup>3</sup>
- .2 further consider and finalize the main technical guidelines supporting the CII framework for voluntary application first until 1 January 2026, using documents ISWG-GHG 7/2/21, ISWG-GHG 7/2/27 and ISWG-GHG 7/2/30 as a basis, and taking into account available data:
  - .1 draft guidelines on operational carbon intensity indicators and the calculation methods (CII guidelines);
  - .2 draft guidelines on the reference lines for use with operational carbon intensity indicators (CII Reference line guidelines);
  - .3 draft guidelines on the operational carbon intensity reduction factors relative to reference lines (CII Reduction factor guidelines); and
  - .4 draft guidelines on the operational carbon intensity rating of ships (CII Rating guidelines);
- .3 further consider with a view to finalizing the update of the *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* (resolution MEPC.282(70)), including to incorporate the development of a plan of corrective actions and verification requirements of SEEMP;
- .4 consider concrete proposals for the update of existing guidelines, procedures and guidance, including:
  - .1 *2017 Guidelines for administration verification of ship fuel oil consumption data*, as appropriate (resolution MEPC.292(71));
  - .2 *2017 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database* (resolution MEPC.293(71));
  - .3 *Procedure on submission of data to the IMO data collection system of fuel oil consumption of ships from a State not Party to MARPOL Annex VI* (MEPC.1/Circ.871);
  - .4 *Procedures for port State control, 2019* (resolution A.1138(31)); and

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<sup>3</sup> Taking into account the work of the Correspondence Group on Air Pollution and Energy Efficiency established by MEPC 75, as appropriate.

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- .5 *2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI (MEPC/1/Circ.815);*
  - .5 identify a preliminary list of technical guidelines supporting chapter 4 of MARPOL Annex VI that could be consolidated into a mandatory carbon intensity code; and
  - .6 submit a written report to MEPC 76."

7.50 In considering the draft terms of reference for the Correspondence Group and ISWG-GHG 8, the delegation of France noted that the terms of reference should not prejudge the date of entry into force of a future carbon intensity code, which might enter into force well before 1 January 2026.

7.51 In considering the draft terms of reference for ISWG-GHG 8, a number of delegations recalled that ISWG-GHG 7 had not been able to address the full terms of reference as approved by MEPC 74 (MEPC 74/18, paragraph 7.48), as it had focused on item 1 of those terms of reference, namely the further consideration of draft amendments to MARPOL Annex VI to reduce the carbon intensity of existing ships. Consequently, these delegations emphasized the need to urgently consider the remaining agenda items, in particular the concrete proposals to reduce methane slip and emissions of volatile organic compounds (VOCs) and to encourage the uptake of alternative low-carbon and zero-carbon fuels, including the development of life cycle GHG/carbon intensity guidelines for all relevant types of fuels.

#### **Fourth IMO GHG Study 2020**

7.52 The Committee recalled that MEPC 74 had requested the Secretariat to initiate the Fourth IMO GHG Study in accordance with the terms of reference approved at that session, including the establishment of a steering committee to oversee the development of the Study in accordance with the terms of reference, so that the work could begin in autumn 2019.

7.53 The Committee had for its consideration the following documents:

- .1 MEPC 75/7/3 (Secretariat) providing information on the establishment of the Steering Committee and the outcome of its first meeting, held on 23 July 2019, on the outcome of the tendering process, including value for money calculation combining the technical and financial scores (weighted 50%-50%) for each tender, on the attribution of the contract to the consortium led by CE Delft, on the composition of the consortium, and on the progress of the work by the contractor;
- .2 MEPC 75/7/3/Add.1 (Secretariat) providing information on the outcome of the second meeting of the Steering Committee, held on 6 February 2020, which considered an interim report submitted by the contractor, oriented the work of the contractor on specific methodological items and recommendations identified in the interim report, provided feedback to the contractor on the progress of the study, considered the modalities of the external review of quality assurance and quality control (QA/QC) issues to be conducted, and considered the timeline for the final delivery of the Study;
- .3 MEPC 75/7/3/Add.2 providing information on the outcome of the third meeting of the Steering Committee, held on 17 June 2020, and on the finalization of the study submitted to the Committee in document MEPC 75/7/15;

- .4 MEPC 75/7/15 (Secretariat) providing in the annex the final report of the Fourth IMO GHG Study 2020, as well as the "highlights" of the Study and the executive summary;
- .5 MEPC 75/7/16 (SGMF) welcoming the completion and release of the Fourth IMO GHG Study, stating that it made a strong contribution towards collective efforts to decarbonize shipping, and raising specific technical points that in the view of SGMF required some further careful evaluation; and
- .6 MEPC 75/7/17 (Marshall Islands and Solomon Islands) providing comments in relation to findings from the final report of the Fourth IMO GHG Study and highlighting the urgency of initiating work on revising the Initial IMO GHG Strategy, with a view towards increasing the levels of ambition, as well as the need to progress towards debates on mid- and long-term measures, including market-based measures, as soon as possible.

7.54 In the ensuing discussion, all delegations that spoke expressed their appreciation for the consortium, for the Steering Committee that oversaw the development of the Study and for the coordination of the work of the Steering Committee by Mr. Harry Conway (Liberia), and recommended that the Study be approved at this session.

7.55 Many delegations commended the scientific quality of the Fourth IMO GHG Study 2020, stating that it represented a significant improvement in terms of completeness, accuracy and reliability compared to the previous IMO GHG studies and that it would represent an important tool, together with other relevant sources such as the fuel consumption data, to inform future policymaking by the Organization.

7.56 Several delegations pointed out that the Study showed a clear decoupling of the GHG emissions from international shipping from the increased maritime trade volumes as well as a significant improvement of carbon intensity in the period under review, indicating that previously agreed IMO measures had started to have positive effects; and expressed the view that the short-term measure approved by the Organization would provide a solid basis for further emissions reduction and the focus should be on implementing the short-term measure before considering further measures.

7.57 Regardless, many delegations pointed out the limited decrease of GHG emissions from international shipping since 2008, the slowdown in improving carbon intensity since 2012, and the projected further increase of GHG emissions from international shipping as demonstrated in the Study, and consequently expressed the view that further work on mid- and long-term candidate measures as well as the review of the Initial IMO GHG Strategy should be initiated rapidly.

7.58 Some delegations, in supporting the Study in general, expressed concerns that the emission inventory of Black Carbon emissions was solely based on a literature review, and that the updated method to separate domestic and international emissions could lead to inconsistency and confusion in relation to previous IMO GHG Studies and reporting to other UN organizations, in particular UNFCCC, on national GHG emissions. These delegations noted also that the lack of reliable data had sometimes led the consortium to make assumptions, therefore attention should be paid to the uncertainties when quoting the conclusions of the Study and the Organization should be cognizant of these concerns when considering further policy developments.

7.59 Several delegations supported the considerations put forward regarding the calculated rise in methane emissions in document MEPC 75/7/16 (SGMF), in particular that the increase in methane emissions observed in the 2012-2018 period needed to be put in the context of an increasing number of dual-fuel engines installed on board gas carriers, but that the use of LNG as an alternative fuel would still have an overall positive effect on GHG reduction. The text of the statement made by the observer of SGMF in this regard is set out in annex 16.

7.60 The observer from CLIA expressed the view that some of the findings of the Study were not fully representative for the cruise sector and called upon the use of specific proxies to calculate the carbon intensity of cruise ships as proposed in its submission to MEPC 74 (MEPC 74/6/1). The text of the statement made by the observer in this regard is set out in annex 16.

7.61 In considering document MEPC 75/7/17 (Marshall Islands and Solomon Islands) calling for urgent action on initiating discussions on mid- and long-term candidate actions, in particular market-based measures, enhancing the level of ambition in Initial GHG Strategy in line with recent climate science and putting in place robust working arrangements that would enable the Organization to address the findings in the Fourth IMO GHG Study with urgency, a number of delegations supported the proposals put forward by the co-sponsors.

7.62 A number of other delegations did not support document MEPC 75/7/17, stating that the Committee should focus on finalizing technical guidelines supporting the short-term measure and its comprehensive impact assessment to identify possible impacts on States before considering additional measures. Some of these delegations highlighted that the ISWG-GHG provided an appropriate arrangement to discuss GHG-related matters; recalled the timeline of the adoption of the Revised IMO GHG Strategy, foreseen for 2023; and stressed that in their view market-based measures could constitute distortions to trade, affect countries distant from their markets, negatively impact the sustainable development of international maritime trade, and be contrary to the rules of the World Trade Organization.

7.63 As requested, the statements made by the delegations of the Cook Islands and the Russian Federation and the observers from ICS and CSC are set out in annex 16.

7.64 Having considered the information provided by the Steering Committee in documents MEPC 75/7/3, MEPC 75/7/3/Add.1 and MEPC 75/7/3/Add.2 and the additional information provided orally by the coordinator of the Steering Committee, Mr. Harry Conway (Liberia), the Committee expressed its appreciation to the contractor for having conducted the Study and to the coordinator and the other members of the Steering Committee for having supervised its preparation, as well as to the external experts for their contribution to the quality assurance and quality control (QA/QC) process.

7.65 The Committee thanked the Governments of Australia, Canada, Denmark, France, Japan, the Netherlands, Norway, the Republic of Korea, the United Arab Emirates and the United Kingdom for their financial contribution to the Fourth IMO GHG Study 2020.

7.66 The Committee approved the Fourth IMO GHG Study 2020 set out in annex 2 to document MEPC 75/7/15 and requested the Secretariat to publish and disseminate the Study including any editorial corrections that might be identified.

### **Consideration of the proposal for an international maritime research and development board (IMRB)**

7.67 The Committee had for its consideration a proposal co-sponsored by several industry associations for the development of a research and development (R&D) programme to accelerate the introduction of low-carbon and zero-carbon technologies and fuels, as set out in document MEPC 75/7/4 (ICS et al.).

7.68 The Committee noted that the proposed programme would rely on the establishment by the Organization of a non-governmental international maritime research and development board (IMRB) in charge of funding, overseeing and coordinating specific R&D projects, an IMO "supervisory body" reporting to the Committee and an International Maritime Research Fund (IMRF) expected to raise approximately \$5 billion over the 10 to 15 years life of the programme via a mandatory R&D contribution of \$2 per tonne of fuel oil purchased for consumption.

7.69 In this connection, the Committee also noted that document MEPC 75/INF.5 (ICS et al.) provided an analysis entitled *Zero-carbon fuels acceleration*, carried out by Ricardo, on what R&D activities could be undertaken with \$5 billion funding over the life of the IMRB, considering technical issues associated with zero-carbon technologies, explaining the typical R&D process including technology readiness levels (TRLs), providing example R&D case studies of projects which might be required, illustrating the breadth of projects the fund could support and discussing the implications for shipowners and operators.

7.70 The Committee also had for its consideration the following commenting documents:

- .1 MEPC 75/7/11 (Netherlands), welcoming the proposal to establish an IMRB, highlighting that the IMRB could provide a useful impetus to the development of low- and zero-carbon technologies on board ships; suggesting that the IMRB should focus on bunkering, storing and converting fuel or energy systems, instead of focusing on the production process of alternative fuels, strike a balance between incentivizing technology suppliers to develop new technologies and testing them on board, and also focus on technologies for niche sectors, small segments and segments with unpredictable voyage patterns; and proposing that the IMRF could confirm payment of the contribution at any time so that PSC officers could make the payment a condition for entry to or exit from a port in case of detection of non-compliance;
- .2 MEPC 75/7/12 (Vanuatu), supporting in principle this industry-led initiative but, taking into account the various challenges and uncertainties faced by it, suggesting two variations: 1) that the IMRB would form an integral part of the Organization, e.g. under the form of a new IMO maritime research and development department (MRDD); and 2) that the core funding for an IMO R&D trust fund would be provided via a mandatory contribution based on gross tonnage – e.g. a contribution of \$0.5 per gross tonnage – in order to facilitate its collection, and with a small fraction dedicated to the GHG-TC Trust Fund as a means of ensuring the global effectiveness of the initiative;
- .3 MEPC 75/7/13 (Solomon Islands and Tonga), expressing the view that, while the proposed IMRB aligned with the Initial Strategy, in its current form it was not likely to address the specific interests and needs of SIDS and LDCs; and inviting the Committee to consider the IMRB within the context of the broader debate on the architecture and quantum of market-based measures (MBMs) for international shipping, which should be considered before adoption of any

specific proposal; agree that any oversight body established to determine priorities and allocation of funding for R&D must not be dominated by one group and must include representation from SIDS and LDCs; agree that 20% of R&D funding allocated from IMRF should target the shipping needs of SIDS and LDCs; and agree that funding be allocated not only to prototypes but also to deployment, market readiness and commercialization projects; and

- .4 MEPC 75/7/14 (OECD), providing considerations on the establishment of an IMRB, based on lessons learned from a study on maritime subsidies published by OECD in 2019 and highlighting that an IMO GHG R&D programme would need clear objectives, including intended outcomes, which stages of R&D would be included, the scope of the subsidies, the beneficiaries, and the evaluation of the programme; that conditions for funding should be considered such as the additionality of funds, technology transfer and mandatory assessments of effectiveness of the contribution; and that such a programme could also aim at addressing the current unbalanced playing field between fuel oil and alternative fuels, in combination with measures such as carbon pricing.

7.71 In the ensuing discussion, the following views, inter alia, were expressed:

- .1 international shipping's ability to meet the ambitions set out in the Initial IMO GHG Strategy as well as the Paris Agreement's temperature goals would require a fundamental shift to alternative low-carbon and zero-carbon fuels and technologies; therefore, the acceleration of R&D activities to develop alternative low-carbon and zero-carbon fuels should be encouraged;
- .2 the concept of IMRB should be supported in general, and the Committee should immediately initiate the work on developing such a framework, with a view to finalizing the draft amendments to the MARPOL Convention in the short term;
- .3 the concept of IMRB was premature, and it would require more detailed consideration by the Committee as well as an assessment of its impacts on States;
- .4 the establishment of an international R&D board would be a first but necessary step to support innovation and to accelerate the introduction of low-carbon and zero-carbon technologies and fuels for use in the international maritime sector, but would not incentivize behavioural change and therefore could not be categorized as an MBM;
- .5 only a global initiative would give the greatest prospect of meeting the IMO ambitions, while ensuring that international shipping continued to provide the efficient and reliable services that the world's economies relied on; there was also a need to leverage synergies and harness opportunities for collaboration, with global coordination, to accelerate the development of low- and zero-carbon solutions and their supporting infrastructures;
- .6 since many countries had already conducted technological research on new energies such as fuel cells and hydrogen fuel, the establishment of the IMRB could risk a duplication of efforts;

- .7 more partnerships and projects should be established under the IMO umbrella; in this regard Member States were invited to note the new IMO-Republic of Korea GHG SMART Project focusing on supporting SIDS and LDCs in reducing GHG emissions from their shipping sector;
- .8 without a full understanding of the impacts of the proposal on States, the proposal could not be supported;
- .9 the proposed IMRB and its associated fund could provide the necessary support to accelerate the development of measures towards the ambition set out in the Initial IMO GHG Strategy; however, the IMRB's organization, mandates, functions and processes would need to be carefully studied, being mindful of the need to ensure transparency, accountability, ease of operation and timeliness;
- .10 since the proposed IMRB relied on industry funding and was designed to support industry-based research, it would be more appropriate for the industry to develop such a concept outside the IMO regulatory framework;
- .11 the IMRB as proposed may not be the right instrument for stimulating progress in research and development;
- .12 there was no precedent in the Organization to directly support technological research and development and R&D was essentially a commercial activity, so it was unclear how IMO could support this whilst sticking to technology neutrality; rather, the Organization should ensure that all countries equally benefited from technology research and development;
- .13 the proposal could support more R&D, but would need to provide the necessary incentive to increase demand in alternative fuels or pull further necessary investments;
- .14 the proposed governance of the mechanism seemed very complex; therefore, the Committee should rather draw from existing funding structures such as the IOPC funds; and the Secretariat's advice on creating a GHG-related R&D fund with existing mechanisms would be useful;
- .15 the establishment of a new standalone NGO should not be supported; instead, the Committee should consider establishing a new department within the Secretariat and making use of existing funds; to that end the Secretariat should undertake a feasibility study covering legal and administrative aspects of establishing such mechanism within the Organization;
- .16 the proposal entailed significant legal challenges, and the inclusion of requirements not directly related to the protection of the marine environment in the MARPOL Convention would dilute the goals of the Convention, and the choice of legal instrument and governance structure should be further considered;
- .17 among governance issues, the role of IMO Member States should be clarified as a concept and explicitly defined in the IMRB/IMRF charter;
- .18 the proposed governance structure was not very clear: whereas Member States would have a role in the collection of the contributions through flag State and PSC, their role in the governance and allocation of funds seemed to be rather limited;



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- .19 in following the Committees' Methods of Work, such proposal should be properly specified in SMART terms (specific, measurable, achievable, realistic, time-bound);
  - .20 imposing a mandatory financial contribution on shipping alone would make it less competitive compared with other sectors not subject to similar contributions and risk transportation modal shifts;
  - .21 the establishment of a mandatory financial contribution would fall under the fiscal control of States and therefore would entail significant legal challenges;
  - .22 requiring States to impose mandatory fuel consumption levies on ships was not acceptable to some Members States, therefore alternative funding sources should be considered as options;
  - .23 although the proponents indicated that the IMRB was not a market-based measure, the proposed charge would act as a de facto carbon tax thus penalizing export countries far from their destination markets due to the transfer of the increase in fuel costs; and therefore, the idea of having a mandatory contribution could not be supported;
  - .24 the administrative burden on flag States to ensure compliance should be assessed and addressed;
  - .25 any proposed measure should consider the impacts of the context of the COVID-19 pandemic, which, according to UNCTAD, would result in a decrease of international maritime transport of 4.1% in 2020;
  - .26 although the economic impact of the financial contribution was a legitimate concern, it should be recalled that the proposed \$2 per tonne of fuel was within the daily fluctuation of bunker fuel market prices and already fluctuated considerably from one geographic region to another; therefore, the economic impact of the proposal should be marginal;
  - .27 imposing a mandatory contribution on the amount of fuel used would impose a disproportionate burden on shipowners that operated ships on long voyages or in regions where fuel consumption was relatively higher, for example to address adverse weather conditions or ice conditions;
  - .28 research and development, in accordance with part XIV of UNCLOS, was crucial in this respect, and in this regard the question of intellectual property vis-a-vis transfer of technology was not clear in the proposal;
  - .29 a mechanism should be put in place to ensure equitable distribution of funds taking into account the development status of countries and the commitment of the Organization in favour of technology transfer;
  - .30 other funds (e.g. the Green Climate Fund (GCF)) were already available to the maritime sector and the Organization should endeavour to attract such funds into the maritime sector, prior to embarking upon a new standalone fund for the maritime sector;

- .31 a portion of the funds collected should be solely dedicated to SIDS and LDCs for some specific but connected matters, and SIDS and LDCs should be represented on any oversight structure of the fund;
- .32 while this fund could be useful to stimulate some niche areas, as also highlighted in document MEPC 75/7/11 (Netherlands), it would on the other hand come too late for those shipowners that had already invested in technological solutions on board their ships; these shipowners would very much rely on investments in shore-based installations for the production, storage and delivery of fuels; the majority of investments for zero-emission navigation should be invested on land and it was not clear how this aspect had been taken into account, what kind of projects and under what criteria the funds would be awarded and how their effectiveness would be evaluated;
- .33 the provisions on intellectual property rights set out in article 7 of the draft IMRB charter would not guarantee equal access to the results of work;
- .34 the proposal did not indicate who would benefit from the income gained from the licensing of technologies and associated patents; therefore, further discussion and considerations would be needed in this regard;
- .35 the intellectual property rights obtained in line with paragraph 6a of article 7 of the draft IMRB charter should be sufficiently protected in order to ensure sufficient participation of industrial technology developers;
- .36 a global and in-sector mechanism based on levy or payments to be set by IMO should be developed as soon as possible to reduce the competitiveness gap between conventional and carbon neutral energy sources;
- .37 reference could be made to the lessons learned on blended finance, as set out in document MEPC 75/7/5 (Indonesia);
- .38 the Organization should reiterate its position submitted to UNFCCC in 2009 on the need to establish market-based measures to effectively reduce GHG emissions from shipping;
- .39 part of the funds should be dedicated to investments in land-based infrastructure in ports, including bunkering infrastructure of low carbon fuels, as these were essential for enabling the carbon transition;
- .40 the Organization should, in parallel with the establishment of the IMRB, initiate work towards developing an MBM that would trigger the commercial development of zero-carbon fuels, technologies and relevant infrastructure;
- .41 in order to move towards decarbonization of international shipping, the Organization should initiate the discussions on mid- and long-term measures as soon as possible before 2023 and start discussing the review of the Initial GHG Strategy; in order to support this additional workload, MEPC 76 should consider concrete proposals for and agree on the establishment of appropriate working arrangements;
- .42 in order to ensure that Member States could continue to move together on these issues, the IMRB proposal should be linked to the broader discussion on the next possible package of measures along with consideration of their impacts on States; therefore, the Committee should develop a more specific work plan to progress on candidate mid- and long-term measures;

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- .43 the IMRB proposal should not be linked to the broader discussion on mid- and long-term measures, as it would make the issue unnecessarily complex;
- .44 until it could be determined whether or not the short-term measures would have a negative impact on remote SIDS and thereafter ways could be determined to mitigate against such impacts, including exemptions and/or compensatory mechanisms, further measures, such as MBMs, should not be considered, as their costs would be passed down the supply chain, placing a further burden on the economy of SIDS;
- .45 the programme of follow-up actions agreed at MEPC 73 identified that the consideration of mid- to long-term measures should have started at MEPC 74 and MEPC 75; therefore, the Committee was already too late and discussion on mid- and long-term measures should be discussed as a matter of urgency at MEPC 76;
- .46 the Initial Strategy set out a review date of 2023, and any anticipation of that date was not the right path, as MEPC 76 needed to focus on the findings of the comprehensive impact assessment and on developing guidelines accompanying the short-term measure;
- .47 although IMO should embark rapidly on a discussion of MBM, efforts should be focused first on establishing the IMRB in the short term; the discussions could be organized and held in parallel;
- .48 the immediate priority of the Committee on GHG-related issues should be to finalize the short-term goal-based measures and the associated consideration of impacts on States; and
- .49 nothing should be decided by the Committee regarding further consideration of the IMRB proposal because there had been no consensus on many issues which lacked clarity, and therefore the Committee should not immediately initiate work on the IMRB; the priority should rather be given to the work on guidelines and the comprehensive impact assessment associated with the approved short-term measure, with a view to finalizing the draft amendments to MARPOL Annex VI at MEPC 76, as agreed in the package delivered by ISWG-GHG 7; the review of the Initial Strategy should not take place before 2023; and linking the IMRB to the discussion on mid- and long-term measures would add an extra layer of unnecessary complexity.

7.72 The delegation of Finland,<sup>4</sup> supported by some delegations, offered to work informally during the intersessional period with interested delegations, with a view to submitting a proposal on streamlining structuring and organizing the Committee's work, including through a possible proposal for a work plan, under this agenda item. The text of the statement made by the observer of CSC on the inclusion of all stakeholders in the above-mentioned informal processes is set out in annex 16.

7.73 As requested, statements made by the delegations of Brazil, Chile, Germany, Malaysia and the United Arab Emirates are set out in annex 16.

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7.74 Following the discussion, the Committee acknowledged the proposal by the industry organizations to establish an IMRB and noted diverging views and concerns on the proposal contained in document MEPC 75/7/4, in particular with regard to various operational, administrative, legal and governance aspects.

7.75 The Committee also noted that it would require more detailed consideration, taking into account documents submitted and comments made on the proposal at this session, including consideration of its impacts on States, before taking any decisions on the proposal.

7.76 Subsequently, the Committee invited interested Member States and international organizations to submit further commenting documents and other proposals.

#### **PROCEDURAL ISSUES RAISED UNDER THIS AGENDA ITEM**

7.77 During the consideration of matters under this agenda item, the Committee received complaints by a number of delegations about using Twitter to issue regular updates on its considerations, in particular the views expressed by individual Member States. In this regard, the Director, Legal Affairs and External Relations Division advised that, pursuant to rule 10(1) of the Committee's rules of procedure, in the absence of a decision to the contrary, meetings of the Committee were held in private. Rule 10(2) allowed media attendance at private meetings, provided accredited media abided by the terms and conditions for media attendance at meetings adopted by the Council at its thirtieth extraordinary session. Those terms and conditions allowed statements of delegations to be quoted. However, the Committee could restrict these terms and conditions in order to maintain an environment which would ensure a free and open exchange of views on subjects on the agenda. In this meeting, the Chair ruled that social media should not be used to tweet out the deliberations of the Committee. This direction applied to Member State delegates, NGOs, pursuant to rule 5 of the Regulations and Guidelines for the Consultative Status for Non-Governmental Organizations adopted by the Assembly at A.32, and accredited media, pursuant to the Council's media terms and conditions as modified by the Chair. The Director also informed the Committee that the tweets that were the subject of the point of order raised by the delegation of Saudi Arabia supported by a number of delegations were not traceable to any particular delegate or member of the accredited media.

7.78 In recalling rule 24 of the Rules of Procedure of the Marine Environment Protection Committee, the delegation of the Russian Federation expressed the concern that due to the limited time available at each daily virtual session, the Committee had repeatedly held proceedings in English only. This delegation stated that in the future MEPC and GHG-related sessions would need to be better planned, especially taking into consideration the virtual nature of the session.

7.79 In discussing the work arrangement for this agenda item, several delegations expressed the view that an extension of the number of working days allocated to the Committee and the Intersessional Working Group on Reduction of GHG Emissions from Ships would be needed to effectively address all GHG-related issues; other delegations supported the establishment of further dedicated workstreams on reduction of GHG emissions from ships; while some other delegations stated that this issue should be addressed more systematically by the Council. The statement made by the delegation of the Cook Islands in this regard is set out in annex 16.

#### **MATTERS DEFERRED TO MEPC 76**

7.80 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of documents MEPC 75/7/7 (Norway), MEPC 75/7/10 (FOEI et al.), MEPC 75/INF.25 (FOEI et al.) and MEPC 75/INF.26 (Comoros) to MEPC 76.

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## **8 FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS MARINE PLASTIC LITTER FROM SHIPS**

8.1 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of documents MEPC 75/8 (Secretariat), MEPC 75/8/1 and MEPC 75/8/2 (FAO), MEPC 75/8/3 (Singapore), MEPC 75/8/4 (Vanuatu), MEPC 75/8/5 (Secretariat), MEPC 75/INF.19 (Secretariat of the Basel Convention) and MEPC 75/INF.23 (Secretariat) to MEPC 76.

## **9 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS, ECAs AND PSSAs**

9.1 The Committee noted that no submissions had been made under this agenda item.

## **10 POLLUTION PREVENTION AND RESPONSE**

### **MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING**

10.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 6 on agenda item 10) (refer also to relevant corrections in document MEPC 75/1/3/Corr.1 and Corr.2), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/10 (Secretariat), setting out the action requested of the Committee in connection with the urgent matters emanating from the seventh session of the PPR Sub-Committee (paragraphs 2.1 to 2.11 only); and
- .2 MEPC 75/10/Add.1 (Secretariat), setting out the action requested of the Committee in connection with the remaining matters emanating from the seventh session of the PPR Sub-Committee (paragraphs 3.1, 3.2 and 3.14 only).

10.2 During the virtual meeting, taking into account the relevant outcome of MSC 102, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3 as corrected, as set out in the following paragraphs 10.3 to 10.13.

### **Safety and pollution hazards of chemicals**

#### ***Revision of GESAMP Reports and Studies No.64***

10.3 The Committee noted the finalization of the revision of GESAMP Reports and Studies No.64, which had been published as GESAMP Reports and Studies No.102 (GESAMP Hazard Evaluation Procedure for Chemicals Carried by Ships, 2019) and included a reassigned column E1 and a sub-categorization of column C3 of the GESAMP Hazard Profile table.

10.4 In light of the refinement of column C3 and the reassignment of column E1 of the GESAMP Hazard Profile table, the Committee requested the Secretariat to prepare the draft consequential amendments to appendix I of MARPOL Annex II and submit them to MEPC 76, with a view to approval and subsequent circulation for adoption.

**Replacement of International Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk**

10.5 The Committee, having noted that MSC 102 had approved the revised MSC-MEPC.5/Circ.7 on *Guidance on the timing of replacement of existing certificates by revised certificates as a consequence of the entry into force of amendments to chapters 17 and 18 of the IBC Code*, as set out in annex 1 to document PPR 7/22/Add.1, concurrently approved the revised circular for dissemination as MSC-MEPC.5/Circ.7/Rev.1.

**Evaluation of products and cleaning additives**

10.6 With regard to the categorization of liquid substances, the Committee:

- .1 concurred with the evaluation of products by ESPH 25 and their respective inclusion in lists 1, 3 and 5 of MEPC.2/Circ.25 (issued on 1 December 2019), with validity for all countries and with no expiry date where appropriate;
- .2 concurred with the evaluation of cleaning additives by ESPH 25 and their inclusion in annex 10 of MEPC.2/Circ.25; and
- .3 concurred with the evaluation of products and cleaning additives by the ESPH Working Group at PPR 7 and their inclusion in list 3 and annex 10, respectively, of the next revision of the MEPC.2 circular on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* (i.e. MEPC.2/Circ.26, to be issued in December 2020), with validity for all countries and with no expiry date where appropriate.

10.7 In this context, the Committee requested the GESAMP/EHS Working Group to provide advice on how to best assess mixtures against the discharge criteria in new paragraph 7.1.4 of regulation 13 of MARPOL Annex II (adopted by resolution MEPC.315(74)).

10.8 Furthermore, the Committee endorsed the addition of a distinguishing qualifier to the product name included in list 1 of the MEPC.2 circular on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* when products that were already listed in the IBC Code were reassessed.

10.9 The Committee endorsed PPR.1/Circ.9 on *Revised carriage requirements for methyl acrylate and methyl methacrylate*, having noted that the circular had been issued prior to MSC 102 and MEPC 75, in order to notify relevant stakeholders in a timely manner that operational requirements 16.6.1 and 16.6.2 of the IBC Code applied to methyl acrylate and methyl methacrylate. The Committee also noted the same decision by MSC 102.

10.10 In addition, the Committee concurred with the recommendation of the Sub-Committee that chapter 17 of the IBC Code should be amended to include:

- .1 the updated carriage requirements for methyl acrylate and methyl methacrylate; and
- .2 special requirement 16.2.7 in n.o.s. entries for Pollution Category Y, as appropriate.

10.11 The Committee endorsed PPR.1/Circ.10 on *Resubmission of products listed in lists 2 and 3 of the MEPC.2 circular on Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code*, which set the deadline for evaluating the products to 31 December 2025.

10.12 The Committee endorsed the Sub-Committee's recommendation that the existing entries for the paraffin-like products listed in paragraph 5 of MEPC.1/Circ.886 could be retained on the ship's Certificate of Fitness, even if the renamed and reassessed products were listed in the addendum to the ship's Certificate, since the product names used in the IBC Code and in list 1 of the MEPC.2 circular were different.

#### **Onboard storage period of bunker samples for ships navigating on regular routes**

10.13 The Committee noted that the Sub-Committee had considered document MEPC 74/17/1 (Republic of Korea) regarding the onboard storage period of bunker samples for ships navigating on regular routes, and that following the clarification provided during the discussions no further consideration of the document was required.

#### **MATTERS CONSIDERED DURING THE VIRTUAL MEETING**

##### **Amendments to the AFS Convention to include controls on cybutryne**

10.14 Having noted the report of the Technical Group on Amendments to the AFS Convention, which had been established at PPR 7 (PPR 7/22/Add.1, annex 6), the Committee considered the draft amendments to Annexes 1 and 4 to the AFS Convention, which were set out in annexes 1 and 3 to annex 6 to document PPR 7/22/Add.1.

10.15 In its consideration, the Committee focused particularly on the preferred option for specifying the effective date for ships already bearing an AFS that contained cybutryne, out of the two options shown in square brackets in annex 1 to the report of the Technical Group on Amendments to the AFS Convention. The Committee also noted that, since the next session of MEPC, where the amendments would be expected to be adopted, would be held in June 2021, the draft dates of entry into force of the controls on cybutryne should be amended from 1 July 2022 to 1 January 2023 for new application and from 1 July 2027 to 1 January 2028 for existing application. Therefore, the Committee agreed that the two options in the aforementioned square brackets for specifying the effective date for existing ships should read:

- .1 1 January 2028; or
- .2 at the next scheduled renewal of the anti-fouling system after 1 January 2023, but no later than 60 months following the last application to the ship of an anti-fouling system containing cybutryne.

10.16 Following consideration, the Committee agreed to the second option for specifying the effective date (i.e. "At the next scheduled renewal of the anti-fouling system after 1 January 2023, but no later than 60 months following the last application to the ship of an anti-fouling system containing cybutryne"), as it was in line with article 4(2) of the AFS Convention. In this regard, the Committee noted that, as a consequence, the date field in the International Anti-fouling System Certificate, as shown in square brackets in annex 3 to the report of the Technical Group on Amendments to the AFS Convention (PPR 7/22/Add.1, annex 6), would be left blank for the certificate-issuing authority to fill in.

10.17 The Committee approved the draft amendments to annexes 1 and 4 to the AFS Convention, set out in annex 7, and requested the Secretary-General to circulate them in accordance with article 16(2) of the AFS Convention, with a view to adoption at MEPC 76.

10.18 In this context, the Committee agreed to the two draft operative paragraphs to be included in the requisite resolution on adoption of the amendments to the AFS Convention, set out in annex 7 to document PPR 7/22/Add.1, and requested the Secretariat to include the two operative paragraphs in the draft resolution that would be submitted to MEPC 76 for adoption.

10.19 Moreover, the Committee encouraged Member States to conduct baseline studies prior to the entry into force of controls on cybutryne, in order to allow the subsequent determination of the effectiveness of the controls.

10.20 In addition, the Committee requested the governing bodies of the London Convention and Protocol, at their next meeting, to consider a revision of the *Revised guidance on best management practices for removal of anti-fouling coatings from ships, including TBT hull paints* (LC-LP.1/Circ.31/Rev.1), in light of the introduction of controls on cybutryne under the AFS Convention, with a view to updating the guidance contained in AFS.3/Circ.3/Rev.1, and to inform the Committee of their consideration accordingly.

10.21 Having noted the need to consider an update to the list of items in the Inventory of Hazardous Materials under the Hong Kong Convention to include cybutryne when the respective controls entered into force, the Committee requested the PPR Sub-Committee to advise it on any consequential amendments to appendix 1 of the Hong Kong Convention, taking into account that the Hong Kong Convention had not entered into force.

### **Sampling of fuel oil**

10.22 During consideration of the draft guidelines for onboard sampling of fuel oil intended to be used or carried for use on board a ship, set out in annex 8 to document PPR 7/22/Add.1, the observer from IBIA had the following observations and query with regard to sample handling, specifically in relation to the inclusion of the bunker delivery note details of the fuel oil sampled on the label of the sample (i.e. paragraph 3.1.2 of the draft guidelines):

- .1 the content of a fuel tank on the ship might be a mix of more than one fuel oil delivery as a result of comingling on board the ship or fuel left in the tank when bunkering new fuel; and
- .2 taking into account that the information on the latest bunker delivery note was not relevant to the content of the fuel tank unless one had confidence that the content of the tank was less than 5% at the start of bunkering, it was unclear whether paragraph 3.1.2 of the draft guidelines referred to the details from a specific bunker delivery note or potentially from multiple bunker delivery notes to reflect the content of an onboard fuel oil sample.

10.23 In this context, the observer from IMarEST expressed the view that:

- .1 paragraph 3.1.2 of the draft guidelines implicitly covered the case where more than one set of bunker delivery note details could be included on the label of the sample; and
- .2 taking into account the draft amendments to MARPOL Annex VI considered at this session under agenda item 3 (Consideration and adoption of amendments to mandatory instruments), which stated that the final results obtained from the fuel verification procedure shall be evaluated by the competent authority with respect to how they might be taken forward, the text in paragraph 3.1.2 of the draft guidelines did not need to be changed on the understanding that the bunker note details potentially represented more than one bunker delivery note.



10.24 Having noted the above, the Committee approved MEPC.1/Circ.889 on *2020 Guidelines for onboard sampling of fuel oil intended to be used or carried for use on board a ship*.

### **Commissioning testing of ballast water management systems**

10.25 The Committee approved BWM.2/Circ.70/Rev.1 on *2020 Guidance for the commissioning testing of ballast water management systems*. The delegation of India expressed the view that clarification might be needed on the required number of commissioning tests in certain configurations (e.g. separate port and starboard systems) as the BWM Convention did not capture multiple system installations.

10.26 Furthermore, the Committee instructed the III Sub-Committee, in the context of the next revision of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), to amend the paragraphs of HSSC relating to the commissioning testing of ballast water management systems to ensure that there were no references to compliance with regulation D-2.

### **Ballast water sampling and analysis**

10.27 In considering the draft amendments to the *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)*, set out in annex 5 to document PPR 7/22/Add.1, the Committee noted that, to facilitate the work of the Committee, the Secretariat had prepared the updated draft text of the guidance for the consideration of the Committee, incorporating the amendments agreed by PPR 7 with minor edits as required, set out in the annex to document MEPC 75/10/1.

10.28 Subsequently, the Committee approved BWM.2/Circ.42/Rev.2 on *2020 Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)*.

### **Heavy fuel oil in Arctic waters**

10.29 In considering the draft amendments to MARPOL Annex I to incorporate a prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters, set out in annex 12 to document PPR 7/22/Add.1, the Committee also had for its consideration document MEPC 75/10/7 (FOEI et al.), raising concerns about the impact and effectiveness of the draft prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters and inviting the Committee to consider modifying the proposed draft amendment to MARPOL Annex I by deleting paragraphs 2 and 4 of draft new regulation 43A.

10.30 In the ensuing discussion, the co-sponsors of document MEPC 75/10/7 made statements elaborating their concerns and proposals. As requested, the statements made by the observers from Pacific Environment, WWF, CSC, FOEI and Greenpeace International are set out in annex 16.

10.31 All other delegations that spoke supported the approval of the draft amendments to MARPOL Annex I, as prepared by PPR 7 without changes, recognizing that they represented a delicate compromise which had been reached following careful consideration and negotiations carried out at the PPR Sub-Committee, where the views and concerns of the many stakeholders affected by the amendments had been taken into account. As requested, the statement by the delegation of the Russian Federation is set out in annex 16.

10.32 Following consideration, the Committee approved the draft amendments to MARPOL Annex I on prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic

waters, as set out in annex 8, and requested the Secretary-General to circulate them in accordance with article 16(2)a of MARPOL, with a view to adoption at MEPC 76.

10.33 In this regard, the observer from IBIA commented on the positive environmental effect of a voluntary shift to distillate oil fuels or other fuels and technology solutions that could significantly reduce Black Carbon emission for ships operating in Arctic waters and expressed confidence that the bunker supply industry could meet the demand stemming from such a shift.

### **IACS unified interpretations**

10.34 The Committee recalled that PPR 7 had noted that IACS UI MPC130 and revision 2 of UI MPC51 would be implemented by IACS Members from 1 July 2020 (PPR 7/22, paragraph 18.8). In this regard, the Committee noted an update provided by the observer from IACS, namely that IACS Members, having considered the comments made at PPR 7, had withdrawn UI MPC130 and revision 2 of UI MPC 51 prior to the intended application date of 1 July 2020. The Committee also noted that IACS continued to work on the issues, taking into account the feedback expressed during PPR 7.

### **MATTERS DEFERRED TO MEPC 76**

10.35 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of documents MEPC 75/10 (Secretariat), paragraphs 2.19 to 2.23, MEPC 75/10/Add.1 (Secretariat), paragraphs 3.4 and 3.6 to 3.13, MEPC 75/10/2 (United States), MEPC 75/10/3 (IACS), MEPC 75/10/4 (IACS), MEPC 75/10/5 (CLIA) and MEPC 75/10/6 (FOEI et al.) to MEPC 76.

10.36 The Committee also recalled that under agenda item 5 (Air pollution prevention) it had agreed to defer detailed consideration of document MEPC 75/5/3 (Republic of Korea) to MEPC 76 in conjunction with the action requested of it by PPR 7 in paragraph 2.20 of document MEPC 75/10.

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

### **MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING**

11.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 7 on agenda item 11) (refer also to relevant corrections in document MEPC 75/1/3/Corr.1 and Corr.2), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/11 (Secretariat), setting out the action requested of the Committee in connection with the sixth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 6);
- .2 MEPC 75/11/1 (Secretariat), setting out the action requested of the Committee in connection with the sixth session of the Sub-Committee on Implementation of IMO Instruments (III 6) (paragraphs 4.1, 4.2, 4.4, 4.6, and 4.9 to 4.14 only);
- .3 MEPC 75/11/2 (Secretariat), setting out the action requested of the Committee in connection with the sixth session of the Sub-Committee on Carriage of Cargoes and Containers (CCC 6);

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- .4 MEPC 75/11/3 (Norway et al.), commenting on the report of III 6 and, in particular, on the draft MSC-MEPC.5 circular on model agreement for the authorization of recognized organizations acting on behalf of the Administration;
  - .5 MEPC 75/2/2 (Secretariat), setting out the action requested of the Committee in connection with the outcome of MSC 101;
  - .6 MEPC 75/2/6 (Secretariat), setting out the action requested of the Committee in connection with the outcomes of A 31, C/ES.30 and C 123;
  - .7 MEPC 74/11 (Secretariat), setting out the action requested of the Committee in connection with the outcome of III 5; and
  - .8 A 31/10/2 (Germany et al.), commenting on the process of updating the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC).

11.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3 as corrected, as set out in paragraphs 11.3 to 11.22.

#### **Outcome of HTW 6**

11.3 The Committee noted the advice of HTW 6 that a conversion of STCW model courses into e-learning model courses would:

- .1 change the current approach and goal of model courses, as they were not courses ready to be delivered but tools assisting Member States and other stakeholders to develop detailed training programmes; and
- .2 require careful consideration of any accountability implications for the subsequent assessment of competence, training quality and independent evaluations relating to this training material in accordance with the STCW Convention.

11.4 In addition, the Committee concurred with the decision of MSC 102 to request the III Sub-Committee to consider how e-learning training material could assist with the implementation of instruments other than the STCW Convention and advise the Committee accordingly.

11.5 Furthermore, the Committee concurred with the decision of MSC 102 to endorse the systematic use of the Model Course Trust Fund to hire experts for the development and revision of model courses, subject to the Secretariat's contracting process, to be applied to all IMO bodies dealing with model courses, as necessary.

#### **Outcome of III 5**

11.6 The Committee recalled that, owing to time constraints, MEPC 74 had deferred the consideration of the action items requested by III 5 (MEPC 74/11), except for action items 3 and 16, to MEPC 75, and, at the same time, had instructed the III Sub-Committee to take necessary actions as per the instruction of MSC 101.

11.7 Having recalled that the Maritime Safety Committee, at its 101st session (5 to 14 June 2019), had considered the outcome of III 5, and had taken action as recorded in paragraphs 10.1 to 10.16 of its report (MSC 101/24), the Committee concurred with the decisions of MSC 101.

11.8 With regard to the MEPC-specific action requested of the Committee by III 5 in paragraph 3.8 of document MEPC 74/11, pertaining to document III 3/7/1 (China), the Committee instructed the PPR Sub-Committee to consider this document and to advise it accordingly.

### **Outcome of III 6**

11.9 The Committee approved the report of III 6 in general and took action as outlined in the following paragraphs 11.10 to 11.14.

11.10 In line with the outcome of MSC 102, the Committee re-affirmed the methodology agreed by III 3 and endorsed by MSC 97 and MEPC 70 (MEPC 70/18, paragraph 10.10) for developing guidelines for port State control (PSC) and amendments thereto, under the coordination of the Sub-Committee, for consolidation within the *Procedures for port State control*, when deciding on the attribution of new tasks to sub-committees.

11.11 The Committee noted that, as authorized by MSC and MEPC, III 6 had prepared draft Assembly resolutions, and that A 31 had subsequently adopted them as listed below:

- .1 *Procedures for port State control, 2019* (resolution A.1138(31));
- .2 *Guidance on communication of information by Member States* (resolution A.1139(31));
- .3 *Survey guidelines under the Harmonized System of Survey and Certification (HSSC), 2019* (resolution A.1140(31)); and
- .4 *2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1141(31)).

11.12 The Committee concurred with the decision by MSC 102 to instruct III 7 to further consider the text only of paragraph 6.5.5 of the draft MSC-MEPC.5 circular on model agreement for the authorization of recognized organizations acting on behalf of the Administration (III 6/15, annex 8), taking into account the amended text proposed in paragraph 10 of document MEPC 75/11/3 (Norway et al.), and in this context to also consider paragraph 5.3.2.4 of the recommendatory part III of the RO Code, with a view to advising the Committees on whether the text of both paragraphs should be aligned.

11.13 Taking into account the postponement of III 7 to 2021, the Committee concurred with the decision of MSC 102 that:

- .1 the correspondence groups established by III 6 should continue their work on the basis of their agreed terms of reference;
- .2 the groups should also take into account, as per the instructions to be received from the Chair of the Sub-Committee in consultation with the chairs of other relevant bodies, any pertinent outcome of the IMO bodies that met since III 6; and
- .3 such additional work should correspond to the regular work of the correspondence groups established at every session in order to progress the work of the Sub-Committee as much as possible, in particular regarding the preparation of draft Assembly resolutions.

11.14 The Committee noted the biennial status report of the III Sub-Committee for the 2018-2019 biennium and concurred with the decision of MSC 102 to approve the III Sub-Committee's biennial agenda and the provisional agenda for III 7, as set out in annexes 25 and 26 to document MSC 102/24, respectively, taking into account that the consideration of two proposals for new outputs by III 6 had been postponed to the next sessions of the Committees and that the Sub-Committee had been instructed to further review the draft model agreement for the authorization of recognized organizations acting on behalf of the Administration.

### **Outcome of MSC 101 and A 31**

#### ***Analysis of Consolidated Audit Summary Reports under the IMO Member State Audit Scheme***

11.15 The Committee concurred with the decisions made and action taken by MSC 101 with regard to the outcome of the analysis of the first Consolidated Audit Summary Report (CASR) under the IMO Member State Audit Scheme (MEPC 75/2/2, paragraph 2.11; and MSC 101/24, paragraph 10.10).

11.16 Furthermore, the Committee noted the invitation of A 31 for MSC and MEPC to consider the CASRs containing lessons learned from 17 mandatory audits completed in 2017 and 2018 (Circular Letter No.4028) and, in due course, to advise the Council of the outcome of their consideration.

11.17 In this regard, the Committee, having noted that MSC 102 had instructed the III Sub-Committee to consider the CASRs completed in 2017 and 2018 and report to the Committees the outcome of its consideration, concurrently instructed the III Sub-Committee to do so.

#### ***Replacement of references to resolutions A.739(18) and A.789(19) in existing IMO instruments with those of the mandatory parts of the RO Code***

11.18 The Committee concurred with the decision of MSC 101 that references to resolutions A.739(18) on *Guidelines for the authorization of organizations acting on behalf of the Administration* and A.789(19) on *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration* in existing IMO instruments should be replaced with references to the mandatory parts of the RO Code, and that the above-mentioned resolutions should be revoked by the Assembly, as noted by A 31. In addition, the Committee requested the Secretariat to advise it at a future session of any instances of the above-mentioned resolutions in existing IMO instruments under its purview.

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

11.19 Having noted that A 31 had invited MSC 102 and MEPC 75 to consider the proposals made in document A 31/10/2 (Germany et al.) on the process of updating the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), with a view to taking action as appropriate, and in line with the outcome of MSC 102, the Committee agreed to postpone consideration of this matter, including document A 31/10/2, to MEPC 76.

### **Outcome of CCC 6**

11.20 The Committee approved the updated biennial status report of the Sub-Committee for the 2018-2019 biennium as set out in the report of CCC 6 (CCC 6/14), annex 11.

11.21 Furthermore, the Committee noted that MSC 102 had approved changing the target completion year of the existing output on "Amendments to the IGF Code and development of guidelines for low-flashpoint fuels" to "continuous", taking into account the work plan for the next phase of the development of the IGF Code.

11.22 In addition, the Committee concurred with the decision of MSC 102 to approve the CCC Sub-Committee's biennial agenda and the provisional agenda for CCC 7, as set out in annexes 25 and 26 to document MSC 102/24, respectively.

#### **MATTERS CONSIDERED DURING THE VIRTUAL MEETING**

##### **Exemption of UNSP barges from survey and certification requirements**

11.23 Having considered the draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements, which had been prepared by III 6 (III 6/15, annex 9), the Committee approved them, as set out in annex 9, and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 76.

11.24 In this connection, the Committee approved, in principle, the draft MEPC.1 circular on guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention, as set out in annex 10 to document III 6/15, with a view to approving the circular at MEPC 76 subject to the associated MARPOL amendments being adopted.

#### **MATTERS DEFERRED TO MEPC 76**

11.25 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of document MEPC 75/11/1 (Secretariat), paragraphs 4.3 and 4.5, to MEPC 76.

## **12 TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT**

12.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 8 on agenda item 12), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/12 (Secretariat), providing an update on the activities implemented under the IMO Integrated Technical Cooperation Programme (ITCP) from 1 January to 31 December 2019;
- .2 MEPC 75/12/1 (Secretariat), providing an update on major projects from 1 January to 31 December 2019;
- .3 MEPC 75/12/2 (REMPEC), providing an update from REMPEC for the period from 1 January to 31 December 2019;
- .4 MEPC 75/12/3 (Kenya), on the outcomes of an ITCP-funded regional workshop for Eastern and Southern Africa on effective implementation and enforcement of MARPOL, building on IMSAS findings;
- .5 MEPC 75/12/4 (Secretariat), providing an update on the work of the Global Industry Alliance to Support Low Carbon Shipping; and

- .6 MEPC 75/12/5 (Norway), on the importance of technical cooperation in meeting objectives of the IMO framework on environmental protection and climate change.

12.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3, as set out in the following paragraphs 12.3 to 12.5.

### **Update on activities under ITCP, REMPEC and Major Projects**

12.3 The Committee noted the information provided in the following documents:

- .1 MEPC 75/12 (Secretariat), on the Organization's 61 technical cooperation activities related to the protection of the marine environment implemented in 2019 under ITCP, in coordination with the UN Environment Regional Seas Programmes, as well as the activities provided under IMO's Major Projects;
- .2 MEPC 75/12/1 (Secretariat), on the activities carried out under IMO's Major Projects related to the protection of the marine environment that are financed by external sources;
- .3 MEPC 75/12/2 (REMPEC), providing an overview of the main decisions of the twenty-first Ordinary Meeting of the Contracting Parties to the Barcelona Convention, which underpins the work of REMPEC, as well as further details on REMPEC's 10 main areas of work related to the protection of the marine environment in the Mediterranean Sea region in 2019; and
- .4 MEPC 75/12/4 (Secretariat), providing an update on the work of the Global Industry Alliance to Support Low Carbon Shipping, within the framework of the GloMEEP project.

### **Outcomes of an ITCP-funded regional workshop for Eastern and Southern Africa on effective implementation and enforcement of MARPOL, building on IMSAS findings**

12.4 The Committee noted the information provided in document MEPC 75/12/3 (Kenya), highlighting the outcomes of a TC workshop addressing barriers hampering full implementation and enforcement of MARPOL in Eastern and Southern African Member States; and, taking into account relevant IMSAS findings, agreed to consider further technical assistance actions (either through ITCP or specific projects) to support the full implementation and enforcement of the MARPOL Convention and its Annexes.

### **Importance of technical cooperation in meeting objectives of the IMO framework on environmental protection and climate change**

12.5 The Committee noted the information set out in document MEPC 75/12/5 (Norway), providing an overview of environment-related projects funded by Norway, which highlighted the results gained from these projects, and inviting other donors to join in such initiatives. The Committee also noted that external donor contributions were key in complementing the Organization's internal resources dedicated to technical assistance.

## **13 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

13.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 9 on agenda item 13), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/13 (Vice-Chair), providing an assessment of capacity-building implications of the amendments to mandatory instruments at MEPC 74; and
- .2 MSC 101/24 (Secretariat), in particular paragraphs 16.5 to 16.7, containing the outcome of MSC 101 with regard to the future assessment of capacity-building implications of amendments to mandatory instruments.

13.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3, as set out in the following paragraphs 13.3 to 13.5.

#### **Assessment of capacity-building implications**

13.3 The Committee noted the information in document MEPC 75/13 (Vice-Chair), setting out the assessment of the implications of the draft amendments to mandatory instruments approved at MEPC 74.

13.4 The Committee agreed that it would not be necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG) at this session.

#### **Future assessment of capacity-building implications of amendments to mandatory instruments**

13.5 The Committee noted the decision of MSC 101 (MSC 101/24, paragraphs 16.5 to 16.7), and concurred that, in the future, the assessment of capacity-building implications of amendments to mandatory instruments would be done at the stage of adoption and that the Drafting Group on Amendments to Mandatory Instruments should henceforth carry out the assessment when considering the final text of such amendments.

### **14 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES**

#### **MATTERS CONSIDERED DURING THE VIRTUAL MEETING**

#### **Biennial agendas of the PPR, CCC and III Sub-Committees and provisional agendas for their forthcoming sessions**

##### ***Sub-Committee on Pollution Prevention and Response (PPR)***

##### ***Biennial agenda of the PPR Sub-Committee and provisional agenda for PPR 8***

14.1 The Committee noted the biennial status report of the Sub-Committee for the 2020-2021 biennium, as set out in annex 19 to document PPR 7/22/Add.1.

14.2 Having considered the proposed reduced provisional agenda for PPR 8 set out in annex 2 to document MEPC 75/WP.4, the Committee:

- .1 noted that PPR 8 had been scheduled to take place from 22 to 26 March 2021;
- .2 approved the reduced provisional agenda for PPR 8, as set out in annex 11; and
- .3 encouraged Member States and international organizations to refrain from submitting documents to PPR 8 that were not directly related to the outcomes of the correspondence and intersessional groups that would report to the



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Sub-Committee, or did not concern the development of a standard for verification of ballast water compliance monitoring systems under Any other business.

### ***Sub-Committee on Carriage of Cargoes and Containers (CCC)***

#### *Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 7*

14.3 The Committee recalled its decisions regarding the biennial status report and biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 7 (paragraphs 11.20 to 11.22).

### ***Sub-Committee on Implementation of IMO Instruments (III)***

#### *Biennial agenda of the III Sub-Committee and provisional agenda for III 7*

14.4 The Committee recalled its decisions regarding the biennial status report and biennial agenda of the III Sub-Committee and the provisional agenda for III 7 (paragraphs 11.12 to 11.14).

### **Status of outputs of MEPC for the 2020-2021 biennium**

14.5 The status of outputs for the 2020-2021 biennium and the post-biennial agenda of MEPC, as prepared by the Secretariat taking into account the outcome of the meeting, are set out in annex 12 and annex 13, respectively.

### **Items to be included in the Committee's agenda for MEPC 76**

14.6 Prior to considering the part of document MEPC 75/WP.4 concerning the items to be included in the agenda for MEPC 76, some delegations expressed concerns with regard to the reduced time that was available for deliberations during 5-day virtual meetings with 3 hours of interpretation on each day, and supported the Committee bringing to the attention of the Council the challenges faced at this session due to time constraints, including the extension of the virtual meeting on some days without interpretation.

14.7 In this context, the delegation of the Cook Islands recalled the proposal it had put forward previously (see paragraph 7.82) for more days to be allocated to future virtual meetings of the Committee and the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG), emphasizing that 5 days of an in-person meeting were equivalent to 8 days of a virtual meeting.

14.8 The Secretariat assured the Committee that the concerns expressed and the proposals made during this session in relation to working arrangements would be taken into account when planning the work for future remote sessions of the Committee and ISWG-GHG, and would also be conveyed to the Council as appropriate.

14.9 In this regard, some delegations expressed the view that the issues surrounding working arrangements should be considered by the Council more broadly, as they were not restricted to MEPC only, with a view to addressing not only the time available during virtual meetings but also, inter alia, the practice of discussing the majority of matters during virtual meetings rather than making effective use of the option of correspondence, taking into account that a remote session had been defined by the Council as one that contained both meetings by correspondence and virtual meetings during the session.

14.10 The delegation of Tuvalu, supported by the delegation of Solomon Islands, recalled that for Pacific States, among others, the virtual meetings of this MEPC session had been taking place between 9 pm and 4 am, depending on the specific time-zone of each State, thus

providing a tangible illustration of the disadvantage that Pacific States systematically faced. In this connection, the delegation of Tuvalu expressed its preference that better working arrangements should include dedicated workstreams on reduction of GHG emissions from ships rather than prolonged MEPC sessions.

14.11 The Committee noted that the Secretariat would use the experience gained from this remote session and from MSC 102 to better facilitate future remote sessions of the Committees and their subsidiary bodies.

14.12 Having agreed that the discussions on working arrangements would be reported to the Council, the Committee proceeded to consider the part of document MEPC 75/WP.4 concerning arrangements for MEPC 76. In this connection, the Committee:

- .1 noted that MEPC 76 had been tentatively scheduled to take place from 10 to 17 June 2021, and that MEPC 77 had been tentatively scheduled to take place from 9 to 12 November 2021;
- .2 approved the items to be included in the agenda for MEPC 76, as set out in annex 1 to document MEPC 75/WP.4;
- .3 agreed that the Chair would issue a document prior to MEPC 76, setting out the proposals by the Chair with regard to arrangements for the session; and
- .4 encouraged Member States and international organizations to take into account the heavy workload of the Committee when considering submitting new documents which were not related to currently considered issues, and to also refrain from submitting proposals for new outputs to MEPC 76.

14.13 The final list of items to be included in the provisional agenda for the Committee's next session, as prepared by the Secretariat in consultation with the Chair, is set out in annex 14.

## **Correspondence groups and intersessional meetings**

### ***Correspondence groups***

14.14 The Committee recalled that it had decided under relevant agenda items to establish the following correspondence groups:

- .1 Correspondence Group on Air Pollution and Energy Efficiency; and
- .2 Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction.

14.15 The Committee also noted that the Correspondence Group on Possible Introduction of EEDI Phase 4, established at MEPC 74, was due to present its final report to MEPC 76.

### ***Intersessional meetings***

14.16 The Committee approved, subject to endorsement by the Council, the holding of:

- .1 an intersessional meeting of the ESPH Technical Group in 2021; and
- .2 the eighth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships from 24 to 28 May 2021.

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## MATTERS DEFERRED TO MEPC 76

14.17 As proposed in document MEPC 75/1/3 (annex 4), the Committee agreed to defer the consideration of documents MEPC 75/14 (Australia et al.), MEPC 75/14/1 (FOEI et al.), MEPC 75/14/2 (Austria et al.), MEPC 75/14/3 (World Maritime University), MEPC 74/17/2 (Canada and France), MEPC 74/17/3 (FOEI et al.), MEPC 74/INF.14 (CMS), MEPC 74/INF.28 and MEPC 74/INF.36 (Canada), and MEPC 75/WP.2 (Secretariat) to MEPC 76.

## 15 APPLICATION OF THE COMMITTEES' METHOD OF WORK

15.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 10 on agenda item 15), the Committee considered by correspondence, prior to the virtual meeting, document MSC 101/24 (Secretariat), in particular paragraph 20.2, containing the outcome of MSC 101 with regard to the draft revised Committees' method of work.

15.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3 and, having noted that MSC 101 had approved the revised Committees' method of work, as set out in annex 29 to document MSC 101/24/Add.1, subject to concurrent approval by MEPC, approved MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, incorporating the corrections that had previously been issued as MSC-MEPC.1/Circ.5/Rev.1/Corr.1.

## 16 ANY OTHER BUSINESS

16.1 In accordance with the arrangements for the remote session, as outlined in document MEPC 75/1/3 (paragraphs 9 to 12) and its annex 3 (section 11 on agenda item 16), the Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 MEPC 75/16 (Secretariat), providing an update on recent inter-agency activities;
- .2 MEPC 75/16/1 (Secretariat), providing an update on the intergovernmental conference on marine biodiversity of areas beyond national jurisdiction (BBNJ);
- .3 MEPC 74/17 and Add.1 (Secretariat), providing an update on recent inter-agency activities;
- .4 MEPC 74/INF.15 (Secretariat), providing information on the Global Integrated Shipping Information System (GISIS);
- .5 MEPC 74/INF.16 (Secretariat), on the calculation of recycling capacity for meeting the entry-into-force conditions of the Hong Kong Convention; and
- .6 MEPC 74/INF.29 (Australia et al.), providing information on informal biofouling discussions.

16.2 During the virtual meeting, the Committee reconfirmed the Chair's proposals in annex 3 to document MEPC 75/1/3, as set out in the following paragraphs 16.3 to 16.7.

### **Inter-agency cooperation activities on issues relating to the protection of the marine environment**

16.3 The Committee noted the information contained in documents MEPC 74/17, MEPC 74/17/Add.1, MEPC 75/16 and MEPC 75/16/1 (Secretariat), providing an update on recent work carried out by the Secretariat, in cooperation with other United Nations agencies, on issues relating to the protection of the marine environment; and additional information with respect to the outcome of the second and third sessions of the intergovernmental conference on marine biodiversity of areas beyond national jurisdiction (BBNJ).

16.4 The Committee requested the Secretariat to continue to update it with any significant inter-agency cooperation relating to the work of the Committee.

### **Status of the Hong Kong Convention**

16.5 The Committee noted the information provided in document MEPC 74/INF.16 (Secretariat), outlining the calculation of recycling capacity for meeting the entry-into-force conditions of the Hong Kong Convention; and invited Member States to ratify the Hong Kong Convention if they had not already done so.

### **Update on information sharing on biofouling**

16.6 The Committee noted document MEPC 74/INF.29 (Australia et al.), providing an update on informal discussions and information sharing on biofouling, including a summary of a meeting of interested parties held in the margins of MEPC 73, chaired by Australia and New Zealand.

### **Enhancements to GISIS**

16.7 The Committee noted the information in document MEPC 74/INF.15 (Secretariat), informing the Committee of recent enhancements to GISIS modules relevant to IMO's environmental conventions.

## **17 ELECTION OF THE CHAIR AND VICE-CHAIR FOR 2021**

17.1 The Committee, in accordance with rule 18 of its Rules of Procedure, unanimously re-elected Mr. H. Saito (Japan) as Chair and Mr. H. Conway (Liberia) as Vice-Chair, both for 2021.

## **18 ACTION REQUESTED OF OTHER IMO ORGANS**

18.1 The Council, at its 125th session, is invited to:

- .1 consider the report of the seventy-fifth session of MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirty-second session of the Assembly;
- .2 note that the Committee adopted amendments to MARPOL Annex VI and the BWM Convention (section 3 and annexes 1 and 2);
- .3 note the action taken by the Committee on issues related to ballast water management, in particular the approval of ballast water management systems that make use of Active Substances (section 4);

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- .4 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the adoption of resolution MEPC 326(75) on *2020 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* (sections 5 and 6 and annex 3);
  - .5 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the adoption of resolution MEPC.327(75) on *Encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships*; the approval of the draft amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping; the approval of the terms of reference and arrangements for conducting a comprehensive impact assessment of the short-term measure; the approval of the Fourth IMO GHG Study 2020; and the consideration of a proposal co-sponsored by several industry associations for the development of a research and development (R&D) programme to accelerate the introduction of low-carbon and zero-carbon technologies and fuels (section 7 and annexes 4 to 6);
  - .6 note the action taken by the Committee on the outcome of PPR 7, in particular the endorsement of the evaluation of products and cleaning additives by the PPR Sub-Committee and the development of associated guidance; the approval of the draft amendments to annexes 1 and 4 to the AFS Convention; the approval of MEPC.1/Circ.889 on *2020 Guidelines for onboard sampling of fuel oil intended to be used or carried for use on board a ship*; the approval of BWM.2/Circ.70/Rev.1 on *2020 Guidance for the commissioning testing of ballast water management systems*; the approval of BWM.2/Circ.42/Rev.2 on *2020 Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)*; and the approval of the draft amendments to MARPOL Annex I concerning prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters (section 10 and annexes 7 and 8);
  - .7 note that the Committee took a decision concurrent with that of MSC 102 on the outcome of HTW 6 regarding a conversion of STCW model courses into e-learning model courses (paragraph 11.3 to 11.5);
  - .8 note the action taken by the Committee on the outcome of III 5 and III 6, in particular that the Committee took a decision concurrent with that of MSC 102 to instruct the III Sub-Committee to consider the CASRs completed in 2017 and 2018 and to report to the Committees the outcome of its consideration; that the Committee took a decision concurrent with that of MSC 102 concerning replacement of references to resolutions A.739(18) and A.789(19) in existing IMO instruments with those of the mandatory parts of the RO Code; and the approval of draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements (section 11);
  - .9 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment (section 12);
  - .10 note the status report of the outputs of MEPC for the 2020-2021 biennium (paragraph 14.5 and annex 12);

- .11 consider how to better facilitate future remote sessions of the Committees and their subsidiary bodies, taking into account the concerns expressed and the proposals made during MEPC 75 in relation to working arrangements (paragraphs 14.6 to 14.11);
  - .12 note that the Committee approved the items to be included in the provisional agenda of MEPC 76 (paragraph 14.13 and annex 14);
  - .13 endorse the holding of the eighth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships, from 24 to 28 May 2021, and an intersessional meeting of the ESPH Working Group in 2021 (paragraph 14.16); and
  - .14 note that the Committee approved MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (paragraph 15.2).
- 18.2 The Maritime Safety Committee, at its 103rd session, is invited to:
- .1 note that the Committee approved MSC-MEPC.5/Circ.7/Rev.1 on *Guidance on the timing of replacement of existing certificates by revised certificates as a consequence of the entry into force of amendments to chapters 17 and 18 of the IBC Code* (paragraph 10.5);
  - .2 note that the Committee endorsed PPR.1/Circ.9 on *Revised carriage requirements for methyl acrylate and methyl methacrylate* (paragraph 10.9);
  - .3 note that the Committee took a decision concurrent with that of MSC 102 on the outcome of HTW 6 regarding a conversion of STCW model courses into e-learning model courses (paragraph 11.3 to 11.5);
  - .4 note that the Committee concurred with the decisions made and action taken by MSC 101 with regard to the outcome of the analysis of the first Consolidated Audit Summary Report (CASR) under the IMO Member State Audit Scheme (paragraph 11.15);
  - .5 note that the Committee instructed the III Sub-Committee to consider the CASRs completed in 2017 and 2018 and report to the Committees the outcome of its consideration (paragraph 11.17);
  - .6 note that the Committee took a decision concurrent with that of MSC 102 concerning replacement of references to resolutions A.739(18) and A.789(19) in existing IMO instruments with those of the mandatory parts of the RO Code (paragraph 11.18);
  - .7 note that the Committee took a decision concurrent with that of MSC 101 that, in the future, the assessment of capacity-building implications of amendments to mandatory instruments would be done at the stage of adoption and that the Drafting Group on Amendments to Mandatory Instruments should henceforth carry out the assessment when considering the final text of such amendments (paragraph 13.5); and

- .8 note that the Committee approved MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (paragraph 15.2).

18.3 The Technical Cooperation Committee, at its seventieth session, is invited to:

- .1 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the approval of the draft amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping; and the approval of the terms of reference and arrangements for conducting a comprehensive impact assessment of the short-term measure (section 7 and annexes 5 and 6);
- .2 invite TC 70 to consider possible means of resource mobilization for assisting developing countries, in particular LDCs and SIDS, to complement any response if the comprehensive impact assessment of the short-term measure were to find that there were likely to be disproportionately negative impacts on those States (paragraph 7.42 to 7.44); and
- .3 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment (section 12).

18.4 The Technical Cooperation Committee, at its seventy-first session, is invited to note the action taken by the Committee on the outcome of HTW 6, in particular that the Committee noted the advice of the Sub-Committee regarding a conversion of STCW model courses into e-learning model courses; and took a decision concurrent with that of MSC 102 to request the III Sub-Committee to consider how e-learning training material could assist with the implementation of instruments other than the STCW Convention and to endorse the systematic use of the Model Course Trust Fund to hire experts for the development and revision of model courses, subject to the Secretariat's contracting process, to be applied to all IMO bodies dealing with model courses, as necessary (paragraph 11.3 to 11.5).

18.5 The session was adjourned on 7 December 2020, following the conclusion of the 5-day correspondence period provided in accordance with paragraph 21 of the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (ALCOM/ES/5/1, annex 1).

*(The annexes to this report have been issued as document MEPC 75/18/Add.1)*

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