

## NON-PAPER

### ON THE POSITION OF THE UNION FOR THE 78<sup>TH</sup> SESSION OF THE IMO MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC 78) (06 to 10 JUNE 2022)

The annotated agenda is presented to the Council with the view to establishing the EU positions on agenda items for the 78<sup>th</sup> session of the IMO Marine Environment Protection Committee (MEPC 78).

This document lists all received documents on issues of EU relevance<sup>1</sup>.

The comments by the Commission are printed in *italics*. The proposed position of the Union is printed in ***bold italics***.

Should Member states wish to express a position on matters not covered by the Union position, in accordance with the principle of loyal cooperation they shall refrain from any measure that may jeopardise the attainment of the Union's objectives.

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<sup>1</sup> Based on documents received up to 

## **Agenda item 1 – Adoption of the agenda**

**Docs:** MEPC 78/1, MEPC 78/1/1

MEPC 78/1 (Secretariat): provides the provisional agenda of MEPC 78.

MEPC 78/1/1 (Chair): sets out the proposals by the Chair with regard to arrangements for the remote session.

### **Consideration at MEPC 78**

*In MEPC 78/1/1, the Chair proposes how he would deal with submissions postponed from previous sessions of MEPC as well as submissions to this session: by correspondence prior to the virtual meeting; during the virtual meeting; or deferred to MEPC 79. In view of the backlog of submissions that have not been dealt with during previous MEPC sessions, and in order to allow sufficient time for the deliberation of important agenda items, such as the Reduction of GHG emissions from ships, the Chair, following the consultation with the Secretariat, proposes the extension of meeting hours of plenary sessions of MEPC 78 from the normal 3 hours to 5 hours, with a 30-minute break.*

*The document also proposes the establishment of the following virtual groups:*

- a. Ballast Water Review Group;*
- b. Drafting Group on Amendments to Mandatory Instruments; and*
- c. Technical Group on Designation of Special Areas under MARPOL to consider the proposal to designate the Mediterranean Sea as an Emission Control Area for sulphur oxides (MEPC 78/11).*

*It is expected that the virtual groups will start work on Monday morning based on terms of reference to be approved by the Committee before the groups are released, a draft of which are proposed in MEPC 78/1/1.*

*It should also be noted that submissions and the relevant Union positions, under Agenda items 6 (Energy Efficiency of Ships), 7 (Reduction of GHG emissions from ships), 9 (Pollution prevention and response), 10 (Reports of other sub-committees) and 15 (Any other business), deferred to this session by MEPC 77, are included in this document for ease of reference.*

## **Agenda item 2 – Decisions of other bodies**

**Docs:** MEPC 78/2, MEPC 78/2/1-4

MEPC 78/2 (Secretariat): reports on the outcomes of the forty-third Consultative Meeting of Contracting Parties to the London Convention 1972 and the sixteenth Meeting of Contracting Parties to the 1996 Protocol to the London Convention.

MEPC 78/2/1 (Secretariat): provides information on the outcome of TC 71 relevant to the work of the Committee.

MEPC 78/2/2 (Secretariat): reports on the outcome of MSC 104 on matters of interest to the Committee.

MEPC 78/2/3 (Secretariat): reports on the outcomes of A 32 and C/ES.34 on matters of interest to the Committee.

MEPC 78/2/4 (Secretariat): reports on the outcome of C/ES.35, held to discuss the impacts on shipping and seafarers of the situation in the Black Sea and the Sea of Azov.

*The issues raised in the documents under this agenda item may be dealt with under their respective agenda items. However, of interest to the EU are the following issues:*

*a. GHG matters MEPC 78/2/1*

*MEPC 76 had requested TC 71 to consider ways to provide enhanced support in the first years of implementation of the GHG reduction measure contained in newly adopted amendments to MARPOL Annex VI. TC 71 noted that, notwithstanding the approved new global programme on "Reducing atmospheric emissions from ships and in ports and effective implementation of MARPOL Annex VI and the Initial IMO GHG Strategy," it was important that Member States and, in particular, SIDS and LDCs were clear about what technical cooperation support they needed. Therefore, Member States in need of technical assistance, including for conducting their own impact assessments, were invited to submit their requests to the IMO Technical Cooperation Department. To this end, a number of major projects under the purview of the Department of Partnerships and Projects were under way and might be of assistance in providing analysis and data. Member Governments and international organizations were also encouraged to make financial contributions to the GHG TC-Trust Fund.*

*b. Safety related issues (MEPC 78/2/2)*

*MSC 104 is requesting MEPC 78 to:*

- i. concur with its decision to instruct III 8 to consider matters related to proposed amendments to the HSSC Survey Guidelines and report back to the Committees accordingly;*
- ii. concurrently approve the draft Assembly resolutions on Procedures for port State control, on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021, and on 2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code); and*
- iii. concurrently approve the draft MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration.*

*c. Ukraine – Russia conflict (MEPC 78/2/4)*

*MEPC 78/2/4 reports on the outcome of the 35<sup>th</sup> extraordinary session of the IMO Council (10 to 18 March 2022) which discussed the impacts on shipping and seafarers of the situation in the Black Sea and the Sea of Azov. The Council agreed to encourage the establishment, as a provisional and urgent measure, of a blue safe maritime corridor to allow the safe evacuation of seafarers and ships from the high-risk and affected areas in the Black Sea and the Sea of Azov. The Council also requested the IMO Committees to consider ways to enhance the efforts of Member States and observer organizations in supporting affected seafarers and commercial vessels and consider the implications of this situation for the implementation of the Organization's instruments, take appropriate action and report back to Council. Therefore, the Committee has to discuss this issue and to decide on the appropriate actions.*



### **Agenda item 3 - Consideration and adoption of amendments to mandatory instruments**

**Docs:** MEPC 78/3, MEPC 78/3/1-3

MEPC 78/3 (Secretariat): to consider, with a view to adoption, proposed amendments to MARPOL Annex I concerning watertight doors.

MEPC 78/3/1 (Secretariat): to consider, with a view to adoption, proposed amendments to appendix I of MARPOL Annex II related to the Abbreviated legend of the revised GESAMP Hazard Evaluation Procedure.

MEPC 78/3/2 (Secretariat): to consider, with a view to adoption, proposed amendments to the IBC Code concerning watertight doors.

MEPC 78/3/3 (China): comments on draft amendments to MARPOL Annex I and the IBC Code concerning watertight doors.

### **Agenda item 4 - Harmful aquatic organisms in ballast water**

**Docs:** MEPC 78/4, MEPC 78/4/1-14, MEPC 78/INF.2, MEPC 78/INF.6, MEPC 78/INF.8, MEPC 78/INF.11, MEPC 78/INF.17

MEPC 78/4 (IACS): raises concerns about the temporary storage of treated sewage and grey water in the ballast tanks and seeks clarification from the Committee on the permission of such practice under the BWM Convention; also, the document provides possible approaches to be considered, if the permission of such practice is confirmed.

MEPC 78/4/1 (Secretariat): provides the data analysis report on the experience-building phase (EBP) associated with the Ballast Water Management (BWM) Convention.

MEPC 78/4/2 (Secretariat): provides a summary of the outcome of the Ninth Stocktaking Workshop on the activity of the GESAMP-Ballast Water Working Group.

MEPC 78/4/3 (BEMA): proposes amendments to update the Guidance on contingency measures under the BWM Convention (BWM.2/Circ.62) to reflect implementation experience gained and to

provide a mechanism to address the need for guidance related to ships operating at ports with challenging water quality.

MEPC 78/4/5 (Denmark and Sweden): The Swedish and Danish authorities have designated Öresund between Sweden and Denmark as a Same Risk Area (SRA). This designation is based on a conservative approach in interpreting the results of extensive model studies as informed in document MEPC 74/INF.30. The Swedish and Danish authorities have received a total of five applications from the ferries operating in Öresund between the ports of Helsingborg in Sweden and Elsinore in Denmark, and all five applications have been granted an exemption. It is currently not possible to register exemptions based on an SRA in GISIS.

MEPC 78/4/6 (Republic of Korea): provides a discussion of fundamental elements regarding guidance on measures that may be taken when BWMS encounter challenging uptake water quality and proposes to amend BWM.2/Circ.62 to facilitate ships operating at ports with challenging water quality (PCWQ) conditions.

MEPC 78/4/7 (China): proposes to amend the example ballast water reporting form in the appendix of the annex to resolution MEPC.288(71).

MEPC 78/4/8 (China): provides elements for further consideration for employing ballast water exchange plus treatment (BWE+BWT) as an approach of ballast water management to ensure consistent implementation of the BWM Convention.

MEPC 78/4/9 (Russian Federation): contains proposals regarding the application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 to specific ship types, in particular to multipurpose salvage ships.

MEPC 78/4/10 (Australia, Canada, Finland, Germany, Ireland, Marshall Islands, Netherlands, New Zealand, Republic of Korea and Singapore): proposes that a plan be adopted to guide the holistic review of the BWM Convention which was agreed as part of the ballast water experience-building phase. This may facilitate the Committee's discussions on the implementation of the Convention.

MEPC 78/4/11 (Japan): comments on document MEPC 78/4/1 and provides the result of Japan's study on the annual amount of problems with ballast water management systems (BWMS) on board ships between 2018 and 2021. The number of problems per ship has decreased in 2020-2021 compared to 2018-2019. This seems to be because the systems have become mature and stable, and crews have got more familiar with the systems. This improvement should be noted for the future discussions on the review of the Ballast Water Management Convention.

MEPC 78/4/12 (Liberia, Marshall Islands, INTERTANKO and INTERCARGO): presents further considerations on actions to be taken by ships and flag Administrations when a ship visits a port with challenging water quality (PCWQ).

MEPC 78/4/13 (India): provides comments on document MEPC 78/4 and highlights additional issues, proposing additional measures to resolve the issue raised in that document for further consideration by the Committee.

MEPC 78/4/14 (India): provides comments in support of documents MEPC 78/4/8 submitted by China and MEPC 78/4/6 submitted by the Republic of Korea, and provides additional justification on the ballast water exchange plus treatment (BWE+BWT) application as a contingency measure.

MEPC 78/INF.2 (Norway): provides information to the Organization by the Norwegian Maritime Authority that it has type approved the CleanBallast® - Ocean Barrier System ballast water management system (CB-OBS BWMS) manufactured by RWO GmbH in accordance with the Code

for Approval of Ballast Water Management Systems (BWMS Code) in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

MEPC 78/INF.6 (Norway): provides information to the Organization by the Norwegian Maritime Authority on the amendment of the type approval of the Ecochlor® ballast water management system (BWMS) manufactured by Ecochlor, Inc. in accordance with the Code for Approval of Ballast Water Management Systems (BWMS Code) in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

MEPC 78/INF.8 (France): provides information to the Organization on the type approval granted to the BIO-SEA® BWTS ballast water management system, manufactured by BIO-UV Group, by the French Administration in compliance with regulation D-3.1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. The approval was carried out in accordance with the Code for Approval of Ballast Water Management Systems (BWMS Code) and relevant BWM.2 circulars.

MEPC 78/INF.11 (Global TestNet): summarizes information the Global TestNet members have produced over the last five years that may be useful in evaluating the data gathered during the experience-building phase. All information is publicly available.

MEPC 78/INF.17 (INTERTANKO): presents updated information on reports submitted by INTERTANKO members relating to ships that experienced issues with their ballast water management systems (BWMS) at ports with challenging water quality (PCWQ).

### **Agenda item 5 – Air pollution prevention**

**Docs:** MEPC 78/5, MEPC 78/5/1, MEPC 78/INF.4, MEPC 78/INF.10

MEPC 78/5 (India): Further to document MEPC 76/7/32 (India) on the biodiesel trials that were performed on ships, as allowed by MARPOL Annex VI, regulation 3.2 on Trials for ship emission reduction and control technology research, this submission is a proposal for the development of interim guidelines for use of biofuel blends on ships.

MEPC 78/5/1 (China): proposes amendments to MEPC.1/Circ.864/Rev.1.

MEPC 78/INF.4 (Secretariat): summarizes relevant information reported to IMO related to the implementation of the global 0.50% sulphur limit (IMO2020) and presents the results of the sulphur monitoring programme for 2021.

MEPC 78/INF.10 (France): provides the results of a marine engine bench measurement campaign intended to evaluate the impact of different blend ratio of biodiesels on the engine NOx and Black Carbon emissions. The results clearly indicate that, in this measurement campaign, the use of Fatty Acid Methyl Ester (FAME) blended in conventional VLSFO did not overall increase the engine NOx and Black Carbon emissions compared to conventional fossil fuels.

*a) Alternative fuels: Biofuels (MEPC 78/5)*

### **EU relevance**

*This issue falls under Union exclusive competence.*



*Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources establishes a common framework for the promotion of energy from renewable sources. It sets a binding Union target for the overall share of energy from renewable sources in the Union's gross final consumption of energy in 2030. It also establishes sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels.*

*Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure establishes a common framework of measures for the deployment of alternative fuels infrastructure in the Union in order to minimise dependence on oil and to mitigate the environmental impact of transport.*

*In addition, the Communication from the Commission of 24 January 2013 entitled 'Clean Power for Transport: A European alternative fuels strategy', identifies biofuels as one of the principal alternative fuels.*

### Background

*The Initial IMO strategy on reduction of GHG emission from ships was adopted at MEPC 72. It defines an emission reduction objective of at least 50% reduction by 2050 compared to 2008 annual GHG emissions coupled with a vision for the decarbonisation of the sector. MEPC 76 adopted short-term measures in the form of amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping along with associated guidelines.*

### Consideration at MEPC 78

*In MEPC 78/5, India proposes the development of interim guidelines for use of biofuel blends on ships to promote the safe use of biofuels [REDACTED] by ships as an interim solution to reduce GHG emissions until such time that more viable alternative fuels are made available for maritime use. In this regard India shares its experience on biofuel used on ships. [REDACTED] while paragraph 25 is referred for the consideration of ISWG-GHG 13. [REDACTED]*

#### *b) Sulphur in marine fuel oil (MEPC 78/5/1)*

### EU relevance

*The Union has exclusive competence in the matter.*

*The sulphur-in-fuel-related requirements and implementing provisions of the revised MARPOL Annex VI have been reflected in Directive (EU) 2016/802 as regards the sulphur content of certain liquid fuels (codifying Directive 1999/32/EC and all subsequent amendments including Directive 2012/33/EU of 21 November 2012).*

### Background

*The 2019 Guidelines for on board sampling for the verification of the sulphur content of the fuel oil used on board ships (MEPC.1/Circ.864/Rev.1) were adopted by MEPC 74. Subsequently, MEPC 75 adopted amendments to MARPOL Annex VI concerning procedures for sampling and verification of the sulphur content of fuel oil and the Energy Efficiency Design Index (EEDI) (resolution MEPC.324(75), including a new paragraph 8 on "in-use and onboard fuel oil sampling and testing" in regulation 14 on Sulphur oxides (SOX) and particulate matter.*

#### Consideration at MEPC 78

*In MEPC 78/5/1, China proposes amendments to MEPC.1/Circ.864/Rev.1 to provide for instances when ships navigate in cold regions and use fuel oil with a poor performance of cold fluidity under a low-temperature environment as well as to ensure that sufficient quantity of fuel oil is collected to carry out the required tests. In MEPC 78/1/1, the Chair proposes that this submission is referred for the consideration of the PPR Sub-Committee.*

#### Agenda item 6 – Energy efficiency of ships

**Docs:** MEPC 74/5, MEPC 74/5/6, MEPC 75/6/4, MEPC 76/6, MEPC 76/6/3, MEPC 76/6/5, MEPC 76/6/9, MEPC 76/INF.27, MEPC 77/6/2, MEPC 77/INF.29, MEPC 78/6, MEPC 78/6/1, MEPC 78/INF.3

MEPC 74/5 (IACS): provides information related to the technical consequences on ship machinery design due to the implementation of the EEDI requirements.

MEPC 74/5/6 (ICS, ITF and ASEF): call the attention of the Committee to a range of technical issues and challenges which will need to be considered in order to properly evaluate further evolution of the EEDI regulation and facilitate informed decision making. The co-sponsors also provide proposals to improve the processes of the Organization when considering EEDI reduction rates.



MEPC 75/6/4 (INTERTANKO): is in response to the ongoing activity on EEDI review beyond Phase 2. It provides information on a study assessing options VLCCs may have to meet the EEDI Phase 3 required values using traditional design techniques. The study could not find solutions to challenges assessed in this document. Since the main difficulty in achieving EEDI Phase 3 levels rests with the initial definition of the EEDI baseline for tankers, the document indicates that VLCCs may fall out of use in favour of smaller tankers. The Committee is invited to note the inherent consequences which may eliminate the VLCC design which is the most fuel and energy efficient ship type ever built.

MEPC 76/6 (Japan as coordinator of the Correspondence Group): provides the final report of the Correspondence Group on Possible Introduction of EEDI Phase 4 established at MEPC 74.

MEPC 76/6/3 (China): seeks clarification on the requirements of EEDI data reporting specified in regulation 20.3 of MARPOL Annex VI, as adopted by resolution MEPC.324(75) and proposes a unified interpretation to address this issue.

MEPC 76/6/5 (CESA): highlights the need to consider one unresolved issue regarding the application of EEDI Phase 3 requirements to cruise passenger ships having non-conventional propulsion. CESA recommends expanding the time interval between contract and delivery date with a view to addressing problems related to the COVID-19 pandemic, which induced reduction of productivity and prolongation of building schedules, in particular in relation to series production of cruise ships.

MEPC 76/6/9 (IACS): proposes amendments to the revised 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships, to add a CF conversion factor between fuel consumption and CO<sub>2</sub> emissions to be applied for ethane fuel.

MEPC 76/INF.27 (Japan): provides comments received during the work of the Correspondence Group on Possible Introduction of EEDI Phase 4 after the submission of the interim report to MEPC 75.

MEPC 77/6/2 (Germany): describes the revision of the shaft power limitation concept. After introduction of the shaft/engine power limitation for EEXI requirements, a comparison with the corresponding concept for EEDI compliance is performed and similarities and differences are highlighted.

MEPC 77/INF.29 (Germany): provides changes to the related Guidelines for the Shaft Power Limitation concept for EEDI as described in document MEPC 77/6/2.

MEPC 78/6 (ITTC): introduces updates to the ITTC recommended procedures and guidelines concerning the determination and verification of the EEDI requirements.

MEPC 78/6/1 (India): proposes a possible correction to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships (resolution MEPC.308(73)).

MEPC 78/INF.3 (Secretariat): provides the eleventh summary of data and graphical representations of the information in the EEDI database.

#### EU relevance

*The Union has competence in the matter.*

*The Energy Efficiency Design Index (EEDI) is linked to Regulation (EU) 2015/757 on the monitoring, reporting and verification of CO<sub>2</sub> emissions from maritime transport, as it is one of the parameters to be reported and published on a per-ship basis. The commitment by the EU and the relevant legal instruments and policies adopted to reduce GHG emissions, including from shipping, are further described under agenda item 7.*

*The Commission's Sustainable Blue Economy Communication notes that "A sustainable blue economy offers many solutions to achieve the European Green Deal objectives. Many of the current activities need to reduce their carbon footprint, while new, carbon-neutral activities need to take centre stage. The blue economy can contribute to carbon neutrality by developing offshore renewable energy and by greening maritime transport and ports."*

### Background

*Regulation 21.6 of MARPOL Annex VI requires that, at the beginning of phase 1 (1 January 2015) and at the midpoint of phase 2 (1 July 2022) of the required EEDI reductions, the IMO shall review the status of technological developments to implement the EEDI and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and the reduction rates set out in regulation 21. For this purpose, MEPC 67 established a Correspondence Group (CG) to undertake the review of the status of technological developments. Following discussions of the Correspondence Group recommendations, MEPC 70 decided for (1) no revision of the current reference points for Phase 2 (2020), despite a lack of challenge for most vessel types; (2) earlier review of Phase 3 requirements in view of advancing to 2022 (as opposed to 2025); and (3) the possibility of a Phase 4. MEPC 71 decided to establish a Correspondence Group on EEDI review beyond phase 2 in order to review the status of technological developments relevant to implementing the EEDI regulations beyond phase 2.*

*At MEPC 73, the Committee decided not to approve the draft amendments to Regulation 21 of MARPOL Annex VI proposed by the Working Group on Air Pollution and Energy Efficiency on EEDI phase 3 requirements (MEPC 73/WP.7, annex 3). As a follow-up, the Committee invited the Correspondence Group on Air Pollution and Energy Efficiency to give further consideration to the matter and asked for concrete proposals to MEPC 74, with a view to approval at that session.*

*MEPC 74 finalised draft amendments to regulation 20 on the mandatory reporting of attained EEDI as well as amendments to regulation 21 to strengthen the EEDI by advancing the starting year of EEDI phase 3 to 2022. The Committee also approved draft amendments to the 2018 Guidelines on the Method of Calculation of the Attained Energy Efficiency Design Index (EEDI) for new ships (resolution MEPC.308 (73)) but deferred the adoption of paragraphs 4 and 5 to MEPC 75 to coincide with the adoption of the draft revised regulation 20.3 of MARPOL Annex VI.*

*MEPC 75 adopted amendments to regulation 21 to strengthen the EEDI by advancing the starting year of EEDI phase 3 to 2022. It also noted the progress of the Correspondence Group on Possible Introduction of EEDI Phase 4, and instructed it to continue its work and to submit its final report to MEPC 76. The latter Committee session deferred all documents related to EEDI Phase 4 to MEPC 78, but approved amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships; and the unified interpretation to clarify the dates related to EEDI Phase 2 and 3 for "new ships", as draft amendments to circular MEPC.1/Circ.795/Rev.4.*

### Consideration at MEPC 78



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Agenda item 7 – Reduction of GHG emissions from ships**

**Docs:** MEPC 75/7/10, MEPC 76/7/17, MEPC 76/7/22, MEPC 76/7/32, MEPC 78/7, MEPC 78/7/1-28, MEPC 78/INF.5, MEPC 78/INF.7, MEPC 78/INF.12-14, MEPC 78/INF.16, MEPC 78/INF.18-25

MEPC 75/7/10 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC): contains a proposal to include all greenhouse gases emitted from ships in future phases of the Energy Efficiency Design Index, beginning with Phase 4.

MEPC 76/7/17 (Republic of Korea): provides proposed amendments to the current EEDI and EEXI calculation formulas to reflect on board CO<sub>2</sub> capture (CO<sub>2</sub> removal).

MEPC 76/7/22 (Denmark, France, Greece, Japan, Singapore and ICS): draws the attention of the Committee to the conditions for maintaining the NO<sub>x</sub> certification of engines in the context of the use of biofuels which could be used by ships to comply with the short-term measures NO<sub>x</sub>.

MEPC 76/7/32 (India): MARPOL Annex VI regulation 3.2 contains provisions for undertaking "Trials for ship emission reduction and control technology research". India has utilized the said provision with the aim to gather information on NO<sub>x</sub> emission results for biodiesel blends in existing ship's diesel engines. Since the environmental conditions of test beds are difficult to achieve on board, the NO<sub>x</sub> measurement was carried out for both LSHSD (low sulphur high speed diesel) and biodiesel blends under similar environmental conditions and the results compared. The results obtained under regulation 3.2 provide realistic evidence of the impact of NO<sub>x</sub> emissions of such biodiesel blends as compared to LSHSD (DM-grade according to ISO 8217).

MEPC 78/7 (WSC): identifies six strategic elements that WSC considers critical to address as IMO considers the specific regulatory initiatives, market-based measures and related programmes that will be necessary to successfully navigate a major energy transition in the commercial maritime sector.

MEPC 78/7/1 (Finland): In accordance with resolution MEPC.327(75), Finland shares its National Action Plan to address GHG emissions from ships. Finland's National Action Plan was adopted in the form of a Government Resolution in May 2021. The Resolution confirms national measures and Government priorities for exerting influence internationally to reduce GHG emissions from maritime and inland waterway transport. This submission summarizes the national measures in the Resolution.

MEPC 78/7/2 (ICS): suggests some specific text to be considered for inclusion in the Revised Strategy. This includes, inter alia, a reference to a net zero emissions target for 2050 which doubles

the level of ambition in the current Initial Strategy. ICS has prepared these text suggestions to help facilitate discussion by the Committee but remains open to considering other ideas that may be suggested as the Revised Strategy is developed.

MEPC 78/7/3 (Liberia, Nigeria, Palau, Singapore, ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO, IPTA, IMCA, INTERFERRY and WSC): To expedite approval of the necessary amendments to MARPOL Annex VI, the co-sponsors suggest some adjustments to the proposal to establish the IMRB and IMRF as set out in document MEPC 76/7/7 (Denmark et al.). These seek, inter alia, to make the package more attractive to developing countries by making significant funds available (potentially some \$50 million annually) to the GHG TC-Trust Fund. These adjustments will also increase opportunities for companies and research institutes in any Member State to participate in the applied R&D programmes which the IMRB will commission and to benefit from the knowledge and insights which will be generated by these programmes in support of their own GHG reduction efforts.

MEPC 78/7/4 (India): highlights a few issues that may be taken into account during revision of the Initial IMO Strategy on Reduction of GHG Emissions from Ships adopted in 2018 (Resolution MEPC.304(72)).

MEPC 78/7/5 (Japan): proposes to introduce Zero Emission Vessels (ZEVs) Incentive Scheme to provide incentives for stakeholders in the maritime and energy sectors to promote necessary investments to enable effective deployment of zero-emission fuels and necessary support for States, in particular small island developing States (SIDS) and least developed countries (LDCs), to make equitable transition to reduce GHG emissions from international shipping.

MEPC 78/7/6 (CSC): The dual legal obligations imposed by the Paris Agreement and the UN Law of the Sea mean that States have a duty to reduce emissions from international shipping via national and regional regulation, in line with the Paris Agreement temperature goals.

MEPC 78/7/7 (China, Japan and the European Commission): provides the overview of the Correspondence Group on Carbon Intensity Reduction established at MEPC 76. The summary of discussions and actions requested of the Committee are included in the report of the Correspondence Group focusing on each item under the Terms of Reference (documents MEPC 78/7/8 to MEPC 78/7/12), while summaries of comments provided in the Correspondence Group are set out in documents MEPC 78/INF.18 to MEPC 78/INF.22.

MEPC 78/7/8 (China, Japan and European Commission): provides the report of the Correspondence Group on Carbon Intensity Reduction established at MEPC 76 on TORs 1 and 4.1.

MEPC 78/7/9 (China, Japan and European Commission): provides the report of the Correspondence Group on Carbon Intensity Reduction established by MEPC 76 on TOR 2.1 to 2.3.

MEPC 78/7/10 (China, Japan and the European Commission): provides the report of the Correspondence Group on Carbon Intensity Reduction established at MEPC 76, on TOR 2.4.

MEPC 78/7/11 (China, Japan and European Commission): provides the report of the Correspondence Group on Carbon Intensity Reduction established at MEPC 76, on TOR 3.

MEPC 78/7/12 (China, Japan and European Commission): provides the report of the Correspondence Group on Carbon Intensity Reduction established at MEPC 76, on TOR 5.

MEPC 78/7/13 (Republic of Korea): provides comments on the outcomes of ISWG-GHG 11 in relation to the Lifecycle Assessment (LCA) Guidelines, in particular, the measurement of actual

methane slip emissions from LNG dual fuel engines in terms of Tank-to-Wake (TtW) emission factors by using the relevant procedures specified in the NOx Technical Code 2008.

MEPC 78/7/14 (Australia, Canada, Jamaica, Japan, New Zealand, Norway, Solomon Islands, United Kingdom and United States): proposes that the Committee establishes a dedicated session of the Intersessional Working Group on Reduction of Greenhouse Gas Emissions from Ships between MEPC 78 and MEPC 79 to develop a revised Strategy.

MEPC 78/7/15 (ICS and INTERTANKO): addresses the considerations of ships using cargo as a fuel and proposes additional text to the draft amendments to the 2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP).

MEPC 78/7/16 (ICS and INTERTANKO): provides comments on the report of the Correspondence Group on Carbon Intensity Reduction regarding its TOR 3, as set out in document MEPC 78/7/11 (China et al.). This document outlines the need to address the elements listed in this submission prior to entry into force of the GHG short-term measure.

MEPC 78/7/17 (Liberia): proposes Guidance for the Administration in case of use of a power reserve by un-limiting the shaft / engine power limitation to ensure a uniform and consistent approach among Administrations.

MEPC 78/7/18 (WWF, Pacific Environment and CSC): draws attention to the UN Intergovernmental Panel on Climate Change's (IPCC) publication of the second part of three working group reports published as part of the Sixth Assessment Cycle. The Working Group II report entitled Climate Change 2022: Impacts, Adaptation and Vulnerability focuses on the physical science basis of climate change. The Committee is invited to note the findings from the report, together with the views of the co-sponsors, and is urged to support the urgent action outlined.

MEPC 78/7/19 (Solomon Islands, Pacific Environment and Inuit Circumpolar Council): contains a concrete proposal for how to calculate Well-to-Wake carbon dioxide equivalent emissions from marine fuels using both 100-year Global Warming Potential (GWP100) and 20-year Global Warming Potential (GWP20) for comparative purposes as part of the IMO LCA guidelines.

MEPC 78/7/20 (EU Austria et al.): aims to support the views and proposals provided in document MEPC 78/7/14 (Australia et al.) on the revision of the Initial IMO Strategy on reduction of GHG emissions from ships.

MEPC 78/7/21 (Marshall Islands, Solomon Islands and Tuvalu): comments on the proposal to expedite approval of an International Maritime Research and Development Board set out in document MEPC 78/7/3 (Liberia et al.), from the perspective of Pacific small island developing States (SIDS).

MEPC 78/7/22 (India): presents the results of study undertaken to evaluate the effect of port infrastructure and efficiency affecting the ship operational efficiency and in turn the CII ratings; and identifies the need to enhance port efficiency and to incorporate correction factors for a more meaningful CII rating system to reflect ship efficiency correctly.

MEPC 78/7/23 (Panama, CESA and CLIA): comments on document MEPC 78/7/11 and proposes that the Committee retain the text pertaining to the port time correction factor within the 2022 interim guidelines on correction factors and voyage adjustments for CII calculations (G5).

MEPC 78/7/24 (United States): provides comments and supports in general the proposals set out in document MEPC 78/7/14 (Australia et al.) suggesting the convening of a dedicated ISWG-GHG meeting between MEPC 78 and MEPC 79, supporting the framing of 2050 as the phase-out date of



GHG emissions from international shipping, and emphasizing the importance of strengthening the levels of ambition for intermediary target years, 2030 and 2040, in order to steer the sector on a 1.5°C-aligned pathway to zero emissions.

MEPC 78/7/25 (France, Germany, Japan, New Zealand and Norway): discusses the calibration of the port time correction factor for cruise passenger ships AFPT left for consideration by the Committee in the draft 2022 interim guidelines on correction factors and voyage adjustments for CII calculations (G5), provided in the report of the Correspondence Group on Carbon Intensity Reduction. Based on the shortcomings observed, it proposes an amendment to this correction factor in order to provide a more balanced benefit for cruise passenger ships spending a significant time at berth while ensuring that the overall effectiveness of the CII framework is the least affected possible.

MEPC 78/7/26 (Angola, Argentina, Brazil, China, Ecuador, India, Malaysia, Saudi Arabia, South Africa and United Arab Emirates): provides comments on document MEPC 78/7/14 (Australia et al.) and makes some proposals to facilitate the revision of the Initial IMO Strategy on Reduction of GHG emissions from ships by this Committee.

MEPC 78/7/27 (WWF, Pacific Environment and CSC): comments on document MEPC 78/7/18 (WWF et al.) and draws attention to the Intergovernmental Panel on Climate Change's (IPCC) publication Mitigation of Climate Change, the third report of the Sixth Assessment Cycle (AR6), and to the accompanying words of the UN Secretary-General, which add further impetus to the recommendations contained in document MEPC 78/7/18.

MEPC 78/7/28 (Canada): provides a case study on the world's largest trial of biofuels with eight ships using a biodiesel product that is 100% bio-content. Biofuels are in various stages of development and can offer GHG reductions on a lifecycle basis.

MEPC 78/INF.5 (Secretariat): reports on the outcome of the United Nations Climate Change Conference held in Glasgow, United Kingdom, in November 2021.

MEPC 78/INF.7 (Japan): presents the report entitled Toward Achieving Net Zero GHG Emissions from International Shipping by 2050. In this report, Japan collected and organized the latest information on the diffusion of zero-emission fuels, organized domestic and international technology development trends and issues for the realization of zero-emission ships, conducted GHG emission reduction simulations based on various scenarios, and summarized regulatory developments that are considered necessary to achieve net-zero-emissions in 2050.

MEPC 78/INF.12 (Secretariat): presents a new guide which was developed by the IMO-Norway GreenVoyage2050 Project and aims to support policy makers wishing to develop National Action Plans (NAPs) to address GHG emissions from ships.

MEPC 78/INF.13 (CSC): The dual legal obligations imposed by the Paris Agreement and the United Nations Convention on the Law of the Sea (UNCLOS) mean that States have a duty to reduce emissions from international shipping in line with the Paris Agreement temperature goals.

MEPC 78/INF.14 (Denmark, Norway, Singapore and the United States): The Mission Innovation Zero-Emission Shipping Mission has commissioned a gap analysis on the innovation needs for the decarbonization of shipping. The analysis investigates the innovations needed through the entire value chain to decarbonize shipping. In total, 275 innovation and commercialization proposals were provided via a Delphi process involving an international panel of experts.

MEPC 78/INF.16 (IACS): provides information on the development of the 2022 IACS guidelines for the use of Computational Fluid Dynamics (CFD) for the purposes of deriving the Vref in the framework of EEXI regulation, which will be incorporated in an IACS Recommendation.

MEPC 78/INF.18-22 (China, Japan and the European Commission): provides a summary of comments provided to the Correspondence Group on carbon intensity reduction established at MEPC 76.

MEPC 78/INF.23 (Republic of Korea): provides information on the development of land-based testbed for eco-friendly ship fuel and propulsion systems considering the ocean environment.

MEPC 78/INF.24 (Republic of Korea): provides information on the marine testbed ship for alternative fuels and electric propulsion systems.

MEPC 78/INF.25 (Solomon Islands, Pacific Environment and Inuit Circumpolar Council): summarizes the methods for calculating Well-to-Wake (WtW) carbon dioxide equivalent emissions from marine fuels using both 100-year Global Warming Potential (GWP100) and 20-year Global Warming Potential (GWP20), as outlined in a briefing paper published by the International Council on Clean Transportation (ICCT). These methods can inform the development of the IMO LCA guidelines.

MEPC 78/INF.27 (IACS): provides in the annex a copy of the draft 2022 IACS guidelines on the implementation of EEXI, which will be incorporated in an IACS Recommendation.

### EU relevance

*The Union has exclusive competence for GHG emissions in shipping.*

*There is a clear commitment by the EU to reduce GHG emissions, including emissions by shipping, as evidenced by the adoption of various legal instruments and policies:*

*i. In April 2015, the European Parliament and the Council adopted Regulation (EU) 2015/757 to establish the legal framework for an EU system to monitor, report and verify (MRV) CO<sub>2</sub> emissions and energy efficiency from shipping. The regulation aims to deliver robust and verified CO<sub>2</sub> emissions data, inform policy makers, and stimulate the market up-take of energy efficient technologies and behaviours by addressing market barriers such as the lack of information. This Regulation entered into force on 1 July 2015 and started to be implemented in 2018. Related delegated Commission regulations on verification and accreditation of verifiers and on the refinement of monitoring methods were adopted on 22 September 2016. Two additional implementing regulations on cargo parameters and templates were adopted by the Commission on 4 November 2016. The EU MRV Regulation provides for emission factors for fuels on board. Recital (4) of Directive (EU) 2018/410 amending the EU ETS Directive calls on the EU to review the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement.*

*ii. The Renewable Energy Directive (2009/28/EC) establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU MS must also ensure that at least 10% of their transport fuels come from renewable sources by 2020. This Directive was revised in 2018 (Directive 2018/2001/EU) entering into force in December 2018 as part of the Clean energy for all Europeans*



package, aiming to keep the EU a global leader in renewables and, more broadly, helping the EU to meet its emissions reduction commitments under the Paris Agreement. The new Directive establishes a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023. Among the proposals of 14 July 2021, the Commission proposed to amend Directive 2009/28/EC again to bring the renewable energy target to 40% by 2030.

iii. Directive (EU) 2018/410 on enhancing cost-effective emission reductions and low-carbon investments mandates the EU to review the progress achieved in the IMO towards an ambitious emission reduction objective, and on accompanying measures to ensure that the sector duly contributes to the efforts needed to achieve the objectives agreed under the Paris Agreement.

In addition, the Union has adopted the following policy documents:

iv. In Climate Diplomacy – Council Conclusions of 18 February 2019, the EU also calls on the IMO to implement its initial greenhouse gas emission strategy consistent with the temperature goals of the Paris Agreement.

v. The Communication on the European Green Deal of 11 December 2019 states that greenhouse gas emissions from shipping need to be reduced and that actions by the EU to achieve this should be coordinated with the IMO.

vi. The Smart and Sustainable Mobility Strategy of 9 December 2020 calls for the EU to strive at IMO for high standards, including in the field of safety, security, and environmental protection, notably climate change. Its accompanying Action Plan includes actions to foster development of energy efficiency and alternative fuel measures at IMO and to put forward market-based measures (MBMs) for shipping at IMO.

vii. In line with the European Union's commitment to global climate action under the Paris Agreement, the EU decided to become a climate-neutral economy by 2050, by enacting the European Climate Law (Regulation 2021/1119). This objective is at the heart of the European Green Deal and the Climate Law aims to keep the global temperature increase to well below 2°C and pursue efforts to keep it to 1.5°C. The Climate Law also addresses the necessary steps to get to the 2050 target, including the new EU target for 2030 of reducing greenhouse gas emissions by at least 55% compared to levels in 1990. To achieve these ambitious levels of reduction, all sectors of the economy will need to contribute, including shipping.

viii. On 14 July 2021, the Commission adopted the Fit for 55 package of proposals to reduce GHG emissions to deliver on the 2030 climate target under the EU Green Deal. The package includes a number of Commission's proposals that specifically target the shipping sector, such as the revision of the EU Emission Trading System (ETS) to include the maritime transport sector (and the corresponding amendments to the EU MRV Regulation) but also the FuelEU maritime proposal, which focuses specifically on the use of renewable and low-carbon fuels in the maritime sector and mandates the uptake thereof by the ships calling EU ports.

ix. In addition to the legislative efforts, stepping up Research and Innovation efforts is essential to develop and make market ready the solutions needed for shipping to become zero emission. Addressing this challenge, Horizon Europe R&I Framework Program for 2021-2027 will increase its focus on greening waterborne transport. On 26 June 2021 a new Zero Emission Waterborne Transport public-private partnership was launched under the Horizon Europe program with the objective to develop and demonstrate zero-emission solutions for all main ship types and services before 2030, which will enable zero-emission waterborne transport before 2050. This objective is in line with the European Green Deal and the Smart and Sustainable Mobility Strategy. The

*Partnership will address a range of solutions comprising improvement to energy efficiency, new fuels, renewable energies, electrification, and energy storage. To this aim, the EU envisage €530 million of investment and the private partners committed to €3.3 billion in Research and Innovation and other activities within the partnership's scope.*

*In view of the above, the Union has exclusive competence for GHG emissions in shipping, notably if there is a risk of affectation of the EU MRV Regulation. Furthermore, Member States should not act individually at the level of the IMO insofar as this would interfere with the EU strategy on the EU ETS in maritime transport, Fuel EU Maritime or infringe their duty of sincere cooperation (Art 4(3) TEU).*

### Background

#### *(a) Paris Agreement*

*At the Paris climate conference (COP 21) in December 2015, 195 countries adopted a legally binding global climate agreement. Governments agreed to limit global temperature increase to well below 2°C compared to pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5°C. Furthermore, it has been agreed that all anthropogenic emissions ought to be addressed, meaning that efforts have to be done by all countries but also by all emitting sectors, including international aviation and shipping. The international shipping sector is therefore expected to contribute its fair share of emission reductions against the well below 2°C objective. Otherwise, efforts achieved in other sectors would be severely undermined.*

*COP 26 confirmed the urgency to adhere to the Paris Agreement goals. During this session several declarations and commitments have been launched including on international shipping, driven by national governments, industry as well as non-governmental organisations. The results of COP 26 served as a prelude to the discussions at MEPC 77 and further information is provided to this session in MEPC 78/INF.5 (Secretariat).*

#### *(b) Initial IMO Strategy on GHG Emissions reduction from ships*

*Following the adoption and entry into force of the Paris Agreement, the Initial IMO strategy on reduction of GHG emission from ships was adopted at MEPC 72. It defines an emission reduction objective of at least 50% reduction by 2050 compared to 2008 annual GHG emissions coupled with a vision for the decarbonisation of the sector, and a list of possible short-, mid- and long-term further measures to achieve such objectives. In addition, the strategy acknowledges certain guiding principles and the need to assess the impact of any emission reduction measure on States.*

*For this purpose, MEPC 74 approved the Procedure for assessing impacts on States of candidate measures (MEPC.1/Circ.885). The first application of this procedure for short-term measures already showed that it needs to be further developed to better reflect the needs of the IMO decision-making process, including exceptional circumstances such as the ones brought about by the COVID-19 pandemic. MEPC 77 confirmed that the revision of the Initial IMO GHG Strategy should be carried out in accordance with the timeline described in the Programme of follow-up actions of the Initial IMO Strategy on reduction of GHG emissions from ships up to 2023 (i.e. by MEPC 80 (Spring 2023)). In this regard, the Committee invited interested Member States and international organizations to submit relevant proposals to MEPC 78 for consideration and that sufficient time should be allocated to ensure the timely completion of the revision of the Strategy.*

*At MEPC 77, the Union submitted document MEPC 77/7/20 to support the need to send a clear signal on the Organization's continued commitment to reducing GHG emissions from international shipping in line with the Paris Agreement objectives.*

### *(c) Concrete measures*

*At MEPC 76, the Committee adopted the short-term measure in the form of amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping along with associated guidelines. A number of other guidelines, which MEPC 75 had also tasked a Correspondence Group to consider, were unable to be completed due to time constraints and additional tasks were identified during discussions at MEPC 76. It was therefore decided to re-establish the Correspondence Group under the co-coordination of China, Japan, and the European Commission. The Correspondence Group was requested to submit an interim report to MEPC 77 to be first considered by ISWG-GHG 10, and a final report to MEPC 78, to be first considered by ISWG-GHG 12.*

*As part of the agreement on the short-term measure, the Committee agreed to undertake a lessons-learned exercise from the comprehensive impact assessment that was carried by UNCTAD on behalf of the IMO and overseen by a Steering Committee comprising a number of IMO member states. Interested parties were invited to submit concrete proposals on how to undertake a lessons-learned exercise to the next session of the Committee, to be firstly considered by ISWG-GHG 10.*

*Moving on to the next step in the implementation of the IMO GHG Strategy, MEPC 76 approved a Workplan on mid- and long-term measures. The Committee requested ISWG-GHG 10 to use the work plan as a basis and as guidance for its further work on the consideration of concrete proposals for mid- and long-term measures.*

*Similarly, to what happened during ISWG-GHG 10, almost all of those who spoke during MEPC 77, including the EU Member States, supported a clear preference to keeping all proposals on the table with a view of considering a possible basket of measures, including both technical and market-based measures. Some had also commented on the guiding principles for mid-term measures, especially those made in the EU submission MEPC 77/7/12, with some highlighting how those principles could be enhanced with other principles, for example, impact on states and possible distortion to trade and competition. The need for initial impact assessments on all proposals was also stressed. Some strongly objected to national and regional measures (clearly referring to the proposals in the EU) and stressed that the IMO should be the only regulator for introducing GHG reduction measures for international shipping. MEPC 77 concluded by referring all submissions to ISWG-GHG 12 for further consideration, with a view to be in a position to launch phase 2 during MEPC 78.*

### *(d) IMO Data Collection System (DCS)*

*An important conclusion of the work on the short-term measures was also the need to further improve the data quality in the DCS, its comprehensiveness and accessibility to ensure the robust implementation of the CII framework and to facilitate its review. In this regard, ISWG-GHG 11 agreed to the amendments to Appendix IX of MARPOL Annex VI as proposed in MEPC 77/7/11 (EU), further refined and complemented in ISWG-GHG 11/5 (China) proposing to the rounding of figures to ensure the anonymization of the IMO DCS database in accordance with regulation 27.12 of MARPOL Annex VI, with a view of their approval at MEPC 78. The Group also agreed to the development of a dedicated work stream on further amending the IMO DCS as proposed in the Union submission MEPC 77/7/11. The Committee was asked to invite interested Member States and international organizations to submit concrete proposals to a future session of the ISWG-GHG on the further revision of the IMO DCS, taking into account the proposed terms of reference set out in*

MEPC 77/7/11. Finally, the Group agreed to the corresponding modifications to the 2017 Guidelines for the development and management of the IMO ship fuel oil consumption database.

*(e) Lifecycle GHG/carbon intensity guidelines*

*In parallel to initial consideration of mid- and long-term measures, MEPC 76 tasked the 9<sup>th</sup> session of the Intersessional Working Group on GHG (ISWG-GHG 9) to further consider the development of a robust life cycle GHG/carbon intensity guidelines (draft LCA guidelines) for all types of fuels, in order to prepare for an implementation programme for effective uptake of alternative low-carbon and zero-carbon fuels. While the life-cycle approach is of key importance to enable a complete picture of the environmental performance of alternative fuels and a pre-requisite to the implementation of IMO mid- and long-term measures, this issue has been several times deferred due to time constraints.*

*MEPC 76 noted the progress achieved by ISWG-GHG 9 in developing the draft LCA guidelines for marine fuels taking into account documents submitted to ISWG-GHG 7 and 9 (primarily ISWG-GHG 9/2(EU) and ISWG-GHG 9/2/3 (Australia et al)) as well as MEPC 76. At this session the Committee agreed to task ISWG-GHG 11 to further development of the draft LCA guidelines. In preparation for ISWG-GHG 11, the two groups (EU and Australia et al) worked together to combine the two proposals as document [REDACTED] which was then used by ISWG-GHG 11 as the new base document for the draft LCA guidelines. ISWG-GHG 11 continued the development of the draft LCA Guidelines, but a number of open issues remained. For this purpose, the Group recommended that the Committee approves the establishment of a correspondence group on marine fuel lifecycle GHG analysis [REDACTED]*

*(f) International Maritime Research and Development Board and Fund*

*MEPC 76 continued the discussion on the development of an International Maritime Research and Development Board (IMRB) and the IMO Maritime Research Fund (IMRF). Among the interventions, the following issues have been raised: loose management mechanism; unclear funding distribution; lack of oversight; need to be considered as part of the mid-and long-term measures; beneficial only to developed countries, where research would be carried out; transfer of technology was not considered; implications for intellectual property rights; and need to explore alternative ways to generate funds consistent with CBDR-RC principle. Due to the large number of interventions and time constraints, the Committee could not finish the full consideration of the revised IMRB proposal and related commenting documents as not all delegations were able to express their views. Consequently, the Committee agreed that the discussion would be resumed at MEPC 77.*

*However, during MEPC 77, the Chair only allowed to speak those 27 delegations who were not allowed to provide their comments at MEPC 76. Those who intervened made similar comments to those at MEPC 76. While many countries supported the establishment of the IMRB/F, others expressed concerns on the impacts of the levy on developing countries, technology transfer, financing, governance structure, intellectual property rights, and other factors. Finally, the Chair agreed to refer this proposal to ISWG-GHG 12 to be considered along with other proposals on MLTM under phase 1 of the workplan. [REDACTED]*

*(g) National Action Plans*

*MEPC 75 had adopted resolution MEPC.327(75) on the Encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships. MEPC 77 while noting the National Action Plan (NAP) by Norway as set out in documents MEPC 75/7/7 and MEPC 76/7/1, invited other Member States to submit their National Action Plans to the*



Secretariat to be uploaded on the dedicated space for Member States' National Action Plans on the IMO website. The Committee also invited the Secretariat to use IMO's capacity-building initiatives to support developing States with the development of their National Action Plans. Consideration at MEPC 78

**a) Outcome of ISWG-GHG 11**

The Committee is being asked to note the discussion on the development of the draft LCA guidelines, and to agree to establish a correspondence group on marine fuel lifecycle GHG analysis.

The Group was unable to reach any firm conclusion on how to keep the impacts of the short-term measure under review and on the lessons-learned exercise of the comprehensive impact assessment of the short-term measure. Both issues required further work and it was agreed that it was necessary to continue the discussion with a view to finalizing the lessons-learned exercise by MEPC 79, while how to keep the impacts of the short-term measure under review would remain as an open issue which, in accordance with the IMO Initial GHG Strategy, could be raised, at any time, by a Member State. On a related issue, the Group developed the first draft of methodological and process elements in the context of revision of the Procedure for assessing impacts on States of candidate measures.

On the other hand, ISWG-GHG 11 succeeded in finalizing the draft amendments to Appendix IX of MARPOL Annex VI to include more information on the ship's carbon intensity performance and agreed on a dedicated workstream on the revision of the Ship Fuel Oil Consumption Data Collection System. The Committee is being asked to approve these two measures and to invite interested Member States and international organizations to submit concrete proposals to a future session of ISWG-GHG on the revision of the Ship Fuel Oil Consumption Data Collection System.

In accordance with document MEPC 78/1/1 (Chair), documents MEPC 78/7/19 and MEPC 78/INF.25 (both by Solomon Islands, Pacific Environment, and Inuit Circumpolar Council) will also be considered under this item as they are a follow-up to the outcome of ISWG-GHG 11. In this regard, ISWG-GHG 9 had agreed to use the 100-year global warming potential (GWP100) time horizon as a basis for the draft LCA guidelines and had invited interested Member States and international organizations to submit concrete proposals on the implications of adding also GWP20 for comparison purposes.

[REDACTED] The Group also requested further submissions of concrete proposals in this regard.

In MEPC 78/7/19 and MEPC 78/INF.25 the co-sponsors provide a table which shows how to use GWP100 as default values and GWP20 values for comparison purposes for substances covered by the draft LCA guidelines, subject to review and revision of an LCA Expert Group and/or a Correspondence Group, depending what is established by the Committee. The co-sponsors further propose that the substances covered by the draft LCA guidelines include CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O and BC.

**b) Outcome of ISWG-GHG 12**

[REDACTED]

IMRB - documents MEPC 78/7/3, and MEPC 78/7/21 were considered by ISWG-GHG 12.

Mid- and long-term measures: The proposal for an MBM by JP (MEPC 78/7/5) – include the twin

reference from ISWG-GHG 12.

*c) Revision of the Initial IMO GHG Strategy*

*In accordance with document MEPC 78/1/1 (Chair) documents MEPC 78/7, MEPC 78/7/2, MEPC 78/7/4, MEPC 78/7/6, MEPC 78/7/14, MEPC 78/7/18, MEPC 78/7/20, MEPC 78/7/24, MEPC 78/7/26, MEPC 78/7/27, MEPC 78/INF.7, MEPC 78/INF.13, MEPC 78/INF.14 will be considered in plenary.*

*In MEPC 78/7/14 (Australia et al), , supported in MEPC 78/7/20 (Austria et al), and MEPC 78/7/24 (United States) put forward arguments in support of improving the levels of ambition, identifying 2050 as the phase-out date of GHG emissions from international shipping, and emphasizing the importance of strengthening the levels of ambition for intermediary target years (2030 and 2040), in order to achieve 1.5°C-aligned pathway to zero emissions. They also include a proposal to dedicate an ISWG-GHG session between MEPC 78 and MEPC 79 to consider concrete proposals on the revision of the Initial IMO Strategy.*

[REDACTED]

MEPC 78/7/4 (India) [REDACTED] a number of issues which in the opinion of the submitters should be considered when revising the initial Strategy, [REDACTED] clarity as to the levels of ambition and consideration of [REDACTED] CBDR-RC aspects [REDACTED]

[REDACTED]

In MEPC 78/7/6, CSC provides a legal analysis of the necessity to act at national and regional as well as global level and responds to some concerns raised at MEPC 77 [REDACTED]

[REDACTED]

[REDACTED]



d) *National Action Plans (NAPs)*

*In MEPC 78/1/1 the Chair proposes that the Committee only notes the information provided in document MEPC 78/7/1 (FI) regarding its NAP, as well as the information provided in document MEPC 78/INF.12 (Secretariat) on a new guide developed by the IMO-Norway GreenVoyage2050 Project, which aims to support Member States wishing to develop a NAP. In this regard, the Chair invites other Member States to submit their NAPs to the Secretariat to be uploaded on the dedicated space for Member States' NAPs on the IMO website, and if necessary, to use IMO's technical assistance initiatives to support developing countries with the development of a NAP in accordance with resolution MEPC.327(75) on the Encouragement of Member States to develop and submit voluntary National Action Plans to address GHG emissions from ships. Member States may also consider making a financial contribution to the GHG TC Trust-Fund to support the Organization's efforts in this regard.*

e) *Methane slip emissions from LNG dual fuel engines*

*In MEPC 78/7/13, the Republic of Korea proposes that the measurement of actual methane slip emissions from LNG dual fuel engines in terms of tank-to-wake (TtW) emission factors could be done using the relevant procedures specified in the NOx Technical Code 2008. The Chair in MEPC 78/1/1 proposes that this issue is considered by the correspondence group on marine fuel lifecycle GHG analysis.*

f) *Onboard CO<sub>2</sub> capture*

*In MEPC 76/7/17, the Republic of Korea proposes amendments to the current EEDI and EEXI calculation formulas or adding separate formulas to reflect on board CO<sub>2</sub> capture (CO<sub>2</sub> removal). This issue was referred to in the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction,*

g) *Other documents*

*In accordance with MEPC 78/1/1 (Chair), documents MEPC 78/7/17 (Liberia) proposing the development of Guidance for the Administration in case of use of a power reserve by un-limiting the shaft/engine power limitation, and MEPC 75/7/10 (FOEI, Greenpeace International, WWF, Pacific Environment and CSC) proposing to include all GHG emitted from ships, including methane, in the EEDI, should be deferred to MEPC 79. Therefore, they are not being considered in this document.*



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



### **Agenda item 8 – Follow-up work emanating from the Action Plan to address marine plastic litter from ships**

**Docs:** MEPC 78/8, MEPC 78/8/1, MEPC 78/INF.15

MEPC 78/8 (India): The Indian Maritime Administration, as a proactive measure, has introduced, from October 2019, a phased reduction on usage and carriage of materials made of single-use plastics on Indian-flagged ships. This document shares the experience and findings of a survey conducted after two years of introduction of the measure. Some of the findings may be aligned with the action plans under resolution MEPC.341(77).

MEPC 78/8/1 (Secretariat): provides an update on the efforts of the Secretariat to recruit an external expert to review the terms of reference for the IMO Study on Marine Plastic Litter.

MEPC 78/INF.15 (Germany): informs on research conducted in Germany and international research involving institutes from Germany on the subject of marine plastic litter including microplastic.

#### **EU relevance**

*This agenda item is subject to Union exclusive competence.*

*Marine litter from ships is covered by Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships (PRF Directive), which includes garbage as defined in MARPOL Annex V. This Directive takes into consideration MARPOL requirements, and specifically addresses the problem of marine litter from ships and seeks to maximise garbage deliveries to ports. In fact, ships need to deliver all their garbage waste to ports before departure, as set out in Article 7 of the Directive, while Article 4 of the Directive requires provision of adequate port reception facilities to receive the garbage waste. The fishing and recreational sector, given their contribution to the occurrence of marine litter, have also been included in this system. As stipulated above, ports will need to provide for separate collection of Annex V waste in view of further re-use and recycling. The port fees must be independent of waste delivered. This includes passively-fished waste, the delivery of which must be recorded and reported separately. Moreover, it has been decided to further develop the "Green Ship" concept to encourage better waste management on board the vessel, which should build on MARPOL Guidelines and international standards.*

*Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) makes assessment and monitoring of marine litter and its impacts mandatory for EU Member States and also obliges them to take measures to reduce them.*

*To address plastic litter from single-use plastics and fishing gear, accounting for almost 70% of beach litter, the EU adopted Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment. This Directive regulates the use, production, consumption and waste management of single-use plastics and fishing gear. It provides for market restrictions for certain single-use plastic products, consumption reduction targets, obligations for producers, including extended producer responsibility schemes to help cover the costs of waste management and litter clean-up, awareness-raising and data gathering. As regards waste fishing gear, the Directive requires extended producer responsibility (EPR) schemes to be set up to cover the costs of separate collection, transport, and further treatment of waste fishing gear, with national collection targets to be set at Member State level, as well as the monitoring and reporting of fishing gear with a view to a later EU-wide collection target. The Directive also calls for the development of a harmonized standard on the circular design of fishing gear.*

*Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 lays down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy. This regulation includes detailed rules on the marking of fishing gear and related reporting requirements, including retrieval and reporting of lost gear.*

*In addition, Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, requires Union fishing vessels to have the equipment on board to retrieve lost gear, and the retrieval by the master of the vessel in case where gear is lost. If the lost gear cannot be retrieved, the Regulation requires the master to inform the authorities of its flag Member State within 24 hours, who will subsequently have to inform the competent authority of the coastal Member State. The Commission has submitted a proposal for amendment of the Regulation, COM(2018)368 of 30 May 2018, which provides for reporting by the fishing vessel in an electronic logbook and requires Member States to collect and record the information concerning lost gear and provide it to the Commission on request. The proposal also extends the obligation to carry on board necessary equipment for the recovery of lost fishing gear to all fishing vessels, including small scale.*

*Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste (Waste Framework Directive), provide relevant provisions that should be taken into account, such as the call on Member States to ensure, by 2020, that properties and quantities of marine litter do not harm the marine or coastal environment. The latter is specifically reflected in the Marine Strategy Framework Directive in its descriptor 10 and the associated four criteria identified to achieve good environmental status in European marine waters. Both Directives call on Member States to prevent and significantly reduce marine pollution, including marine debris as a contribution to the UN Sustainable Development Goals “Conserve and sustainably use the oceans, seas and marine resources for sustainable development” (see specifically SDG Target 14.1 and indicator 14.1.1).*

*The marine litter initiative is also in line with the Commission's Joint Communication on international ocean governance: an agenda for the future of our oceans (JOIN/2016/049 final) and more specifically action 9 on the fight against marine litter. In addition, the Commission's Communication on Sustainable Blue Economy indicates that the new European Maritime Fisheries and Aquaculture Regulation will continue to provide financial support for fishers to retrieve and*

*collect litter and lost fishing gears. One of the actions envisaged is to ensure that litter caught in fishing operations is reported at port and that fishing gear made from plastic is collected and recycled after use.*

### *Background*

*MEPC 72 approved a new output on the "Development of an action plan to address marine plastic litter from ships" in the 2018-2019 biennial agenda of MEPC, assigning the PPR Sub-Committee as the associated organ, with a target completion year of 2020.*

*At MEPC 73, the Union submitted document MEPC 73/8/3 setting out elements for an IMO action plan with a number of specific recommendations, which broadly reflect the measures that the Union has developed with a view to increasing the delivery of MARPOL Annex V waste by all ships (including fishing vessels and recreational craft) to adequate port reception facilities in Union ports. The Committee adopted an action plan on marine litter (resolution MEPC.310(73)) which included proposals to address marine litter from shipping, including fishing vessels; the effectiveness of port reception facilities; improving treatment of marine litter; enhanced awareness, education and seafarer training; improving the understanding of the contribution of ships to marine plastic litter; understanding of the regulatory framework applicable to marine plastic litter from ships; strengthening international cooperation; and technical cooperation and capacity-building. The envisaged timeline was that the action plan should be completed by 2025. In view of the agreement on the developed action plan, MEPC 73 amended the title of output 4.3 to "Follow-up work emanating from the Action Plan to address marine plastic litter from ships".*

*Following the consideration of the submissions under this agenda item, MEPC 74 approved a number of measures, including:*

- a. the terms of reference for the IMO Study on marine plastic litter from ships;*
- b. Invited FAO to make information on fishing gear and logging schemes available to MEPC and/or to the GESAMP Working Group 43, as appropriate, and to collaborate with IMO and provide advice on the voluntary or mandatory application of marking of fishing gear, including costs associated with the implementation of a mandatory requirement and the most appropriate FAO or IMO instrument for potentially introducing such a requirement.*
- c. Requested GESAMP to provide a report to MEPC 74 on the work of GESAMP Working Group 43 and to review term of reference 3 of the IMO Study on marine plastic litter from ships, with a view to determining if there was any additional work that GESAMP could undertake to progress the work.*
- d. Invited Member States and international organizations to provide relevant information to the Secretariat, for inclusion in the regulatory framework matrix.*
- e. Invited FAO to submit to future sessions of MEPC or the PPR Sub-Committee relevant information on existing reporting mechanisms of accidentally lost or discharged fishing gear, including the challenges and benefits of such systems, as well as information that could help clarify details on losses that should be reported.*
- f. Invited interested Member States and international organizations to submit to the PPR Sub-Committee proposals on reporting mechanisms for accidentally lost or discharged fishing gear, including the challenges and benefits of such systems, as well as existing and potential ways to encourage fishing vessels to report.*
- g. Approved the scope of work the PPR, III and HTW Sub-Committees to progress the work of the relevant short-term actions in the Action plan to address marine plastic litter from ships (resolution MEPC.310(73)).*
- h. Established a Correspondence Group on Development of a Strategy to Address Marine Plastic Litter from Ships, under the coordination of Singapore.*

*Given time limitations, both MEPC 75 and 76 postponed the consideration of all documents submitted under this Agenda item to MEPC 77.*

*Most of the issues to be considered under this Agenda item by MEPC 77 were mainly discussed by the working group on marine plastic litter which met as from the first day of the meeting. When considering the report of the working group on marine litter the Committee:*

- a. requested the Secretariat to engage a consultant to review the Terms of Reference of the IMO Study on Marine Plastic Litter as agreed during MEPC 74 (MEPC 74/WP.10, annex 1), taking into consideration the outcomes of the GESAMP WG 43 report (including the data and knowledge gaps identified therein), and advise MEPC 78 on how the Study could progress, such that MEPC 78 could make adjustments to the Terms of Reference.*
- b. adopted the MEPC resolution on the Strategy to address marine plastic litter from ships; and*
- c. noted the updated status of each action contained in the Action Plan to address marine litter from ships (resolution MEPC.310(73)).*

*MEPC 77 also agreed:*

- a. to refer the documents related to the marking of fishing gear to PPR 9 to further consider the potential regulatory (mandatory and recommendatory) options for promoting marking of fishing gear, taking into account the work of FAO, with a view to advising the Committee on how to proceed.*
- b. to request the Secretariat to provide legal advice regarding the points raised in paragraphs 4 to 6 of document MEPC 77/8/2 (Japan and UK) on the extent to which MARPOL Annex V could be used to regulate the marking of fishing gear.*
- c. to request the PPR Sub-Committee to prepare draft amendments to regulation 10.3 and regulation 10.3.6 of MARPOL Annex V, using document MEPC 77/8 (Vanuatu et al) as a basis for making the garbage record book mandatory for ships of 100 GT and above.*
- d. to refer documents MEPC 77/8/1 (FOEI et al) on the impacts of microplastics from paints and anti-fouling coatings on ships, and MEPC 77/8/3 (Sri Lanka) highlighting the hazardous nature of plastic pellets to the PPR sub-Committee for in-depth analysis.*

*Following up on the instructions from MEPC 77, PPR 9 agreed the following actions:*

- a. invited interested Member States and international organizations to submit documents with draft guidelines on best practices related to response to and the clean-up of plastic pellet spills to a future session of the Sub-Committee, using the draft outline set out in the annex to document PPR 9/15/2 (Norway) as a starting point;*
- b. agreed that as a short-term measure an MEPC circular could be developed by the Sub-Committee with a view to promoting the implementation of fishing gear marking systems and the FAO Voluntary Guidelines for the Marking of Fishing Gear, taking into account additional work by FAO such as the technical manual on marking of fishing gear being developed by FAO;*
- c. invited the Committee to provide further advice on the potential regulatory options and on the feasibility of making marking of fishing gear mandatory;*



- d. agreed to the draft amendments to MARPOL Annex V to make the Garbage Record book mandatory also for ships of 100 gross tonnage and above and less than 400 gross tonnage, with a view to approval by MEPC 78 and subsequent adoption; and
- e. established a Correspondence Group on Marine Plastic Litter from Ships, under the coordination of Norway (for plastic pallets) and Spain (for reporting fishing gear loss), to further consider the options for reducing the environmental risk associated with the maritime transport of plastic pellets, the draft amendments to MARPOL Annex V to provide for the reporting mechanisms, the modalities and the information to be reported to Administrations and IMO to facilitate and enhance reporting of the loss or discharge of fishing gear; and draft amendments to the 2017 Guidelines for the implementation of MARPOL Annex V (resolution MEPC.295(71)) to support the implementation of the contemplated draft amendments to MARPOL Annex V.

#### Consideration at MEPC 78

The documents submitted under this Agenda item are mainly informative documents which do not require any action from the Committee.

As an outcome of PPR 9 (MEPC 78/9/1 (Secretariat), MEPC 78 is being invited to approve the draft amendments to MARPOL Annex V to make the Garbage Record book mandatory also for ships of 100 gross tonnage and above and less than 400 gross tonnage.

#### Agenda item 9 – Pollution prevention and response

**Docs:** MEPC 75/10/4, MEPC 76/9/5, MEPC 78/9, MEPC 78/9/1-4

MEPC 75/10/4 (IACS): proposes modifications to the draft MEPC circular on 2020 Guidelines for systems for handling oily wastes in machinery spaces of ships incorporating guidance notes for an integrated bilge water treatment system (IBTS) (2020 IBTS Guidelines) as set out in annex 13 to document PPR 7/22/Add.1.

MEPC 76/9/5 (INTERTANKO): provides comments on the draft 2020 IBTS guidelines, focusing on both the on board management of oily bilge water and associated record-keeping, as a follow up to the discussion held at PPR 7. It further includes certain edits to provide additional consistency and clarity across the amended documents under consideration.

MEPC 78/9 (IACS): comments on document MEPC 76/9/5 containing proposed changes to the draft amendments to appendix II of MARPOL Annex I, the draft ORB guidance and the draft 2020 IBTS guidelines.

MEPC 78/9/1 (Secretariat): provides the list of actions requested of the Committee on matters emanating from PPR 9.

MEPC 78/9/2 (Canada): comments on document MEPC 78/9/1 and provides considerations and proposed amendments to the draft unified interpretation of appendix I "Form of International Ballast Water Management Certificate" of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the BWM Convention).

MEPC 78/9/3 (Germany): Unified and representative emission factors for environmental risk assessment of the discharge water from exhaust gas cleaning systems (EGCS) are presented as a proposed new appendix 3 to the draft MEPC circular on 2022 Guidelines for risk and impact assessments of the discharge water from EGCS.

MEPC 78/9/4 (CLIA): comments on document MEPC 78/9/1 and the proposed draft 2022 guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems.

#### EU Relevance

[REDACTED]

#### Consideration at MEPC 78

[REDACTED]

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*As regards these issues, two submission were made: MEPC 78/9/3 (Germany) proposing amendments to the guidelines and a new appendix 3; and MEPC 78/9/4 (CLIA) raising a number of concerns on the agreed guidelines proposing that they are reviewed technically either by GESAMP or the Working Group on Air Pollution at MEPC 78.*

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## **Agenda item 10 - Reports of other sub-committees**

**Docs:** MEPC 77/10, MEPC 78/10, MEPC 78/10/1

MEPC 77/10 (Secretariat): provides the list of actions requested of the Committee on matters emanating from III 7.

MEPC 78/10 (Secretariat): provides the action requested of the Committee on matters emanating from SDC 8.

MEPC 78/10/1 (Secretariat): provides the action requested of the Committee on matters emanating from HTW 8.

### EU relevance

[REDACTED]

### Consideration at MEPC 78

*MEPC 77 had agreed to defer consideration of the action requested of the Committee by III 7 in paragraphs 2.5 to 2.11 of document MEPC 77/10 to MEPC 78.* [REDACTED]

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Response	Percentage
All of them	56
Some of them	39

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## **Agenda item 11 - Identification and protection of Special Areas, ECAs and PSSAs**

**Docs:** MEPC 78/11, MEPC 78/11/1

MEPC 78/11 (Albania, Algeria, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Lebanon, Latvia, Libya, Lithuania, Luxembourg, Malta, Netherlands, Monaco, Montenegro, Morocco, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Syrian Arab Republic, Tunisia, Turkey and European Commission): sets forth a proposal to designate the Mediterranean Sea, as a whole, as an Emission Control Area for Sulphur Oxides, hereinafter referred to as the proposed "Med SOX ECA", in accordance with regulation 14 and Appendix III to MARPOL Annex VI to take effect from 1 January 2025. The document shows that the designation of the proposed Med SOX ECA is supported by a demonstrated need to prevent, reduce, and control emissions of sulphur oxides and particulate matter from ships. Moreover, the adoption of the proposed Med SOX ECA will result in significant reductions in ambient levels of air pollution in the Mediterranean Sea, as a whole, and in the Mediterranean coastal States, which will achieve substantial benefits to human health and the environment. The co-sponsors invite the Committee to review this proposal at this session with a view towards the adoption by the Parties to MARPOL Annex VI, at MEPC 79, of amendments to regulation 14.3 and Appendix VII to MARPOL Annex VI designating the Med SOX ECA as a new Emission Control Area.

MEPC 78/11/1 (CSC): welcomes the proposal submitted by all coastal States of the Mediterranean Sea, all Member States of the European Union and the European Commission in document MEPC 78/11 (Albania et al.) to designate the Mediterranean Sea, as a whole, as an Emission Control Area (ECA) for Sulphur Oxides. The designation of a MED SOx ECA will improve air quality and provide health benefits for millions of residents as well as for nature, agriculture, and heritage conservation. This document supports a quick agreement on, and implementation of, an ECA for SOx emissions in the Mediterranean Sea as a whole.

### EU relevance

*The matter falls under Union exclusive competence.*

*Council Decision (EU) 2022/12 of 2 December 2021 establishes the position to be taken on behalf of the European Union at the 22nd meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its Protocols as regards the adoption of a decision to submit a proposal to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (Med*



SOx ECA) pursuant to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL Convention). This Council Decision required EU Member States to support the adoption of a submission to MEPC 78 to propose the designation of a Med SOx ECA.

#### Background

The 22<sup>nd</sup> meeting of the Contracting Parties to the Barcelona Convention and its Protocols adopted a decision on the designation of a Med SOx ECA, pursuant to Annex VI to MARPOL. They agreed for the submission to MEPC 78 of a joint and coordinated proposal on the designation of a Med SOx ECA, with an entry into force date in January 2025.

#### Consideration at MEPC 78

The submission MEPC 78/11 (Albania et al) implements the Decision of the Council as well as the decisions of the 22<sup>nd</sup> meeting of the Contracting Parties to the Barcelona Convention and its Protocols to designate the Mediterranean Sea, as a whole, as an Emission Control Area for Sulphur Oxides (Med SOx ECA).

#### Agenda item 12 - Technical cooperation activities for the protection of the marine environment

**Docs:** MEPC 78/12, MEPC 78/12/1

MEPC 78/12 (Secretariat): provides an update on the activities related to the protection of the marine environment under IMO's Integrated Technical Cooperation Programme (ITCP) in 2021.

MEPC 78/12/1 (REMPEC): provides an update on activities implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) for the period from 1 April to 31 December 2021.

#### Agenda item 13 - Application of the Committees' method of work

#### Agenda item 14 – Work programme of the Committee and subsidiary bodies

**Docs:** MEPC 78/14, MEPC 78/14/1

MEPC 78/14 (Norway): proposes the development of a guide compiling best practices to develop local-level spill contingency plans to aid States, particularly local governments and key institutions, implement the OPRC Convention and OPRC-HNS Protocol. The proposed guide would be offered as a technical source for reference by those interested in addressing the effective implementation of the above-mentioned Convention and Protocol.

MEPC 78/14/1 (Iceland and Norway): proposes to expand the scope of the existing output 7.11 on Development of measures to reduce risks of use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters in order to include an upper pour point limit in the definition of HFO in regulation 43.1.2 in MARPOL Annex I.

*a. Implementation of the OPRC Convention and OPRC-HNS Protocol.*

EU relevance

*There is an EU interest in the OPRC Convention and OPRC-HNS Protocol, given the objectives on preparedness for marine pollution set in Council Decision 1313/2013/EU on a Union Civil Protection Mechanism. It should also be recalled that EMSA has developed an Action Plan for HNS Pollution Preparedness and Response and organises on a regular basis workshops and training sessions on pollution preparedness and response.*

Background

*MEPC 70 approved the proposal by Norway (MEPC 70/15/2) to establish a new output to facilitate the ratification and implementation of the OPRC Convention and the OPRC-HNS Protocol through the development of a practical guidance document. Eventually, MEPC 74 approved the Guide on practical methods for the implementation of the OPRC Convention and the OPRC HNS Protocol, which was published in spring 2020. In addition, the Committee approved the Guide on practical methods for the implementation of the OPRC Convention and OPRC-HNS Protocol and endorsed the actions of the PPR Sub-Committee for addressing the outstanding challenges related to the ratification and implementation of the OPRC Convention and the OPRC-HNS Protocol.*

Consideration at MEPC 78

*As a follow-up to previous decisions on this issue, Norway is proposing in MEPC 78/14 that the Committee establishes a new output to develop a guide to further help countries that are still finding challenges in the implementation of the OPRC Convention and the OPRC-HNS Protocol.*

*b. Measures to reduce risks of use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters*

EU relevance

*The Union has an interest in this issue because the integrated EU Arctic policy priority area concerning climate change and safeguarding of the Arctic environment<sup>2</sup> has a bearing on this agenda item.*

*The Commission recalls that in its conclusions of 20 June 2016, the Council recognised the need for urgent global action to reduce and prevent the significant risks posed by climate change and environmental impacts in the Arctic region caused notably by global activities. This policy was further emphasised in the Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (Join (2021) 27 final) on a stronger EU engagement for a peaceful, sustainable and prosperous Arctic. This Joint communication states that the EU will lead the drive for Zero Emission and Zero Pollution shipping in the Arctic Ocean, in line with the Green Deal objectives and the Fit for 55 package, and will push for the rapid and full implementation of the heavy fuel oil ban from Arctic shipping, as adopted by the IMO.*

*In addition, Article 3(1) of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements specifies the extensive scope of maritime areas covered in relation to discharges of polluting substances from ships. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), provides relevant provisions that should be taken into account. They call on Member States to ensure that good environmental status (GES) is achieved and maintained in the EU marine waters; inputs of synthetic substances such as oil and acute events, such as pollution accidents, are explicitly mentioned among the anthropogenic pressures affecting the marine environment that need to be taken into account by Member States when they establish and implement their strategies for reaching GES. It should be noted that oil spills are a primary criterion under Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment.*

### Background

*MEPC 71 agreed to establish a new output on the development of measures to reduce risks of use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters and assigned the PPR Sub-Committee as the associated organ. Subsequently, 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, were agreed at PPR 7 and approved at MEPC 75. In this regard, MEPC 76 adopted resolution MEPC.329(76) with an entry-into-force date of 1 November 2022.*

*[Redacted text block]*

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<sup>2</sup> Joint Communication to the European Parliament and the Council on an integrated European Union Policy for the Arctic, JOIN(2016)21.

*In support of this work, the PPR Sub-Committee is developing draft guidelines on mitigation measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters.*

#### Consideration at MEPC 78

*In MEPC 78/14/1, Iceland and Norway propose to expand the scope of the existing output 7.11 on Development of measures to reduce risks of use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters in order to update the definition of HFO in regulation 43.1.2 in MARPOL Annex I by including an upper pour point limit.*

#### **Agenda item 15 – Any other business**

**Docs:** MEPC 76/13/1, MEPC 78/15, MEPC 78/15/1-2, MEPC 78/INF.9, MEPC 78/INF.26

MEPC 76/13/1 (World Coatings Council): With resolution MEPC.195(61) (revoking resolution MEPC.102(48)), a thoroughly developed basis exists to issue a ships' International Anti-fouling System Certificate under the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention). Additional bureaucratic procedures added to those prescribed in the Guidance for Survey and Certification do not benefit the enforcement of the AFS Convention nor add any value to flag or port State Administrations, shipowners, anti-fouling system manufacturers, shipyards or the environment. In an effort to promote consistent and clear international procedures, the Committee is invited to confirm that flag State Administrations' International Anti-fouling System Certificates for ships flying their flag should be issued without any additional procedures for anti-fouling paints that are not required under the AFS Convention.

MEPC 78/15 (Secretariat): provides 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.

MEPC 78/15/1 (Secretariat): provides a preliminary list of mandatory instruments for which a consolidated version would be most beneficial, as requested by C 125.

MEPC 78/15/2 (China): proposes to update the footnotes in the MARPOL Convention.

MEPC 78/INF.9 (Liberia): shares results from a recent study assessing the quality of the wash-water substances discharged into the sea by individual ships. The study evaluates water samples from the inlet of the exhaust gas cleaning system and from the outlet, prior to any pre-discharge treatment.

MEPC 78/INF.26 (EU): provides information on the first edition of the "European Maritime Transport Environmental Report" (EMTER) developed by the European Maritime Safety Agency and the European Environment Agency, which was released in September 2021.

a. *AFS Convention (MEPC 76/13/1)*

#### EU relevance

*The Union has exclusive competence in the matter.*

*The AFS Convention has been transposed into EU legislation through Regulation (EC) No 782/2003 on the prohibition of organotin compounds on ships. According to the Regulation, organotin compounds which act as biocides in anti-fouling systems are no longer allowed to be applied on ships flying the flag of a Member State. The Regulation is further supplemented, firstly, by Commission Regulation (EC) 536/2008 comprising measures enabling ships flying the flag of a third State to demonstrate their compliance and procedures for control and, secondly, by Regulation (EC) 1907/2006, which prohibits the marketing and use of organostannic compounds within the EU. Under Regulation (EU) No 528/2012 (Biocidal Products Regulation - BPR) concerning the making available on the market and use of biocidal products, the Commission also adopted Implementing Decision (EU) 2016/107 of 27 January 2016 not approving cybutryne as an active substance for use in biocidal products for product-type antifouling products. The effect of this decision is to prohibit making available on the market as well as the use of anti-fouling paints containing cybutryne in all EU Member States and EEA States. In addition, according to the BPR, if a "treated article" (as defined in Article 3(1)(l) of the BPR) is "placed on the EU market" (as defined in Article 3(1)(j) of the BPR - placing on the market covers also imports), it must be treated with a biocidal product containing active substances approved or under assessment in the EU review programme (Article 58 and Article 94 of the BPR). This means in practise that:*

- *Boats painted in the EU can only be painted with antifouling paints compliant with the BPR (i.e. authorised paints according to the BPR, or still subject to national rules - in any case, the active substance must be approved or the EU review programme)*
- *If an already painted boat enters the EU territory:*
  - o *If there is no "placing on the market" of the boat taking place in the EU, no need to comply with the BPR*
  - o *If there is a "placing on the market" of the boat in the EU, the boat must have been treated with an antifouling containing an active substance compliant with the EU BPR.*

#### Consideration at MEPC 78

*The World Coatings Council (MEPC 76/13/1) requests the Committee to confirm that flag State Administrations' International Anti-fouling System Certificates for ships flying their flag should be issued without any additional procedures for anti-fouling paints that are not required under the AFS Convention.*

*the Chair (MEPC 78/1/1) is proposing to refer this document to the III Sub-Committee for further consideration.*

*b. Consolidated version of mandatory instruments*

*EU Relevance*

*In MEPC 78/15/1, the Secretariat, on the request C 125, provides a preliminary list of mandatory instruments for which a consolidated version would be most beneficial. In this regard it should be noted that EMSA has developed, maintains, and enhances RuleCheck which is a decision-support tool, available for computer use and as a mobile application, which contains consolidated versions of all applicable maritime legislation such as IMO Conventions, Codes, Resolutions and Circulars, ILO Conventions and guidelines, relevant EU Regulations and Directives, the respective manuals and Instructions of the Paris, Black Sea and Mediterranean Memoranda of Understanding on Port State Control as well as other functionalities such as “check deficiencies” and “prospective regulation”. Therefore, RuleCheck provides access to a state-of-the-art decision support tool fostering global harmonization of inspection practices, which will ensure a level playing field for all ships calling at ports at any region around the globe.*

*The competent flag and ports state and accident investigation authorities in the EU Member States, are using the system to support their activities. In addition, through the SAFEMED and Black and Caspian Sea (BC SEA) Projects access has been provided to MED and BS MoUs, whilst with separate bilateral agreements access has been granted to Caribbean, Indian, Riyadh, and Tokyo MoUs. In March 2022, following the conclusion of the procedure that involves EMSA's Administrative Board, Vina del Mar Agreement, and officers from AMSA (beyond PSC) had access to the tool.*

*c. Footnotes in the MARPOL Convention*

*EU Relevance*

*Some of the instruments mentioned in the footnotes in the MARPOL Convention fall under Union exclusive competence: Procedures for port State control, 2021 (resolution A.1155(32)); 2014 Guidelines on survey and certification of the Energy Efficiency Design Index (resolution MEPC.254(67), as amended by resolutions MEPC.261(68)) and MEPC.309(73); and 2018 Guidelines on the method of calculation of the Energy Efficiency Design Index for new ships (resolution MEPC.308(73)).*

*Consideration at MEPC 78*

*In MEPC 78/15/2, China proposes to update the footnotes in the MARPOL Convention in order to refer to the latest updated version of the relevant instrument.*



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<sup>3</sup> *Deferred to MEPC 78, but position agreed at MEPC 77.*