



# INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS

## MEMORANDUM

TO: Distribution

FROM: Alan Spackman, Vice President, Offshore Technical and Regulatory Affairs

SUBJECT: Report on the 61<sup>st</sup> session of the IMO's Marine Environment Protection Committee

DATE: 30 October 2010

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The 61<sup>st</sup> session of the International Maritime Organization's Marine Environment Protection Committee (MEPC 61) was held from 27 September to 1 October 2010, under the Chairmanship of Mr. A. Chrysostomou (Cyprus). The session was attended by delegations from 91 Member nations, one Associate Member, seven United Nations and Specialized Agencies, eight intergovernmental organizations and 424 non-governmental organizations. The International Association of Drilling Contractors was not represented.

Issues addressed during the session that may be of interest to offshore drilling contractors included:

### **Conventions – Accessions, ratifications, etc.**

It was reported that:

- Brazil, Canada, Croatia and the Netherlands acceded to the International Convention for the Control and Management of Ships' Ballast Water and Sediments since the last MEPC Session. There are now 26 contracting governments, representing ≈24% of the world's merchant fleet tonnage; it requires ratification by 30 states, and 35% for entry into force.
- The Republic of Serbia deposited its instrument of accession to MARPOL Annex VI on 8 July 2010.
- Malaysia deposited its instrument of acceptance to MARPOL Annexes III and IV and its instrument of accession to MARPOL Annex VI on 27 September 2010.
- The Republic of Serbia deposited its instrument of accession to the 2001 AFS Convention on 8 July 2010.
- Finland deposited its instrument of accession to the 2001 AFS Convention on 9 July 2010.
- Malaysia deposited its instrument of accession to the 2001 AFS Convention on 27 September 2010.

### **Conventions – Entry into force**

MEPC 58 unanimously adopted the revised MARPOL Annex VI and the NOx Technical Code 2008 (by resolutions MEPC.176(58) and MEPC.177(58) respectively). These two revised instruments entered into force on 1 July 2010.

### **Consideration and adoption of amendments to mandatory instruments**

The Committee adopted:

- Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (the Revised MARPOL Annex III); and
- Amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (revised form of Supplement to the IAPP Certificate).

The Committee agreed to:

- Draft amendments to MARPOL Annex V (a wholly revised annex), with the view to their consideration for adoption at MEPC 62; and

- Draft amendments to MARPOL Annex IV (to include the concept of Special Areas; to designate the Baltic Sea as a Special Area; and to impose a strict standard for the discharge of nutrients in the sewage of passenger ships within the Baltic Sea.

#### Adoption of MEPC Resolutions

The Committee adopted the MEPC Resolutions listed below. These are annexed to the IMO report.

Resolution	Title
MEPC.(TBD)(61)	Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (the Revised MARPOL Annex III)
MEPC.(TBD)(61)	Amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (revised form of Supplement to the IAPP Certificate)
MEPC.(TBD)(61)	2010 Guidelines for survey and certification of anti-fouling systems on ships

#### Adoption of Circulars

The Committee adopted the Circulars listed below:

Circular	Title
BWM.2/Circ.27	Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation
BWM.2/Circ.28	Guidance for Administrations on the Type Approval process for ballast water management systems in accordance with Guidelines (G8)
MEPC/Circ. (TBD)	Unified Interpretation on VOC management plans (limiting the scope to tankers carrying crude oil)
MEPC/Circ. (TBD)	Guidance for recording of operations in the Oil Record Book, Part I
MEPC/Circ. (TBD)	Unified interpretation to regulation 12 of MARPOL Annex I (providing greater clarity with regard to the requirements for tanks for oil residues (sludge) including oil residue (sludge) service)
MEPC/Circ. (TBD)	2010 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships

#### Approval of ballast water treatment systems

Basic Approval was granted to: Techwin Eco Co., Ltd. (TWECO) Ballast Water Management System (Purimar) and AquaStar Ballast Water Management System (Republic of Korea), and Kuraray Ballast Water Management System (Japan).

Final approval was granted to: Special Pipe Hybrid Ballast Water Management System combined with Ozone treatment version (Japan); "ARA Ballast" Ballast Water Management System (Republic of Korea) BalClor Ballast Water Management System (China); OceanGuard™ Ballast Water Management System (Norway); Ecochlor® Ballast Water Management System and Severn Trent De Nora BalPure® Ballast Water Management System (Germany).

#### Review of ballast water treatment technologies and of their availability

The Committee concurred with the conclusion of its Review Group that for ships with ballast water capacity up to 5,000 cubic metres, including those constructed in 2011, there are sufficient technologies available and that their number is increasing.

Noting that a number of challenges are yet to be addressed in relation to some special types of ships, in particular, seagoing unmanned barges, semi-submersibles and heavy lift crane vessels, the Committee agreed to invite Member Governments and observers to propose practical solutions to the challenges identified and to allocate sufficient time to discuss such proposals during future sessions.

In anticipation of the possible entry into force of the BWM Convention in 2012, the Committee agreed that a new review of ballast water treatment technologies, focused on larger ships (with ballast water capacity of 5,000 cubic metres or more, in particular those with higher flow rate) would be necessary at MEPC 62 (July 2011) and decided to re-establish the Review Group at that session.

### **Recycling of Ships – Guidance development**

The Committee established a Working Group to, inter alia, further develop the Guidelines for the safe and environmentally sound ship recycling (facility guidelines). While the Group made progress, it did not complete the effort.

The Working Group agreed that the development of the Ship Recycling Plan (SRP) guidelines should be based on the use of the Document of Authorization to conduct Ship Recycling (DASR) and not on the Ship Recycling Facility Plan (SRFP). A draft structure for the SRP Guidelines was developed.

The Working Group briefly reviewed draft text for the Guidelines for the authorization of Ship Recycling Facilities (Authorization Guidelines) offered by France, Germany and Turkey and agreed that this text would serve as a good starting point.

The Committee re-established an intersessional Correspondence Group, to be coordinated by Japan<sup>1</sup>, to further develop the three sets of guidelines.

### **Guidelines for certification of marine diesel engines fitted with SCR systems**

The Sub-Committee on Bulk Liquids and Gasses (BLG) was unable to finalize the guidelines for engines fitted with SCR systems, as a range of substantial issues were still outstanding, in particular, how the engine family concept may be applied to engines fitted with SCR after-treatment systems and whether certification of engines and SCR systems separately (Scheme B) would require an amendment to the NOx Technical Code (NTC) 2008. The work is expected to be finalized at BLG 15 (February 2011).

The Committee referred several proposed amendment to the NTC to BLG for its consideration, with a 2011 target completion date.

### **Proposal to designate an emission control area for the United States' territories in the Caribbean area**

MEPC 60 adopted, by resolution MEPC.190(60), amendments to MARPOL Annex VI to designate the North American Emission Control Area, which is expected to enter into force in August 2011.

The United States submitted an additional proposal to designate certain waters adjacent to the coasts of the Commonwealth of Puerto Rico and the United States Virgin Islands as an Emission Control Area for NOx, SOx and PM. Due to time constraints, it was agreed that the proposal should be considered at MEPC 62.

### **Safety issues related to the EEDI – Minimum installed power**

The Committee considered a submission by the International Association of Classification Societies (IACS) on consideration of the Energy Efficiency Design Index for New Ships – Minimum installed power to maintain safe navigation in adverse conditions. IACS reasoned that ship designers may choose to reduce a ship's design speed to achieve the required EEDI, which in turn would result in reduced installed power. In order to avoid any adverse effects on safety, such as under-powered ships, IACS proposed to include a provision in the draft regulations to provide the necessary safeguard.

"For each ship to which this regulation applies, the installed propulsion power shall not be less than the propulsion power needed to maintain the manoeuvrability of the ship under adverse conditions as defined in the guidelines to be developed by the Organization."

The proposal attracted support from many delegations while some expressed the view that the guidelines referenced in the draft text needed to be developed before the Committee would be in a position to make a

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final decision. IACS informed the Committee that it would develop the first draft guidelines and submit them to MEPC 62.

### **Regulations on energy efficiency measures for ships**

Using a Working Group, the Committee continued the development of draft text for Regulations on energy efficiency for ships. After an extensive discussion, the Group reached the view that:

- .1 reduction rates above a certain size of ships in the first phase (phase 0) should be zero;
- .2 reduction rates in phases 1, 2 and 3 and cut-off limit should be developed in a package;
- .3 the required EEDI should not apply to smaller size ships in phase 0;
- .4 the reduction factor for smaller size ships, in phase 1 and subsequent phases, should be set by linear interpolation between zero (for the smallest ships) and a certain value (for the largest ships);
- .5 following the adoption of the regulations, the Parties to the relevant instrument may review the applicable requirements for small ship segments, and industry organizations were encouraged to bring their proposals (as review process 1). This review should be covered in a resolution which should be adopted concurrently with the instrument; and
- .6 In the beginning of phase 1, the Organization shall review the status of technological development, and if proven necessary, adjust the time periods and reduction rates for phases 2 and 3, as specified in draft regulation 4.

### **Technical and operational measures to improve the energy efficiency of ships, in order to reduce greenhouse gas (GHG) emissions from international shipping**

The Committee noted the intention of some States party to MARPOL Annex VI – Regulations for the prevention of air pollution from ships, to request the Secretary-General to circulate proposed amendments to that Annex, to make mandatory, for new ships, the Energy Efficiency Design Index (EEDI) and the Ship Energy Efficiency Management Plan (SEEMP)). The circulated draft amendments would then be considered by MEPC 62, with a view to adoption under MARPOL Annex VI. The Committee also noted, however, that some other States did not support the circulation of the proposed amendments.

Although consensus was not reached as to how to proceed with the next step of IMO's climate change strategy, the Committee made progress on all three elements of its work (technical, operational and market-based measures) and it is expected that further progress will be made at MEPC 62.

### **Market-based measures**

The Committee also held an extensive debate on how to progress the development of suitable market-based measures (MBMs) for international shipping, following the submission of a comprehensive report by an Expert Group, which had carried a feasibility study and impact assessment of several possible market-based measures submitted by governments and observer organizations.

The MBM proposals under review ranged from a contribution or levy on all CO<sub>2</sub> emissions from international shipping or only from those ships not meeting the EEDI requirement, via emission trading systems, to schemes based on a ship's actual efficiency, both by design (EEDI) and operation (SEEMP).

The Committee agreed to establish an intersessional meeting of the Working Group on GHG Emissions from Ships, to be held in March 2011, tasking the group with providing an opinion on the compelling need and purpose of MBMs as a possible mechanism to reduce GHG emissions from international shipping and further evaluating the proposed MBMs considered by the Expert Group, including the impact of the proposed MBMs on, among others, international trade, the maritime sector of developing countries, LDCs and SIDS, as well as the corresponding environmental benefits. A report from Group will be submitted to MEPC 62.

### **Reduction target for international shipping**

The Committee had agreed to continue the deliberation of this issue at this session. However, due to time constraints, the Committee was unable to consider this issue further and agreed to revisit it at MEPC 62.

### **Black carbon and the Arctic**

The Committee agreed to matter to the BLG Sub-Committee.

### **Manual on Oil Pollution, Section I – Prevention**

The Committee approved the draft text of the Manual, recognizing that it would need to be amended in the future in view of developments with the mandatory Polar Code and instructed the Secretariat to carry out any final editing and prepare the document for publication through the IMO Publishing Service.

### **Guidance document on the implementation of an incident management system**

The Committee approved the draft text of the Guidance document on the implementation of an incident management system and instructed the Secretariat to carry out any final editing and prepare the document for publication through the IMO Publishing Service.

### **Revised MARPOL Annex V**

The Committee approved, with a view to adoption at MEPC 62, amendments to revise and update MARPOL Annex V Regulations for the prevention of pollution by garbage from ships, following a comprehensive review of this Annex.

The main changes include the updating of definitions; the inclusion of a new requirement specifying that discharge of all garbage into the sea is prohibited, except as expressly provided otherwise (the discharges permitted in certain circumstances include food wastes, cargo residues and water used for washing deck and external surfaces containing cleaning agents or additives which are not harmful to the marine environment); expansion of the requirements for placards and garbage management plans to fixed and floating platforms engaged in exploration and exploitation of the sea-bed; and the proposed addition of discharge requirements covering animal carcasses.

The Correspondence Group was established under the coordination of the United Kingdom to initiate a review of the Guidelines for the implementation of MARPOL Annex V, based on draft text of the Revised Annex V.

### **Code for implementation of mandatory IMO instruments and auditing**

The Committee concurred recommendation of the Sub-Committee on Flag-State Implementation (FSI) that the tacit acceptance procedure is the preferred way forward to amend instruments to give mandatory status to the Code for implementation of mandatory IMO instruments and auditing. It instructed FSI to proceed with the development of texts of amendments and agreed that each MARPOL Annex should be amended by adding a new chapter to it.

### **Noise from commercial shipping**

The Committee considered its Correspondence Group's report on this matter agreed that non-binding, technical guidelines and consideration of solutions to reduce the incidental introduction of underwater noise from commercial shipping and, in turn, reduce potential adverse impacts to marine life. Accordingly, the most plausible design and/or retrofit options (propulsion, hull design, onboard machinery and operational modifications) should be assessed by naval architects and engineers. While recognizing that the recommendations are intended primarily for new ships, special consideration should be given to existing ships, depending on the practicality/cost of noise mitigation measures, possible operational modifications should be considered for both new and existing vessels.

The Committee noted that this assessment should include both the practicality and specific engineering considerations as well as, to the extent possible, economic considerations given these practical design and construction considerations. Given the relatively little attention to underwater radiated noise in ship design and construction to this point, the Committee agreed that the primary focus area should clearly be on various aspects of vessel propulsion, followed by hull design, onboard machinery, and (practically speaking) operational measures. It was noted, however, that the optimal quieting strategy for any ship should take into account all four of these subgroups.

The Committee, having noted that issues such as "propulsion", "hull design", "onboard machinery" and "operational modifications" relate to ship design and equipment, referred these technical matters to the Sub-Committee on Ship Design and Equipment (DE) under its work programme item concerning the "Protection against noise on board ships", for advice that would be reviewed by the Correspondence Group. The Committee recognized that while the DE Sub-Committee addresses noise in relation to shipborne personnel,

MEPC considers the adverse impact of ships' noise on marine life, the aim of which should be to develop a "guidance document" to be issued as an MEPC circular.

The Correspondence Group was re-established under the coordination of the United States<sup>2</sup> to: take into account advice from DE and continue identifying and addressing ways to minimize the introduction of incidental noise into the marine environment from commercial shipping to reduce the potential adverse impact on marine life; and develop a first draft of a "Guidance document to reduce the adverse impact of ships noise."

#### Work plan – meeting weeks

The Committee approved, subject to the concurrent decision by MSC 88, the following plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the biennium 2012-2013 for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2012	3	2	1	1	1	1	1	1	1	1	1	14
2013	1.5	1	1	1	1	1	1	1	1	1	1	11.5
Grand total (weeks)												25.5

#### Dates for forthcoming sessions

- MEPC 62 is scheduled for 11 to 15 July 2011;
- MEPC 63 is tentatively scheduled for March 2012; and
- MEPC 64 is tentatively scheduled for October 2012.

#### Working/review/drafting groups at MEPC 62

The Committee agreed, in principle, to establish the following working/review/ drafting groups at MEPC 62:

- Working Group on GHG Issues;
- Working Group on Guidelines for Ship Recycling;
- Joint MSC/MEPC Working Group on the Human Element;
- Working Group on Environmental Risk Evaluation Criteria;
- Drafting Group on Amendments to Mandatory Instruments; and
- Ballast Water Review Group.

#### Agenda items for future meetings, review groups, working groups and drafting groups

It was agreed, in principle, to establish review groups (RG), working groups (WG) and drafting groups (DG) at futures sessions as follows:

Item	MEPC 62	MEPC 63	MEPC 64
Harmful aquatic organisms in ballast water	[RG] X	[RG] X	X
Recycling of ships	WG X	[WG] X	[WG] X
Prevention of air pollution from ships	X	X	X
Reduction of GHG emissions from ships	WG X	[WG] X	[WG] X
Consideration and adoption of amendments to mandatory instruments	DG X	DG X	[X]

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Item	MEPC 62	MEPC 63	MEPC 64
Interpretations of, and amendments to, MARPOL and related instruments	X	X	X
Implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant Conference resolutions	X	X	X
Identification and protection of Special Areas and PSSAs	X	X	X
Inadequacy of reception facilities	X	X	X
Harmful anti-fouling systems for ships	X	X	X
Promotion of implementation and enforcement of MARPOL and related instruments	X	X	X
Role of the human element	[WG] X	X	[WG] X
Formal safety assessment	[WG] X	[X]	[X]
Noise from commercial shipping and its adverse impacts on marine life	X	X	X

### Elections

The Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and Captain Manuel Nogueira (Spain) as Vice-Chairman, both for 2011.

The complete report of the Committee, as prepared by the IMO Secretariat, will be made available on the IMO portion of the IADC Website at: <http://www.iadc.org/committees/offshore/IMO.html>. These documents are password protected. IADC members should contact me to obtain the password.

Please feel free to contact me by phone (1 / 713 292 1964) or e-mail ([alan.spackman@iadc.org](mailto:alan.spackman@iadc.org)) with any questions you may have regarding this report.