IMO MEPC 59 Report

Lloyd's Register on the 59th session of IMO Marine Environment Protection Committee

24th July 2009

Hot topics

- Approval of the ballast water treatment systems (Section 2)
- Guidelines for ship recycling (Section 3)
- Green House Gas Emissions (Section 4)
- Matters relevant to the revised MARPOL Annex VI (Section 4)
- Amendment to the MARPOL Annex I (Section 5)
- Various technical resolutions and circulars (Section 8 & 9)
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1. Introduction

The 59th session of the IMO Marine Environment Protection Committee was held from 13th July to 17th July, 2009 in London, the United Kingdom. The outcome relevant to the work of Lloyd's Register is summarised below. Due attention is to be made to “Implication” and “Application” given under each item.

2. Harmful aquatic organisms in ballast water (RG) (Agenda Item 2)

The International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004 will enter into force 12 months after ratification by 30 States, representing 35% of world merchant shipping tonnage. To date (as of 22 July 2009), there are 18 States that represent 15.27% of the world merchant shipping tonnage.

IMO, at the 25th Session of its Assembly held in November 2007, had adopted a resolution (A.1005 (25) - Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004). The aim of this resolution was to grant a period of grace for the ships built in 2009 in order to accelerate ratification of the convention.

(Product passed upon UV light technology)
The Committee agreed that ballast water treatment systems solely using UV light technology does not require approval procedure as required by G9 Guidelines, i.e, such systems will not be required to submit and obtain approval by GESAMP/MEPC. However, judgement on the need for following G9 procedure is left to an Administration, as some UV light systems may produce active substances as by-product.

(Use of portable water)
The Committee could not agree the way to handle cases where portable water used produced onboard the ship may also function as ballast during the voyage. The Committee at this session agreed that any water used as ballast must comply with DS standards given in the convention, thus the equipment producing the portable water shall comply with G8 or G9 Guidelines. The matter will be further discussed at the BLG Sub-Committee.

Some delegations raised questions on possible application of the requirements in case where a ship takes fresh (drinking) water from shore to use as ballast. The matter will be further discussed at the 14th session of the BLG Sub-Committee.

(Technical circular on clarification regarding the application dates contained in regulation B-3.1 of the BWM Convention)
The Committee agreed with the following interpretation and approved it as a technical circular (normal practice is a BMW Circular) for circulation:

- “the anniversary date of delivery of the ship in the year of compliance” as specified in regulation B-3.2 refers to the years (2014/2016) specified in regulation B-3.1.
- Therefore, the entire year of 2014 (including 31 December 2014) or 2016 (including 31 December 2016), as appropriate depending on the ballast capacity of the ship, is to be used when applying the remaining phrase in regulation B-3.2: “the first intermediate or renewal survey, whichever occurs first”.

Following on from the above:
- ships with a ballast water capacity between 1,500 m³ and 5,000 m³, inclusive, are required to comply with D-2 standard not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of the ship in 2014 under regulation B-3.1.1; and
- ships with a ballast water capacity of less than 1,500 or greater than 5,000 m³ are required to comply with D-2 standard not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of the ship in 2016 under regulation B-3.1.2

(The consolidated Guidance to ensure safe handling and storage of chemicals used to treat ballast water and the development of safety procedures for risks to the ship and crew resulting from the treatment process)
The Committee approved this technical circular (BWM Circ) for the attention of members. The purpose of this guidance is to provide technical advice on the development of a methodology to ensure the safe handling and storage of chemicals used to treat ballast water, and the development of safety procedures addressing risks to the ship’s crew resulting from the installation of a ballast water management systems on a specific ship.

(Possible further extension of the entry into force of the convention)
A member State expressed concerns about the availability of the Ballast Water Treatment Systems in the market which are suitable for a ship that will be constructed in 2010 subject to regulation B.3.3 of the BWM Convention. According to the delegation, it is necessary to further revise the Assembly resolution A.1006 (25).

The Committee, having reviewed the current availability of the technology, agreed not to further extend the entry into force date given in the Assembly resolution A.1005 (25). It was estimated that of those systems approved to G8 the manufacturing capacity would be sufficient to provide 3000 units.

The Committee agreed to instruct the Secretariat to prepare a draft MEPC resolution requesting Administrations to encourage the installation of ballast water management (treatment) systems during new ship construction in accordance with the application date contained in the Ballast Water Management Convention to be presented to MEPC 60 for consideration and adoption.

Implication: As a result of the above discussion, it is strongly recommended that shipbuilders/owners will ensure that ships built in 2010 and after will have ballast water treatment system onboard, or, at least, arrangement for easy and smooth installation of the system at a later date when the convention enters into force.

When preparing a ballast water management plan the developers of such plans should take into account the circular on safe handling and storage of chemicals used to treat ballast water and the development of safety procedures for risks to the ship and crew resulting from the treatment process

Application: The discussion above considered only ships built in 2010 having ballast capacity less than 5000 m³. All other requirements given in the BWM Convention remain unchanged. The IMO will review the availability of Ballast Water Treatment systems for ships built after 2010 at MEPC 61 scheduled in October 2011.

(MEPC Circular on Engineering Questionnaire on Ballast Water Management Systems)
The Committee approved the text of an engineering circular designed to assist in the evaluation and selection of ballast water treatment systems prepared by the BLG Sub-Committee.

(Regional enforcement)
The Committee was informed that ships visiting ROPME (In the vicinity of, including, Persian Gulf) areas will be required to comply with ballast water exchange requirements from 1 November 2009. Note the ROPME the sea area is the sea surrounding Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

(Current type approvals of ballast treatment systems in accordance with MEPC.125(53)/MEPC.174(58))
The most update list of type approved systems is given as follows:

<table>
<thead>
<tr>
<th>Product</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEDNA ® OCEAN Ballast Water Management System (using PERACLEAN®) *</td>
<td>Germany</td>
</tr>
<tr>
<td>Alfa Laval/ Wallenius PureBallast System *</td>
<td>Norway</td>
</tr>
<tr>
<td>NEI</td>
<td>Liberia</td>
</tr>
<tr>
<td>Electro-Clean System (ESC) *</td>
<td>Republic of Korea</td>
</tr>
<tr>
<td>OceanSaver® Ballast Water Management System *</td>
<td>Norway</td>
</tr>
<tr>
<td>Hyde Marine guardian system</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>TRO Ballast Water Management System (CleanBalast) *</td>
<td>Germany</td>
</tr>
<tr>
<td>NK-03 BlueBallast System (Ozone) *</td>
<td>Republic of Korea</td>
</tr>
<tr>
<td>Hitachi Balast Water Purification System (ClearBalast) *</td>
<td>Japan</td>
</tr>
<tr>
<td>Greenship Sedinox Ballast Water Management System *</td>
<td>Netherlands</td>
</tr>
</tbody>
</table>

* Systems marked with an * are systems that use an active substance that has final approval

The following are the treatment systems that where given final approval for the active substance used in that system in accordance with MEPC.169(57).

<table>
<thead>
<tr>
<th>Product</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWO Ballast Water Management System (CleanBalast) *</td>
<td>Germany</td>
</tr>
<tr>
<td>NK-03 BlueBallast System (Ozone) *</td>
<td>Republic of Korea</td>
</tr>
<tr>
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<td>Netherlands</td>
</tr>
</tbody>
</table>

At MEPC 59 the Committee granted basic approval to 4 active substances and final 5 active substances in accordance with MEPC.126 (53)/MEPC.169(57). There are now 16...
active substances systems with basic approval of those 8 have also been granted final approval.

The following are the treatment systems that where given final approval for the active substance used in that system in accordance with MEPC.169(57).

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<td>Netherlands</td>
</tr>
</tbody>
</table>

It should be noted that information on the approved systems will be made available at the IMO’s website as a part of information provided by the Global Integrated Shipping Information System (GISIS) (http://gisis.imo.org/public).

(Discussion at next session)
There will be no review group at MEPC 60. All necessary discussion will take place at the plenary.

Implications: There are possible impacts on new ship design in installing ballast water treatment system onboard a ship. Installation onboard existing ships will be a very challenging task. However, these issues are subject to the entry into force of the Convention.

Application: Once the Convention enters into force, it will apply to all ships carrying seawater ballast except for:
1. granted to a ship or ships on a voyage or voyages between specified ports or locations; or to a ship which operates exclusively between specified ports or locations;
2. effective for a period of no more than five years subject to intermediate review;
3. granted to ships that do not mix ballast water or sediments other than between the ports or locations specified in 1 above; and
4. granted based on the Guidelines on risk assessment developed by the Organization.

3. Recycling of ships (WG) (Agenda Item 3)

The Committee was informed of the outcome of the diplomatic conference that adopted the International Convention for the Safe and Environmentally Sound Recycling of Ships, held in Hong Kong, China, between 11 and 15 May 2009.

The Committee at this session, considered the following matters.

(MEPC resolution on the calculation of recycling capacity for meeting the Convention’s entry-into-force conditions)
Based upon a document prepared by the IMO Secretariat, the Committee adopted the resolution on the calculation of recycling capacity. This is an important resolution as the recycling capacity is an important condition for the entry into force of the convention.
(MEPC resolution on the Guidelines for the development of the inventory of Hazardous Material)

These Guidelines provide recommendations for developing the Inventory of Hazardous Materials to assist compliance with regulation 5 of the Convention, which requires identification and location of the Hazardous Materials listed in Appendices 1 and 2 to the Convention.

The Guidelines contain
- Tables of materials and items where they may find and guidance where these materials and items should be included in the Inventory;
- standard format of the inventory of Hazardous Materials;
- collection of information
- assessment of information
- preparation of visual/sampling plan
- onboard visual check and sampling check
- preparation of the inventory, part 2, on the operationally generated wastes prior to the final voyage
- development of the inventory, part 3, on stores.

The Committee adopted the Guidelines at this session.

A member State tabled a request to further explore the issues with flagless ships and the other also requested that the consideration for qualification of ‘competent authorities’ to be developed. Both were accepted and became future work items.

Implication: The Guidelines which are essential for ratification of the Convention continue to be developed. The Inventory Guidelines however clearly need considerable extra work. The limited discussions on the Guidelines for recycling facilities show that the matter will be very contentious.

Application: All ships from entry into force date (unknown)

(Guidelines for safe and environmentally sound ship recycling)
The Guidelines are being developed to provide assistances for ship recycling facilities. The Guidelines will be further discussed through the Intersessional Correspondence Group.

(Other matters under development)
The Committee will further discuss the following issues:
- Guidance for the recycling of flagless and non-Party ship by Parties to the Convention; and
- Guidelines for the development of Ship Recycling Plan.

4. Prevention of air pollution from ships (WG) (Agenda Item 4)

Both control of greenhouse gas (GHG) emissions and issues relating to the revised MARPOL Annex VI on the control of air pollution from ships were discussed under this agenda item. However, the major part of the debate was centred on the control of GHG emissions.

MARPOL ANNEX VI RELATED ISSUES
(The revised survey guidelines under the Harmonized System of Survey and Certification (resolution MEPC.128 (53))
Please refer to agenda item 10 in section 8 of this report.

(Guidelines for port State control under MARPOL Annex VI (resolution MEPC. 129 (53))
Please refer to agenda item 10 in section 8 of this report.

(Guidelines for sampling of fuel oil for determination of compliance with MARPOL Annex VI (resolution MEPC.96 (47))
Please refer to agenda item 10 in section 8 of this report.

(Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use onboard ships (resolution MEPC.82 (43))
Please refer to agenda item 10 in section 8 of this report.

(Amendments to Guidelines for exhaust gas cleaning systems (resolution MEPC.170 (57))
Please refer to agenda item 10 in section 8 of this report.

(Guidelines for the development of VOC management plan, as required by regulation 15.6)
Please refer to agenda item 10 in section 8 of this report.

(MEPC Circular on definition of the cost effectiveness formula in regulation 13.7.5 to the revised Annex VI of MARPOL)
Please refer to agenda item 10 in section 8 of this report.

(MEPC Circular on Guidelines for the application of NOx Technical Code relative to certification and amendments of Tier I engines)
Please refer to agenda item 10 in section 8 of this report.

(Proposed ECA (Emission Control Area) and draft text to amend regulation 13 and 14 of revised MARPOL Annex VI) (Note: submitted under Agenda Item 6)
In considering the proposed ECA and amendments to MARPOL Annex VI in Canada and the United States, several issues were focused on, primarily
- size of the ECA proposed (the proposed area covers all coasts of the United States and Canada off Pacific Ocean and Atlantic Ocean up to 200 nautical miles);
- availability of the low sulphur fuel in the area and ship bound for the area;
- legal status of the proposal put forward by the non-party to the MARPOL Annex VI; and
- the amendments proposed to regulations which have not entered into force after the adoption of the amendments.

With regard to the legal issues given above, the IMO Secretariat (Legal Division) explained that:
- any ECA in the non-party state is not enforceable; and
- any amendments can be
  - approved (for adoption even before the acceptance date) but
  - adoption must be after the date when the amendments deem to be accepted by the parties.
The Committee approved establishment of the proposed Emission Control Area subject to the adoption at the next session. There was a lengthy discussion including the following, in reaching this approval:

- While the area is very large, the need of such vast area was decided based upon scientific research.
- There is a French Territory in the proposed area. The proposal was initially put forward jointly by the United States, Canada however during the meeting France stated it would want the area to be included in the ECA and this will be included in the description of the area to be developed for MEPC 60 – see below.
- Availability of low sulphur fuel for ships bound for the area was raised.
- Owing to the lack of time, the Committee was unable to verify actual coordinated proposal, which will be done at the next session.
- With regard to abatement technology, it would apply full voyage in the Emission Control Area, not entire leg of the voyage from/to outside of the area.
- The proposed amendment to reg. 13.6 (and hence reg. 14.3 due to the linkage between the two) was considered unacceptable due to the manner in which the area to be covered was defined. The submission was generally given from a baseline and furthermore contained numerous non-specific terms. United States/Canada undertook to redraft this for MEPC 60 to be consistent with the manner adopted for other Annexes and PSSA.

Canadian area is not enforceable until Canada becomes a party to MARPOL Annex

**Implication:** Although the Committee agreed this will not be considered as precedent to the other area, it will have significant impact on the future establishment of the Emission Control Area.

**Application:** to ships visiting the area.

**Monitoring the supply and demand of marine fuels**

Industry members proposed establishment of a Correspondence Group to investigate appropriate mechanisms for studying, on an annual basis, developments in the supply and demand for bunker fuels compliant with the revised MARPOL Annex VI.

If such initiatives are taken by industries, it could have conflict with various national/international legislations concerning marketing control, therefore, government led initiatives were requested.

However, substantial number of members expressed the view that such initiatives are premature at this stage.

The Committee was equally divided on this point, and the Chairman suggested re-visiting this issue at a future session, which was accepted by the Committee.

**Marine Fuel oil specification**

While ISO presented its ongoing work on the fuel oil specification, a number of questions were raised, including some elements of downgrade from existing standards.

The need for further sub-sets of fuel categories was also pointed out.

The Committee invited ISO to take into account the opinions expressed by the Committee in further developing the standards.
(Shore supply of electrical power to ships in port (cold ironing))
The Committee noted ongoing work undertaken by ISO and IEC.

GHG EMISSION RELATED MATTERS
While the Committee agreed on the following technical aspects of the GHG emission control as MEPC circular as listed below. It was also agreed that legal aspects of the following decisions, e.g., implementation/application, would be discussed at a future session after the United Nations Climate Change Conference (COP 15) in December 2009.

The Committee will continue to discuss various other items, including Market Based Instruments, at its future sessions.

(MEPC Circular on Interim Guidelines for the method of Calculation of the Energy Efficiency Design Index for new ships)
IMO had been working on the development of the index with aim to stimulate innovation and technical development in improved energy efficiency by providing a formula for various types by which energy (fuel) efficiency per carriage of cargo can be indicated.

The Committee finalized the index for circulation as an MEPC Circular inviting member governments and observer organizations to use the interim guidelines, for the purpose of test and trial on a voluntary basis.

(MEPC Circular on the Interim Guideline for voluntary verification of Energy Efficiency Design Index)
The purpose of these guidelines is to assist verifiers of Energy Efficiency Design Index (EEDI) of ships in conducting the verification, on a voluntary basis, of the EEDI which should be calculated in accordance with the Interim Guidelines on the Method of Calculation of the EEDI for New Ships (“EEDI Guidelines”, hereafter), and assist shipowners, shipbuilders and manufacturers being related to the energy efficiency of a ship and other interested parties in understanding the procedures of the voluntary EEDI verification.

The verification process consists of two-stage verification, i.e., (1) at the design stage and (2) at the sea trial.

Member Governments are invited to use the annexed interim guidelines for the purpose of tests and trials on a voluntary basis.

(Draft guidance for electric power table)
It was agreed to separate this table from EEDI. This guidance will be further discussed at the next session.

(MEPC Circular on the development of a Ship Energy Efficiency Management Plan (SEEMP))
This plan is to be developed by the ship operator or any other party concerned, e.g., chartered, for their own purpose to manage their fleet to improve the energy efficiency through planning, implementation, monitoring and self evaluation and improvement.
The Committee agreed that at this stage not to make this plan mandatory. For this reason any reference to the ISM Code has been deleted.

**(MEPC Circular on Energy Efficiency Operational Indicator)**
This document constitutes the guidelines for the use of an Energy Efficiency Operational Indicator (EEOI) for ships. It sets out:
- what the objectives of the IMO CO2 emissions indicator are,
- how a ship’s CO2 performance should be measured, and
- how the index could be used to promote low-emission shipping in order to help limit the impact of shipping on global climate change.

Member Governments and observer organizations are also invited to provide the information of the outcome and experiences in applying the Guidelines to future sessions of the Committee.

**Implications of the above circulars on GHG emission:** Foreseeable implications include:
- **Builder and designers:** The EEDI may require improvement in fuel efficiency to meet EEDI performance standards and/or client requirements.
- **Owners & managers:** Operational measures for existing fleet, such as SEEMP will help optimization of the fleet operation and fuel consumption.
- **Flag Administrations:** It is encouraged to assist the industry on the trail application of these circulars and obtain the results for further discussion at future sessions of the Committee.

**(Market-based measures)**
Majority of the Committee agreed that any regulatory scheme applied to GHG emission from international shipping should be developed and enacted by IMO as the most competent international body.

The Committee agreed that the debate on market-based instruments should be constituted at its next session, to further advance the discussions and come to a conclusion on the evaluation of individual proposal and their applicability. MEPC 60 should furthermore build upon the outcome of the Climate Change Conference of Parties in Copenhagen in December 200, taking full account of relevant outcome for its further deliberations.

In conjunction with the promoting incentives for the reduction of GHG emission, there were proposal as follows:
- International GHG Fund, with two further proposals on the way of contribution, i.e., through bunker charge or direct contribution by ships
- Maritime Emission Trading Scheme
- Mandatory efficiency standards for new and existing ships

After exhaustive exchange of the opinions, views and comments, the opinions in the Committee were still divided among the proposal at this session. However, the group supporting “International GHG Fund” outnumbered the other group.

The Committee will further discuss the Market Based Measures at the next session.

**(Reduction level resulting from a market-based reduction measure)**
While the Committee considered a proposal on a methodology for setting a cap in a maritime emission trading scheme, e.g., stepwise approach, or reduction scenarios from
international shipping which takes into account efficiency improvement in design for new ships and speed reduction for existing ships, there was general agreement that the topic of reduction level for a potential market based instrument should be revisited at its next session.

(IMO GHG Study 2009)
The result of the study was submitted to the Committee as an information paper, while exclusive summary was provided as a submission paper.

The Committee agreed that the study would constitute a significant document and become the paramount reference to the Committee in developing IMO’s strategy to limit and reduce GHG emissions from international shipping; in the same manner as the 2000 IMO GHG Study had been an authoritative assessment on the issue in the part.

5. Consideration and adoption of amendments to mandatory instruments (Agenda Item 5)

MEPC 59 adopted amendments to MARPOL Annex I (addition of new chapter 8; amendments to regulations 1, 12, 13, 17 and 38; consequential amendments to the IOPP Certificate, Supplement to the IOPP Certificate and Oil Record Book) which were approved at MEPC 58 and circulated by the Secretary-General under cover of Circular letter No.2913 in accordance with the provisions of article 16 of the MARPOL Convention.

The following is the brief introduction of the regulations. These regulations are expected to enter into force on 1 January 2011.

(Ammendments to MARPOL Annex I on prevention of pollution during transfer of oil cargo between oil tankers at sea – New MARPOL Annex I regulations 40, 41, and 42 and “Record of Construction and Equipment for Oil Tankers, form B) This is a new MARPOL regulation requiring:
- development of an onboard ship to ship oil transfer plan (STS operations Plan) which may form part of the shipboard SMS manual;
- Notification to coastal State(s) in coastal and Exclusive Economic Zone in 48 hours. (If full information for notification is not available at an exceptional case, at least information on the ship to ship operation should be notified.)

Corresponding amendments are made in the record of Construction and Equipment for Oil Tankers, Form B.

Implication: Shipowners of oil tankers will be required to have an approved STS operations Plan onboard. National Administrations and/or their Recognized Organizations will need to approve the plan in a timely manner.

Application: Oil tankers of 150 gt or above, which carry out ship to ship cargo oil transfer.

(Annex I, regulation 1, 12, 13, 17 and 38- Definition (Oil residue (sludge), Oil residue (sludge) tanks, Oily bilge water, Oily bilge water holding tanks etc)) MEPC 59 adopted amendments to MARPOL Annex I prepared by the DE Sub-Committee on the definitions of the following items:
Regulation 1 – the following new definitions are adopted

- **Oil residue (sludge)** means the residual waste oil products generated during the normal operation of a ship such as those resulting from the purification of fuel or lubricating oil for main or auxiliary machinery, separated waste oil from oil filtering equipment, waste oil collected in drip trays, and waste hydraulic and lubricating oils.

- **Oil residue (sludge) tank** means a tank which holds oil residue (sludge) from which sludge may be disposed directly through the standard discharge connection or any other approved means of disposal.

- **Oily bilge water** means water which may be contaminated by oil resulting from things such as leakage or maintenance work in machinery spaces. Any liquid entering the bilge system including bilge wells, bilge piping, tank top or bilge holding tanks is considered oily bilge water.

- **Oily bilge water holding tank** means a tank collecting oily bilge water prior to its discharge, transfer or disposal.

Regulation 12 is amended by removing the words “such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces” from the end of the regulation. A new paragraph 2 was added dealing with the disposal of oil residue (sludge)

Regulations 13, 17 and 38 are amended to take account of the new definitions in regulation 1

**Implication:** Considered as nominal. The objective of the amendments was not to introduce a new requirement but to introduce consistency and clear understanding of MARPOL Annex I, MEPC.1/Circ. 511 and Forms attached to IOPP Certificates.

ER oil residue (sludge) tank arrangements for ships constructed on or after 1 January 2011 will need to comply with the revised regulation 12 and take account of the revised definitions and the changes to regulations 13, 17 and 38.

Settled water may only be drained to an oily bilge water holding tank or bilge well, or an alternative arrangement, but may not be led directly to an oily water separator.

**Application:** To ships which MARPOL Annex I is applied.

(Form A (ships other than oil tankers) and Form B (oil tankers)) (Appendix II to MAPOL Convention)

MEPC 59 adopted the text of consequential amendments to the supplement of the IOPP certificate consistent with the newly agreed definitions given above. In addition, “maximum capacity” in “kW or kcal/h” was added to the entry for the incinerator (paragraph 3.2.2. of the supplement)

**Implication:** Considered as nominal, as intent was not to introduce a new requirement but to introduce consistency and clear understanding of MARPOL Annex I, MEPC.1/Circ. 511 and Forms attached to IOPP Certificates. There is general consensus that the existing certificates would be replaced at their renewal.

**Application:** To ships which MARPOL Annex I is applied (ships required to carry certificates – oil tankers of 150 gt or above and other types of ships of 400 gt or above).
(Amendments to the Oil Record Book – Appendix III to the MARPOL Convention)

Amendments to sections (A) to (H) have been adopted based upon the following:
- to address the change of the definitions given above;
- to record transfer of oil residues (sludge) between tanks and transfer of oily bilge water between oily bilge water holding tanks.
- to record “starting” of discharge overboard in both non-automatic and automatic mode.

As a response to the clarification made to regulation 12.2.2 and 12.2.3 given above, the Committee agreed to insert the following footnote “Only those tanks listed in item 3.1 of form A and B of the supplement in the IOPP Certificate used for oil residues (sludge) in the Oil Record Book.”

Implication: Shipowners are invited to pay due attention to the above development. Administrations would benefit from considering when and how the new form will be required for their existing fleets.

Application: Ships to which MARPOL Annex I is applied (ships required to carry Oil Record Book – oil tankers of 150 gt or above and other types of ships of 400 gt or above.).

6. Interpretation of, and amendments to, MARPOL and related instruments (Agenda Item 6)

MEPC 59 considered the following matters under this agenda.

(Proposed ECA (Emission Control Area) and draft text to amend regulation 13 and 14 of revised MARPOL Annex VI)
This proposal was discussed under agenda item 4 above.

(MSC-MEPC Circular on the Interpretation of measurement of distances)
The Committee concurred with the decision of the MSC 85 on a joint MSC-MEPC circular on the measurement of distances. The objective is to clarify measurement of distances between the inner and outer skins for protecting the spaces inside the inner skins by developing a new interpretation as follows:

Unless explicitly stipulated otherwise in the text of the regulations in SOLAS, Load Line and MARPOL Conventions and any of their mandatory Codes, distances are to be measured by using moulded dimensions.

Implication: This interpretation is developed based upon the industry standard and practice of the IACS members, therefore it should have only nominal impact.

Application: all ships subject to MARPOL, SOLAS, Load Line Convention as well as IGC Code, IBC Code and others. IACS members have been applying this interpretation from 1 April 2009.

(Unified Interpretation of regulation 23 of MARPOL Annex I)
The Committee recalled that based on the IACS Unified Interpretation MPC 93, MEPC 58 approved the Unified Interpretation of MARPOL Annex I, regulation 23.7.3.2, on Accidental oil outflow performance, as set out in annex 18 to its report, which reads:
“The pressure “p” is to be taken as the maximum static inert gas pressure that is obtained at the discharge side of the non-return device fitted forward of the deck water seal or 5 kPa, whichever is greater. However, p need not be taken more than the maximum tank pressure corresponding to the P/V valve set-point.”

Having considered the document submitted at this session the Committee agreed the following simplified interpretation.

“If an inert gas system is fitted, the normal overpressure, in kPa, is to be taken as 5 kPa.”

Implication: To builders and designers: Designs will have to meet the requirements of MARPOL Annex I Regulation 23 using an overpressure of 5 kPa where an inert gas system is fitted. The use of an overpressure of 5 kPa is not thought to be a problem for the majority of designs.

Application: to new design/construction of oil tankers when MARPOL Annex I Regulation 23 applies and an inert gas system is installed.

(Discharge of oil and oily waste from fixed and floating offshore platforms)
A member requested clarification on the application of MARPOL Annex I regulation 15 relating to discharges form fix or floating offshore platforms, specifically, on whether untreated oily water from machinery spaces of FSPO can be discharged through the produced water system. The Committee agreed with the following interpretation, but these interpretations will not be circulated as a circular or adopted as a resolution.
- “Production stream” used in MEPC. 139 (53, as amended should mean added to “the production water”;
- When the content of the slop tank is only produced water, this can be discharged with an oil content of 30 or 40 ppm, depending on the coastal State’s regulations; and
- When adding oily water from the engine room to the slop tanks, or adding oil water from the engine room directly to the produced water treatment unit, the overall effluent shall be of maximum 15 ppm.

(Conversion of Ro-ro ship – application of MARPOL Annex I regulation 12A)
A question was raised by a member state, i.e., to what degree, upon extension of Ro-ro ship, MARPOL Annex I regulation 12A shall be applied to.

The option considered was

.1 apply to entire ship
.2 newly installed/converted part only
.3 do not apply where fuel tank arrangements remain unchanged.

The Committee recalled that at MEPC 58, it was decided that upon conversion of single hull tanker to bulk carrier/ore carrier, the definition of major conversion given in MARPOL Annex I regulation 1.9 shall be applied, thus it was considered as major conversion, which require compliance with MARPOL regulation 12A to the entire oil tanker undergoing a conversion, i.e., to all new and existing oil fuel tanks.

The Committee agreed that in such a case, option 1 shall apply. The definition of MARPOL Annex I regulation 1.9 clearly defines the definition of major conversion. The
interpretation will be presented as an annex to the final report of the meeting being prepared by the IMO Secretariat.

(Intent of MARPOL Annex I, regulation 15 and UI 22)
A member State came up with a question whether mixing engine room sludge into cargo slop tank is still allowed after the revision of MARPOL annex I in 2004. While the old regulation 9 clearly allowed such practice, the new regulation 15 is silent about this.

The Committee noted that the old regulation 9 was split into two under new regulation, i.e., regulation 15 for machinery spaces of all ships and regulation 34 for cargo areas of oil tankers. In the view of the member, an ambiguity now exists concerning the treatment of machinery space oil water mixed with cargo area oil and expressed the concern that the Oil Discharge and Monitoring Equipment (ODME) is not intended to cope with emulsions and containment that may form part of bilge only water; and that the standard 30 litres/nautical mile of regulation 34 may be reviewed as more relaxed than 15 ppm oil content limit of regulation 15.

The Committee noted the following views exchanged during the discussion:
- Regulation 34 and its Unified Interpretation 22 are clear in their intent that when non-oil cargo related oily residues are transferred into slop tanks, the discharge of such residue should be in accordance with regulation 34. Therefore the procedure is allowed under MARPOL Annex I regulations:
- However, this allowance does not mean a relaxation of the requirements for ships to be fitted with oil filtering equipment in accordance with the requirements of regulation 14 of Annex I;
- Oil filtering equipment should be used solely in relation to the discharge of oil bilge water from machinery space in accordance with the requirements of regulation 15 of Annex I;
- The discharge of non-oil –cargo related oily residue mixed with cargo oil residue should be made through the oil discharge monitoring and control system referred to in regulation 31 of Annex I.

The Committee did not conclude the matter as an interpretation of the Committee. The final application of the interpretation and decision were left to the each member State.

(Connecting oil cargo tank and ballast tank – Proposed amendments to MARPOL Annex I)
A member proposed arrangements to allow connection between cargo oil tanks and ballast water tank of single hull oil tankers in order to minimize pollution at the accident by transferring cargo oil to intact ballast tanks for preventing further leakage or/and adjusting ship's trim and heel to minimise outflow.

However, many delegations considered that it is against the present text of the MARPOL Annex I, and complication of relevant technical requirements, such as retrofitting P/V valves to ballast tanks, as well as the fact that phase out of single hull oil tankers will be completed in a short period, such proposal was not agreed by the Committee.

(MEPC Circular on Handling of oily wastes in Machinery Spaces of Ships)
The Committee, recalling the amendments made to MARPOL Annex I regulation 12, (see Agenda item 5 (Section 5 of this report) above), agreed that there was a need for the consequential amendments to MEPC.1/Circ. 642 – 2008 Revised Guidelines for Systems for Handling Oily Wastes in Machinery Spaces of Ships Incorporating Guidance Notes for an Integrated Bilge Water Treatment System (IBTS).

It was agreed to insert “terminating as provided for in regulation 12, paragraph 2.2. of MARPOL Annex I” after “… suitable drainage facilities” in section 11.4.

(Amendments to MARPOL Annex V – MEPC Circular on the discharge of cargo hold washing water)

The Committee noted the development through the Correspondence Group. As a part of this discussion, it was revealed that handling of cargo hold washing water as well as debris is posing problems to the operations. It should be noted that discharge in MARPOL Annex V special sea area (Mediterranean sea and the Gulf region) has been prohibited since 1 May 2008 and 1 August 2008 respectively.

This implication has given rise to a number of safety and practical issues, taking into consideration that storage of cargo hold washing water in cargo holds is unfeasible due to the adverse effect of the free surface on ship stability and the need to have the hold ready for the next cargo, while storage of washings in ballast tanks could lead to damage to the pumping systems and coatings not to mention ballast water treatment systems and the lack of capacity as the vessel is usually in ballast condition during washing operations. The lack of adequate reception facilities is also causing concerns.

The Committee approved the circulation of an MEPC Circular on the following as an interim solution:
- Cargo hold washing water, containing the remnants of any dry cargo materials, generated in connection with ship cleaning its cargo hold should not be treated as garbage under Annex V within the Gulf Area and Mediterranean Sea Area; and
- Such cargo hold washing water may be discharged at a greater distance than 12 nautical files from shore within these areas. Cargo residue in the washing water must not originate from a cargo material that is classified as a marine pollutant in the IMDG Code.

A longer term solution will be discussed at a future session.

Implication: While the problem of keeping cargo hold wash water onboard was partly solved, until adequate reception facilities are provided ashore, ships will not be able to discharge cargo hold washing water that contains marine pollutant.

Application: Bulk carriers and general cargo ships and others that require cargo hold washing in the course of loading/unloading.

7. Inadequacy of reception facilities (Agenda Item 9)

The matter is relevant to the reception facilities in conjunction with MARPOL Annex V - Regulations for the Prevention of Pollution by Garbage from Ships, including the regional arrangement.
While some problems were identified at this session, including lack of reception facilities at ports, the matter will be further discussed at the Correspondence Group on MARPOL Annex V established under agenda item 6.

8. Reports of sub-committees (Agenda Item 10)

MEPC 59 considered the reports of sub-committees on issues of relevance to the Committee, including the outcomes of DSC 13, BLG 13, DE 52 and FSI 17 as well as those of other subsidiary bodies. Please also refer to the outcome of MSC 85 and MSC 86 in section 12 of this document.

DSC SUB-COMMITTEE (Outcome of DSC 13)

(Amendments to MARPOL Annex III)
The DSC Sub-Committee noted that regulation 3 of MARPOL Annex III requires packages containing a harmful substance to be durably marked with the correct technical name. “Packaged form” in MARPOL is defined as the forms of containment specified for harmful substances in the IMDG Code. This means that MARPOL Annex III does apply to marine pollutants in any “packaged form” mentioned in the IMDG Code, including tanks.

The IMDG Code requires only the proper shipping name for the transport of dangerous goods in tanks. This leads to a different regulation in the IMDG Code for the transport in tanks of dangerous goods that are marine pollutants and dangerous goods that are not marine pollutants.

The Committee approved the extension of the terms of reference of the drafting group to be established in the DSC 14 in order to deal with the above issue.

BLG SUB-COMMITTEE (Outcome of BLG 13)

Matters relevant to the Ballast Water Management were considered under agenda item 2.

(Extension of interim guidelines for the carriage of bio-fuel blends)
The Committee approved the extension of the interim guidelines for another 24 months until the final guidelines are completed. In this regard, it was also agreed that in view of the concerns noted in relation to the Oil Discharge Monitoring Equipment (ODME) functionality, when carrying bio-fuel blends as Annex I cargoes under the extended guidelines then any residues and tank washing should be pumped ashore unless ODME is approved/certified for the blend in being shipped.

For the circular on the prohibition on blending during the voyage, please refer to agenda item 11 (Section 9) of this report.

(Amendments to Guidelines for exhaust gas cleaning systems (resolution MEPC.170 (57))
MEPC 57 had agreed to forward the interim washwater discharge criteria, set out in section 10 of the revised Guidelines for Exhaust Gas Cleaning Systems – EGCS (resolution MEPC.170(57)) to GESAMP (Joint Group of Experts on the Scientific Aspects of Marine Environment Protection) for its review and comments.
The Committee revised the outcome of the BLG 13 and comments submitted under agenda 4 and 10 at this session and adopted amendments to the resolution.

The amendments made to the previous resolution were, primarily:
- to take into account that, in accordance with regulation 4 of revised Annex VI, EGCS may be used for both outside ECA-SOx and inside ECA-SOx if so approved;
- that the various stage limits now given for fuel oil sulphur limits in revised Annex VI needed to be reflected in the limits to which the EGCS would be certified;
- the limits are now given only in terms of SOx (ppm) / CO2 (%)
- various terminologies needed to be updated to reflect the revised Annex;
- incorporation of GESAMP comments and others into wash-water discharge controls;
- general improvements to the previous version which seriously affected the coherence of the first version;

It should be noted that member governments are invited to collect data on wash water.

Implication: Builders, Owners and flag Administrations including its Recognized Organizations: This will be a new work area (similar to that already undertaken in respect of NOx Technical Code certification) which will need to be developed and supported. Although there is a concern over fuel availability (and cost) which would be a driver to the use of such equipment the demands of regulation 13.5.1.1 (Tier III) would tend to limit its application on ship’s built on or after 1 January 2016.

Application: The new guidelines supersede the existing guidelines from 1 July 2010 when the revised MAPOL Annex VI enters into force.

(Draft Amendments to MARPOL Annex I on the use and carriage of heavy grade oil on ships in the Antarctic area)

MEPC 58 had requested the Sub-Committee to develop amendments to MARPOL Annex I on the use and carriage of heavy grade oil on ships in the Antarctic area as a result of a number of incidents involving the release of heavy grade oils in Antarctic waters.

The BLG Sub-Committee considered proposed amendments to MARPOL Annex I on the use and carriage of heavy grade oil in the Antarctic area and any other submissions relating to this item. The Sub-Committee agreed the text of a new draft regulation 43 to MARPOL Annex I, which will ban the carriage of defined heavy grade oils as cargo or use as fuels in ships, excluding lubricating oils, whilst operating in Antarctic waters but this will not apply to ships engaged in emergency and search and rescue missions. It was agreed that the ban would apply in Antarctic waters and would not be extended to Arctic waters. It should be noted that ships with fuel oil tanks protected in compliance with MARPOL Annex I regulation 12A are not exempt from the ban on the carriage and use as fuel of heavy grade oils.

Although opinions were expressed to further delay the entry into force of the requirements in order to allow industries to prepare for the implementation, the Committee approved the text of amendments as prepared by the BLG Sub-Committee for final adoption at the next session.

Implications: The draft amendments will prohibit the carriage and use as fuel or cargo defined grades of heavy oils and will require the removal of heavy fuels from the ships prior to entering Antarctic Waters.
**Application**: The amendments will apply to ship builders and designers of ships and to ship owners/managers of ships intended to operate in Antarctic area waters and are expected to enter into force sometime around August 2011 or date decided by the next session of the Committee.

**MEPC resolution on amendments to the Revised Survey Guidelines under the Harmonized System of Survey and Certification for MARPOL Annex VI**
See outcome of the FSI Sub-Committee.

**MEPC resolution on Guidelines for port State control under MARPOL Annex VI**
(resolution MEPC.128 (53))
See outcome of the FSI Sub-Committee.

**MEPC resolution on Framework for Possible Guidance on Reception Facilities In Connection With Revised MARPOL Annex VI**
The BLG Sub-Committee noted that there was a need for clarification as to whether these should concentrate on the general case of the facilities to be provided in respect of Annex VI or the narrower case of what constitutes a ‘remote’ location as given in regulation 17 and in that instance what guidance should be given. This has been referred to MEPC. There was no discussion or action on this point.

**Implication & Application** Under development - Not applicable at this stage.

**MEPC resolution on Guidelines for the Development of a VOC Management Plan**
(MEPC Circular on draft model VOC Plan)
(MEPC Circular on technical information on systems and operation to assist development of VOC management plan)
The Committee adopted the text of Guidelines for the development of a VOC management plan, as required by regulation 15.6, prepared by the BLG Sub-Committee, after the consideration at the Technical Group at this session.

In addition, the Committee also agreed to disseminate information on the general equipment and system involved, their operation and conditions onboard a crude oil tanker with respect to the formation and emission of No-Methane Volatile Organic Compounds (NM-VOC) as well as the ability to control VOC formation and emissions.

**Implication:**
- **Shipowners and ship managers**: Shipowners, or parties acting on their behalf, will be required to prepare these Plans and submit them for approval. It should be noted that there may be tankers which carry, at different times, crude oil and black products. Ships’ SMS will need to be updated to reflect this new requirement and hence ISM audits would need to be looked at to see if the necessary actions have been taken, implemented and duly documented.
- **National authorities (flag & port) and their recognized organizations**: In any case the Annex VI certification will need to be updated to the revised form of the IAPPC and hence will incorporate the necessary clauses. Annex VI survey procedures will need to be updated to reflect these new requirements for this Plan to be (a) approved, (b) onboard and (c) implemented. PSC will also be looking at this aspect, which if found, ultimately could lead to detention.

**Application**: In accordance with the revised MARPOL Annex VI reg. 15.6 approved, by or on behalf of flag States, ship specific VOC Management plans will be required for all
tankers carrying crude oil which are (a) flagged in Annex VI signatory States or (b) operate (specifically undertake cargo operations) in the waters of Annex VI signatory States. This requirement is irrespective of ship construction date, ship tonnage, type of crude, quantity of crude or any other factor. Approved VOC Management Plans will be required to be onboard and implemented from 1 July 2010. MEPC 59 is expected to approve the Guidelines for the development of VOC Management Plans as prepared by BLG 13 which will form the basis for the development and approval of same.

(MEPC resolution on Guidelines for the Sampling of Fuel Oil for Determination of Compliance with Annex VI of MARPOL 73/78)
The Committee adopted amendments to resolution MEPC.96 (47) – Guidelines for the sampling of fuel oil for determination of compliance with Annex VI of MARPOL 73/78 – for the implementation of the revised MARPOL Annex VI prepared by the BLG Sub-Committee.

Implication: The revised Guidelines simply update the references to the revised Annex VI and one minor editorial there implication unchanged from current version although footnote in the revised Annex VI will need to be duly updated

Application: As for the existing Guidelines – they will primarily apply to fuel oil suppliers although ship’s crew also need to take certain actions.

(MEPC resolution on Guidelines for Monitoring the Worldwide Average Sulphur Content of Residual Fuel Oils Supplied for Use on Board Ships)
The Committee adopted amendments to the Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use onboard ships (resolution MEPC.82(43)) prepared by the BLG Sub-Committee.

At BLG 13, there was a discussion on whether the monitoring of the sulphur content of fuel worldwide was still required or it should be expanded. It was considered that matters relating to the need or otherwise of monitoring the sulphur content of fuel were outside the terms of reference of the Sub-Committee that the matter was referred to the Committee for consideration.

The Committee also agreed to instruct the BLG Sub-Committee to start revising the Guideline to address the expansion to all marine fuels with a target completion in 2010.

(MEPC Circular on Guidance to Ensure Safe Handling and Storage of Chemicals and Preparations Used to Treat Ballast Water and the Development of Safety Procedures for Risks to the Ship and Crew Resulting From the Treatment Process)
The Committee approved the text of the guidelines on the handling, storage and safety procedures for ships’ crews for systems that use active substances (chemicals) prepared by the BLG Sub-Committee. This refers to ship specific health & safety procedures, and refers to the International Dangerous Goods (IMDG) Code for guidance.

Implication: Shipowners and ship managers are to pay due attention to this guidance, with a view to incorporating applicable elements into shipboard SMS required under the ISM Code.

Application: For ships using hazardous chemicals for ballast treatment systems.
(MEPC Circular on Guidelines for the Application of the NOx Technical Code Relative to Certification and Amendments of Tier I Engines)
The Committee approved the text prepared by the BLG Sub-Committee clarifying that the existing NOx Technical Code should continue to be used beyond 1 July 2010 in respect of Member Engines of Engine Family / Engine Groups established before that date and also in respect of amendments to Engine Family / Engine Group and Individual Engines first established / certified before that date.

This is to continue only to 31 December 2010. In respect of tier I Engine Family / Engine Groups / Individual Engines certified after 1 July 2010 the revised 2008 NOx Technical Code will apply.

Subsequently, the Committee approved the text for circulation.

Implication: This clarifies the application of the existing requirements (the time limit). Manufacturers and ship builders are to pay due attention to this discussion.

Application: to ships which NOx technical Code applies. (Engines over 130 kW irrespective of the size of ship onto which such engines are subsequently installed)

(MEPC Circular on Definitions for the Cost Effectiveness Formula In Regulation 13.7.5 to the Revised Annex VI Of MARPOL)
The revised MARPOL Annex VI (MEPC. 176 (58) regulation 13.7. 5.2 states as follows as a criteria for requiring compliance with the retrofitting to a ship with a marine diesel engine with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000:

“the cost of the Approved Method is not excessive, which is determined by a comparison of the amount of NOx reduced by the Approved Method to achieve the standard set forth in subparagraph 7.4 of this paragraph and the cost of purchasing and installing such Approved Method."

The Committee approved the text on definitions of a number of factors in the Approved Method cost effectiveness formula developed by the BLG Sub-Committee.

It should be reminded that, according to the revised MARPOL Annex VI - approval of Approved Methods can be undertaken by any Administration which is a party to Annex VI – it does not need to be the flag State of the particular ship onto which the applicable engine is installed.

Implication: There is a wide range of factors which will render the application of the ‘Approved Method’ challenging, the clarification of these two items marginally reduces this concern. The definitions as now finalised exclude the possibility that emission reductions could be achieved by operational / setting changes only and furthermore since the amount of emission reduction to be taken into account is to be only that which is required to meet the limit – these both act to limit the amount of NOx reduction that could have been achieved by this requirement.

Application: To all engines over 5 MW and per cylinder capacity at or above 90 litres installed on ships constructed 1 January 1990 to 31 December 1999 where there is an Approved Method at Renewal Survey which occurs 12 months or more after such
becomes ‘commercially available’. Shipowners and surveyors will need to be well aware of this requirement over the life of such ships until such is fitted.

DE SUB-COMMITTEE (Outcome of DE 52)

(Draft Assembly resolution on the Code on Alerts and Indicators 2009)
Please refer to agenda item 11 (Section 9 of this report).

(Draft Assembly resolution on Guidelines for ships operating in Polar Waters)
Please refer to agenda item 11 (Section 9 of this report).

(Mandatory phase-out of pollution prevention equipment approved under resolutions MEPC.60 (33) and A.586 (14))
There was a proposal to consider mandatory phase out of old oily water separators as they are not efficient and not able to cope with emulsions. Having considered the aspects that, there may be other ways to deal with emulsions etc, the Committee did not agree with the proposal.

(MEPC Circular on a guide for diagnosing contaminants in oily bilge water to maintain, operate and troubleshoot bilge water treatment systems)
The Committee noted that the proposed guide to diagnosing contaminants in oily water to maintain, operate and troubleshoot bilge water treatment system. The Committee noted that the guide could be an excellent tool to help engine-room crews to comply with MARPOL requirements.

While the revised guide will be circulated as an MEPC Circular based upon the taking into account information provided to the Committee, the matter will be further discussed at the DE Sub-Committee.

(Manuals for equipment malfunction for oil discharge monitoring and control systems for oil tankers)

According to regulation 31 of Annex I there is a possibility of manual operation in case of equipment failure. The Committee considered the concern expressed by a member regarding manuals for this operation.

The Committee agreed to instruct DE Sub-Committee to consider this matter further, taking into account practical implementation related issues, such as:
- an appropriate time frame for implementation, e.g., the first IOPP survey carried out on or after 6 months after the adoption date of any resolution/circular;
- how such a revision should affect many ODMC Manuals, e.g., to delete that provision if it is contained in the approved ODMC Manual

(Reduction of the volume of sludge)
The Committee agreed the DE Sub-Committee’s conclusion that acceptable percentage reduction in the volume of sludge from evaporation is up to the amount of water present in the sludge.

FSI SUB-COMMITTEE (Outcome of FSI 17)

(MEPC resolution on the Guidelines for Port State Control under the revised MARPOL Annex VI)
The Committee adopted the guidelines prepared by the BLG Sub-Committee and the FSI Sub-Committee.

**Implication:** The Guidelines should avoid, or at least limit, the potential problems resulting from different interpretations of the Annex & Codes texts due to incompleteness of the IMO Guidelines. Shipowners are encouraged to bring the resolution to the attention of ship masters.

**Application:** all ships engaged on international voyages, ships over 400 GT are to be issued, as required, with IAPP Certificates (or, as required, non-Party equivalents) while ships under that limit are to be subject to appropriate measures to ensure compliance.

*(MEPC resolution on Amendments to Survey Guidelines under HSSC related to MARPOL Annex VI (resolution MEPC 128 (53)))*

As the revised MARPOL Annex VI will enter into force on 1 July 2010, this is kept, at this time due to the timing of Assembly meetings, as an independent resolution, rather than incorporated into the HSSC survey guidelines.

BLG Sub-Committee agreed amendments to the revised Survey Guidelines under the Harmonized System of Survey and Certification (resolution MEPC.128 (53)) and the Guidelines for port State control under MARPOL Annex VI (resolution MEPC.129 (53)).

During the discussion it was identified that the current HSSC Survey Guidelines ‘General’ section defines Initial Survey (4.1.1.1 & .2) only in relation to a ship before entry into service and hence did not cover those cases in respect of an existing ship, where either a new instrument is finalised and enters into force or where a flag signs up to an existing instrument, and thus, the text was duly revised.

It should be noted that various Annex VI aspects related to existing HSSC Survey Guidelines – 2007 (current Annex VI version) require correction.

The FSI Sub-Committee reviewed the text developed by the BLG Sub-Committee. The Committee adopted the text as an MEPC resolution.

**Implication:** The guidelines should avoid, or at least limit, the potential problems resulting from different interpretations of the Annex & Codes texts due to incompleteness in IMO Guidelines. Builders and owners are to be aware of the Guidelines as a statutory survey will be carried out in accordance with these Guidelines.

**Application:** All ships subject to MARPOL Annex VI (generally speaking - 400gt or over) from 1 July 2010, when revised Annex VI enters into force.

9. **Work of other bodies (Agenda Item 11)**

MEPC 59 was informed of the outcome of other bodies, including the 101st and 102nd sessions of the Council, the eighty-fifth and eighty-sixth sessions of the Maritime Safety Committee, the thirtieth Consultative Meeting of Contracting Parties (London Convention 1972) and third meeting of Contracting Parties (London Protocol 1996) and the fifty-ninth session of the Technical Co-operation Committee, on matters of relevance to the Committee.

*(Outcome of MSC 85 & 86)*
MSC 86 approved the following instruments for the approval of the Committee.

**Draft Assembly resolutions**

**(Draft Assembly resolution on adoption of the Code on Alerts and Indicators 2009)** The MSC 86 approved the draft assembly resolution for further approval at MEPC 59 and the final adoption at the 25th session of the Assembly. This is the comprehensive revision of the Assembly resolution A.830 (19) - the Code on Alarms and Indicators, 1995.

**Implications:** While this code is a stand alone non-mandatory instrument, in general, the code will be widely used for the design and approval of all shipborne controls. Therefore, manufacturers and builders should be aware of these developments and take into consideration when designing new equipment and system onboard.

**Application:** to all shipboard alerts (alarms) and indicators which are required by the 1974 SOLAS Convention, as amended, including the performance standards referred to, MARPOL 73/78 as amended and associated instruments (IBC, BCH, IGC, Gas Carrier, 2000 HSC, [2009] MODU (being adopted at 26th Assembly), Nuclear Merchant Ships, Diving, IMDG, FSS and LSA Codes; 1993 Torremolinos Protocol, Guidelines for IGS, Standards for VEC).

**(Draft Assembly resolution on the Revised MODU Code)**

The MSC 86 approved the text by the DE Sub-Committee, taking into account opinions expressed at this session of the MSC 86. A proposal relating to the 2008 IS Code was not agreed.

It should be noted that the degree of the revision is very exhaustive. The revised Code has substantial impact on the design and construction of the MODUs, e.g., the requirements of PSPC (Performance Standard for Protective Coating).

**Implications:**

- **Builders:** This will affect design of the MODU, e.g.:
  - Reference to MSC.215 (82) – Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers, will have significant impact in the fabrication process.
  - Reference to MSC.1/Circ.1212 – Guidelines on alternative design and arrangements for SOLAS Chapter II-1 and III, will provide considerable freedom.

- **Owners & Operators:** The code also includes operational aspects, which affect MODU’s SMS as per ISM Code.

- **Flag Administration and its ROs (classification societies):** As many flag Administrations incorporate the current MODU Code into their national legislation, this amendment will have impact on them.

**Application:** to new MODUs, keels of which are laid on 1 January 2012 and thereafter, is suggested at present.

**(Draft Assembly resolution on Guidelines for ships operating in polar waters)** The MSC 86, taking into account comments expressed at this session of the MSC 86 approved the draft Assembly resolution for adoption by the 26th session of the Assembly.

The key amendments include the following items:
1. Amendment of the title to “Guidelines for ships operating in polar waters” in recognition of additional challenges in polar waters other than ice-coverage and to reflect the recommendatory nature of the provisions;

2. Amendments to the preamble to emphasise the need to consider the nature of the operations that are anticipated and provisions for environmental protection;

3. Amendments to the provisions to the propulsion power to include the icebreaking capability and risk of structural damage. In addition, the IACS URs for Polar Class ships were extensively discussed and the equivalency between other standards, taking into account the Russian experience of operating Arctic ships;

4. Amendments to the damage stability provisions to consider SOLAS chapter II-1;

5. Amendments to the life saving and fire fighting arrangements to take into account the temperatures during seasonal operation;

6. Amendments to incorporate greater flexibility in the provision of survival kits;

7. Amendments to specify totally enclosed or partial lifeboats depending on the anticipated operation;

8. Amendments to specify that the provisions for navigational equipment are applicable to all ships operating in polar waters;

9. Amendments to the provisions for operational manuals for clarity and removal of provisions that may conflict with drill requirements contained in other IMO instruments;

10. Amendments to include provisions for environmental protection and damage control to take into account any applicable National and International rules and regulations and industry best practice;

Implications: Although this is a non-mandatory instrument, it may affect design and operation of ships operating in the polar region. The Code includes a wide range of design/equipment related issues, such as damage stability, life-saving appliances etc.

Application: Although these Guidelines are voluntary they are intended for the ships constructed on or after 1 January 2011. There is no size limitation. It is intended to apply to ships operating in the Antarctic and the Arctic waters (definition of these waters are given in the Guidelines). Existing ships are encouraged to comply with the Code as far as reasonable and practical.

(Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification)

Assembly resolution A.997(25) – Survey Guidelines Under the Harmonized System of Survey and Certification – supersedes the guidelines adopted by the resolution A.948(23) and takes account of the Harmonised System of Survey and Certification in such instruments as SOLAS, Load Lines Convention, MARPOL Convention, IBC Code, IGC Code, BCH Code. The Guidelines are non-mandatory, however, widely implemented. They are mandatory in EU countries.

With regard to the dry docking requirements of passenger ships, FSI 17 noted that DE 52 could not conclude on alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships for the preparation of appropriate amendments to the Survey Guidelines, and deferred the further discussion to the next session as delegations’ opinions were not fully concurred with the in-water survey for passenger ships.

After a lengthy discussion, FSI 17 decided to insert a paragraph in the survey guidelines allowing a ship to undergo dry docking only once every five years, subject to
compliance with the guidance developed by the DE Sub-Committee for approval at the Maritime Safety Committee. The extract of the new paragraph is re-produced hereunder:

“where acceptable to the Administration, the minimum number of inspection in dry-dock of the outside of the bottom of a passenger ship (which is not a ro-ro passenger ship) in any five-year period may be reduced from two to one*. In such cases the interval between consecutive inspections in dry-dock shall not exceed 60 months.

* In accordance with guidance to be developed by the Organization”

During the deliberation at the MSC 86, one member States expressed concerns over the relaxation of bottom survey, and insisted to wait for the completion of the technical guideline being developed by the DE Sub-Committee. While NGO members explained the technical justification, current practices and the need of approval at this session, no member States supported the approval. Subsequently, the MSC 86 decided to wait for the outcome of the DE Sub-Committee, rather than approving this revision on the dry docking requirements for passenger ships.

Other parts of the draft guidelines were approved by the MSC 86 for the concurrence of the MEPC 59 and the subsequent adoption at the 26th session of the Assembly.

Implications:
Shipowners/Managers: verification will be needed to ensure that the latest requirements are being complied with
Flag Administrations/ROs: To ensure that survey checklists are up to date and flag States surveyors and PSC officers are aware of the new requirements

Application: to all ships (as survey requirements)

(Draft amendments to the Code for the implementation of mandatory IMO instrument (resolution A.996 (25))
The MSC 86 approved the amendment subject to concurrence of the MEPC 59 and the subsequent adoption at the 26th Session of the Assembly.

Under the provisions of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) and of IMO conventions, flag State Administrations are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give these instruments full and complete effect so as to ensure that, from the point of view of safety of life at sea and protection of the marine environment, a ship is fit for the service for which it is intended and is manned with competent maritime personnel.

The code was developed to enhance global maritime safety and protection of the marine environment. The revised code contains mandatory requirements entering into force up to 1 July 2010.

Implications: Flag State implementation scheme.

Application: Not to ship/equipment but to the governments

Draft MSC-MEPC Circular

(MSC – MEPC Circular on measurement of distances)
The Committee, based upon the submission by IACS, developed a joint MSC-MEPC circular on the measurement on distances. The objective is to clarify measurement of distances between the inner and outer skins for protecting the spaces inside the inner skins by developing a new interpretation.

**Implication:** This is the current industry practices. Therefore, no significant impact is envisaged.

**Application:** All ships.

*(Prohibition of blending MARPOL cargoes on board during the sea voyage)*

In conjunction with the discussion on the carriage of bio-fuel blend, the MSC 86 approved a circular on the prohibition of blending operation onboard, subject to concurrence of the MEPC 59.

The Committee, after a lengthy discussion on whether prohibition should be “at sea” or “during the sea voyage”, with slight majority, agreed to use phrase “during the sea voyages”.

However, it should be noted that substantial numbers of delegation expressed support to the phrase “at sea”. Therefore, even though the circular states as “during the sea voyage”, blending in a harbour could be prohibited by a national legislation.

**Implication:** a practice of blending bio-fuel off a port will be prohibited in order to ensure the safety of a ship.

**Application:** While the original intent of the circular was to provide guidance to chemical tankers carrying bio fuel blends, the circular, as it stands now it may have wider scope of application.

*(MSC-MEPC circular on Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments)*

MEPC 59 concurred with the MSC-MEPC circular on guidance on the timing of replacement of existing certificates approved at MSC 86. The circular clarifies as follows:

1. In cases where the ship does not have to comply with new requirements, the certificate (and its supplement, if any) is not to be reissued until its expiry
2. In cases where the ship has to comply with new requirements, the certificate (and its supplement, if any) is to be re-issued at the opportunity of the first survey specified with the new requirements occurring after the date of entry into force of the amendment; and
3. Where a ship is subject to a modification or conversion which involved an additional survey, the certificate (and its supplement, if any) is re-issued.

**Implication:** Owners of the ship and the flag Administration and recognized organizations acting on its behalf (e.g., classification societies) should be aware of this clarification.

**Application:** all ships.
Implications: as indicated above, each instrument forwarded from the Maritime Safety Committee has impact on the ship design/operation.

Application: to all ships

(MSC-MEPC circular on the establishment of an effective safety management system for floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs) and integration of the marine staff)

FSI 17 also, as instructed by MSC 85 (see MSC 85/26, paragraph 10.27), prepared a draft MSC-MEPC circular on the establishment of an effective safety management system for floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs) and integration of the marine staff.

This circular intends to provide guidance to Member States such that they may develop regulations on safety, pollution prevention and security of FPSO and FSUs.

Although the draft circular sovereign rights of the costal states, it describes application of IMO conventions (SOLAS, Load Line, MARPOL, STCW) to disconnectable and un-disconnectable FPSO/FSU respectively.

The Committee approved the circular subject to the concurrence at MSC 87.

Implications: The circular is aimed to be incorporated into SMS manual onboard, if required to the FSU/FPSO.
Application: FSPO and FSU and their management company.

10. Harmful anti-fouling systems for ships (Agenda Item 13)

The Committee reviewed Guidance on best management practices for removal of anti-fouling coatings from ships, including TBT hull paints, developed under the London Convention and Protocol, and approved the circular.

However, the Committee could not agree with the part pertaining to in-water cleaning. Therefore, instructed the Secretariat to delete that part of the circular referring to in-water cleaning and to issue it as an AFS circular.

Implication: Owners of the ship and the flag Administration and recognized organizations acting on its behalf (e.g., classification societies) should be aware of this clarification.

Application: all ships.

11. Promotion of implementation and enforcement of MARPOL and related instruments (Agenda Item 14)

The Committee considered the proposal to encourage voluntary actions to decrease nutrient emissions caused by large amount of sewage produced by passenger ships.
The Committee, having exchanged views, agreed to encourage all passenger vessel trafficking in semi-closed and closed sea areas which are threatened by eutrophication, to refrain from discharging their sewage waste, and to dispose in port reception facilities, if available.

12. **Role of human element (Agenda Item 16)**

MEPC 59 considered the outcome of MSC 85 and MSC 86 on human element issues as well as any other submissions under this item.

(ISM Code)
Proposed amendments to the ISM Code to include Seafarer’s Safety Representative were not agreed. However, the Committee agreed to revise relevant guidelines which will be further discussed at the next session of the Join Working Group on Human Element scheduled during MSC 87.

(Amendments to the Revised Guideline on Implementation of the ISM Code by Administrations – resolution A.913 (22))
The Committee approved the text prepared by MSC 84 for adoption by the 26th session of the Assembly.

The following is the point proposed by MSC 84:

(Interim ISM Certificate)
It was proposed that the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913 (22)) to be amended to include a requirement for Administrations to consider and seek additional assurance on the risk factors identified when undertaking the interim Document of Compliance audit. However, the proposal was not agreed by delegates.

(Transfer of Flag & RO)
Proposed amendments to include new requirements for transfers of flag and transfers of recognised organisation and specific intervals relating to the verification process was not agreed, at the Working Group on the Human Element considered that verification intervals are already addressed in the existing guidelines, and that there is no need for repetition.

The proposed amendments relating to transfers of flag and recognised organisation were not accepted because they failed to distinguish between the two cases which are quite different and require different treatment.

(Joint IMO/ILO Working Group)
In principle, the MSC 86 agreed to hold such joint Working Group on ad-hoc basis. The Committee agreed to address the following issue at the ad hoc Joint Working Group:
- Guidelines for medical examination of seafarers leading to the issue of medical certificates, pursuant to the requirements of MLC 2006 and STCW 78 as amended;
- Revision of existing ILO Recommendation NO. 105 (No. 158) relating to ships’ medicine chests, with a view to harmonizing it with the latest edition of the International Medical Guide for Ships.

It was agreed to invite WHO to this joint Working Group.
Further, it was also agreed to change the name of the Working Group as Joint IMO/ILO Working Group on issue of common interest.

**Implications:** Any amendment made to the ISM Code will affect shipboard and company safety management procedures.

**Application:** All ships subject to the code (Passenger ships regardless of the tonnage engaged on international voyages and cargo ships (non-passenger ships) of 500 gt and MODUs engaged on international voyages.) and their management companies.

### 13. Formal safety assessment (Agenda Item 17)

MEPC 59 considered the report of the correspondence group established at MEPC 58 to review the Environmental Risk Acceptance Criteria, and any other submissions under this item.

Noting that opinions within the Corresponding Group is still divided, agreed to re-establish the group for further discussion.

### 14. Development of a guidance document for minimizing the risk of ship strikes with cetaceans (Agenda Item 18)

IMO had addressed the ship strikes with the cetaceans issue through the adoption of mandatory reporting system and routing of ships for the protection of the North Atlantic right whales, and through revisions to the High-Speed Craft Code, in accordance with SOLAS Chapter V regulation 34 and the guideline for voyage planning (A. 839 (21))

(MEPC Circular on guidance for minimizing the risk of ship strikes with cetaceans)

Using documents submitted to the 58th session of the Committee, the Committee prepared an MSC Circular to bring attention of the concerned parties.

The circular invited government’s actions for gathering and discriminating information, education, development and technologies as necessary. The Circular also recommends operational measures, such as routing, reporting.

**Implications:** As a non-mandatory recommendation, the implication associated with this circular is that future actions may be taken by a government, e.g., establishment of ship routing/reporting measures in the identified region.

**Application:** Up to member States.

### 15. Noise from commercial shipping and its adverse impacts on marine life (Agenda Item 19)

The Committee noted the following scope of basic assumption identified by the Correspondence Group
It was noted that propeller cavitations and machinery noise are primary source of such noise.

The Committee also noted that effort for reducing Green House Gas emissions, such as using more efficient propeller and/or reduction of ship speed will also have effect to reduce noise emissions.

The matter will be further discussed through the Correspondence Group.

**Implications:** Depending upon the discussion, it may have impact on the design of ship/equipment.

**Application:** To be further discussed.

### 16. Work programme of the Committee and subsidiary bodies (Agenda Item 20)

The following new work programmes were agreed:

- Application of SOLAS, MARPOL and Load Line requirements to major conversion of Oil tankers - 1 session at the DE Sub-Committee (in fact, the inclusion has already been agreed by MSC. MEPC concurred the action taken by MSC);
- Mandatory application of the polar guidelines – 2 sessions under the DE Sub-Committee) (in fact, the inclusion has already been agreed by MSC. MEPC concurred the action taken by MSC);
- Guidelines for a shipboard oil waste pollution prevention plan – 2 sessions under the DE Sub-Committee (while original proposal included linkage with the ISM Code, that part was excluded)
- Consideration of “Manually operated alternatives in the event of equipment malfunctions” in the DE Sub-Committee.

### 17. Future sessions of the Committee

MEPC 60 is scheduled from 22 to 26 March 2010
MEPC 61 is scheduled in October 2010
MEPC 62 is scheduled in July 2011

### 18. Summary of the decision (list of the finalized instruments)

<table>
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<tr>
<td>Annex I, regulation 1, 12, 13, 17 and 38</td>
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<td>Appendix III</td>
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### Approval of Amendments to the MARPOL Convention

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<tr>
<td>Annex VI, regulation 13 and 14</td>
<td>Nitrogen Oxides (NOx)/Sulphur Oxides (SOx) and Particulate Matter</td>
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<td>MEPC 60</td>
<td>TBD</td>
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<tr>
<td>Annex I, Chapter 9 (New), regulation 43</td>
<td>Special requirements for the use or carriage of oils in the Antarctic area</td>
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### Draft Assembly resolution

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<td>Draft Assembly resolution on the Code on Alerts and Indicators 2009</td>
<td>A26</td>
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<tr>
<td>Draft Assembly resolution on the Revised MODU Code</td>
<td>A 26</td>
<td>1 January 2012</td>
<td>9</td>
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<tr>
<td>Draft Assembly resolution on Guidelines for ships operating in polar waters</td>
<td>A 26</td>
<td>1 January 2011</td>
<td>9</td>
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<tr>
<td>Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification</td>
<td>A 26</td>
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<tr>
<td>Draft amendments to the Code for the implementation of mandatory IMO instrument (resolution A.996 (25))</td>
<td>A 26</td>
<td>Not stated</td>
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<tr>
<td>Amendments to the Revised Guideline on Implementation of the ISM Code by Administrations – resolution A.913 (22)</td>
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### MEPC Resolution adopted

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<tbody>
<tr>
<td>MEPC resolution on the calculation of recycling capacity for meeting the Convention’s entry-into-force conditions</td>
<td>N.A.</td>
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<td>MEPC resolution on the Guidelines for the development of the inventory of Hazardous Material</td>
<td>N.A.</td>
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<tr>
<td>Unified Interpretation of regulation 23 of MARPOL Annex I</td>
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<tr>
<td>Amendments to Guidelines for exhaust gas cleaning systems (resolution MEPC.170 (57))</td>
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<tr>
<td>MEPC resolution on Framework for Possible Guidance on Reception Facilities In Connection With Revised MARPOL Annex VI</td>
<td>Not stated</td>
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<tr>
<td>MEPC resolution on Guidelines for the Development of a VOC Management Plan</td>
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<tr>
<td>MEPC resolution on Guidelines for the Sampling of Fuel Oil for Determination of Compliance with Annex VI of MARPOL 73/78</td>
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<tr>
<td>MEPC resolution on Guidelines for Monitoring the Worldwide Average Sulphur Content of Residual Fuel Oils Supplied for Use on Board Ships</td>
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<tr>
<td>MEPC resolution on amendments to the Revised Survey Guidelines under the Harmonized System of Survey and Certification for MARPOL Annex VI (resolution MEPC 128 (53))</td>
<td>1 July 2010</td>
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<tr>
<td>MEPC resolution on the Guidelines for Port State Control under the</td>
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### MSC - MEPC Circulars approved

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<tr>
<td>MEPC Circular on Engineering Questionnaire on Ballast Water Management Systems</td>
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<td>MEPC Circular on Energy Efficiency Design Index for new ships</td>
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<tr>
<td>MEPC Circular on the Interim Guideline for voluntary verification of Energy Efficiency Design Index</td>
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<tr>
<td>MEPC Circular on Ship Energy Efficiency Management Plan for new ships and existing ships</td>
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<tr>
<td>MEPC Circular on Energy Efficiency Operational Indicator</td>
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<tr>
<td>MEPC Circular on Handling of oily wastes in Machinery Spaces of Ships</td>
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<td>MEPC Circular on draft model VOC Plan</td>
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<tr>
<td>MEPC Circular on technical information on systems and operation to assist development of VOC management plan</td>
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<td>MEPC Circular on Definitions for the Cost Effectiveness Formula In Regulation 13.7.5 to the Revised Annex VI Of MARPOL</td>
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<tr>
<td>MEPC Circular on a guide for diagnosing contaminants in oily bilge water to maintain, operate and troubleshoot bilge water treatment systems</td>
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<td>MEPC Circular on guidance for minimizing the risk of ship strikes with cetaceans</td>
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### Other circulars

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<td>BWM Circular on clarification regarding the application dates contained in regulation B-3.1 of the BWM Convention)</td>
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the development of safety procedures for risks to the ship and crew resulting from the treatment process

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<td>BWM Circular on Guidance to Ensure Safe Handling and Storage of Chemicals and Preparations Used to Treat Ballast Water and the Development of Safety Procedures for Risks to the Ship and Crew Resulting From the Treatment Process</td>
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<tr>
<td>BWM Circular on Engineering Questionnaire on Ballast Water Management Systems</td>
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<tr>
<td>AFS Circular on Guidance on best practices for the removal of AFS from ships including TBT paints</td>
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**Other decisions**

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<td>Discharge of oil and oily waste from fixed and floating offshore platforms</td>
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<td>Conversion of Ro-ro ship – application of MARPOL Annex I regulation 12A</td>
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<tr>
<td>Extension of interim guidelines for the carriage of bio-fuel blends</td>
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