



Report of MEPC 76

The Marine Environment Protection Committee
10 to 17 June 2021
International Maritime Organization (IMO), Virtual

ITF delegation

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Draft amendments to MARPOL Annex VI

Having decided on the aforementioned proposals, the Committee confirmed the contents of the requisite resolution and agreed that the deemed acceptance date would be **1 May 2022 and the date of entry into force of the amendments would be 1 November 2022.**

Having decided on the respective modifications to the draft amendments, the Committee instructed the virtual Drafting Group to prepare the final text of the requisite MEPC resolution together with the amendments to MARPOL Annex VI, taking into account the decisions taken in plenary, for the Committee's consideration and adoption.

Draft amendments to MARPOL Annex I

Following discussion, the Committee confirmed the contents of the requisite resolution, agreed that the deemed acceptance date would be 1 May 2022 and the date of entry into force of the amendments would be 1 November 2022, and instructed the virtual Drafting Group to prepare the final text of the requisite MEPC resolution together with the amendments to MARPOL Annex I

Draft amendments to MARPOL Annexes I and IV

The Committee confirmed the contents of the requisite resolution, agreed that the deemed acceptance date would be 1 May 2022 and the date of entry into force of the amendments of 1 November 2022, and instructed the virtual Drafting Group to prepare the final text of the requisite MEPC resolution together with the amendments to MARPOL Annexes I and IV.



Draft amendments to the AFS Convention

Having decided on the proposals, the Committee confirmed the contents of the requisite resolution and agreed that the deemed acceptance date would be 1 July 2022 and date of entry into force of the amendments would be 1 January 2023.

Amendments to MARPOL Annex VI

The Committee adopted resolution MEPC.328(76) on amendments to MARPOL Annex VI concerning mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping and exemption of UNSP barges from survey and certification requirements, as part of the fully consolidated 2021 revised MARPOL Annex VI, as set out in **annex 1 of the Report of MEPC 76**.

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Verification of compliance monitoring devices

Experience-building phase

Form of the International Ballast Water Management Certificate

The Committee instructed the PPR Sub-Committee to consider document MEPC 75/3/5 (China), under agenda item 16 (Unified interpretation to provisions of IMO environment-related conventions), and to advise the Committee accordingly.

Type approval of ballast water management systems

The Committee noted the information regarding type-approved ballast water management systems provided in documents

MEPC 76/INF.3 and MEPC 76/INF.4 (Viet Nam), MEPC 76/INF.6 (United Kingdom), MEPC 76/INF.13, MEPC 76/INF.14, MEPC 76/INF.15 and MEPC 76/INF.18 (Norway), MEPC 76/INF.19 (France), MEPC 76/INF.26 (Singapore), MEPC 76/INF.34, MEPC 76/INF.35, MEPC 76/INF.36 and MEPC 76/INF.37 (Japan), MEPC 76/INF.47, MEPC 76/INF.48, MEPC 76/INF.49, MEPC 76/INF.50, MEPC 76/INF.51, MEPC 76/INF.52, MEPC 76/INF.53, MEPC 76/INF.54 and MEPC 76/INF.55 (Norway), MEPC 76/INF.57, MEPC 76/INF.58 and MEPC 76/INF.59 (China), MEPC 76/INF.62 (Norway) and MEPC 76/INF.66 (China)

Revision of the interim minimum power guidelines

Following consideration, and having taken into account the urgency to complete the work on the revised Guidelines, the Committee approved the amendments to the 2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions (MEPC.1/Circ.850/Rev.2), including the change of title to "**Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions**", as prepared by the Correspondence Group (MEPC 76/6/1, annex 5) without modification, and instructed the Secretariat to revise MEPC.1/Circ.850/Rev.2 accordingly, for dissemination as circular MEPC.1/Circ.850/Rev.3.



The **Committee also agreed to keep the Guidelines under review and invited Member States and international organizations** to report on the experiences gained in the implementation of the Guidelines, including further consideration of forward ship speed, as proposed in document MEPC 76/5/4 (Republic of Korea), to a future session of the Committee

REDUCTION OF GHG EMISSIONS FROM SHIPS

The Committee reaffirmed, in line with the Procedure for assessing impacts on States of candidate measures (MEPC.1/Circ.885), **keeping the implementation and impacts of the short-term measure under review, so that any necessary adjustments might be made**

The Committee recalled further that during MEPC 75 many delegations had highlighted the need to consider the draft amendments and the assessment of their impacts on States as a package, and that accordingly MEPC 76 should consider the draft amendments for adoption and the outcome of the **comprehensive impact assessment as a package**

The Committee agreed that a lessons-learned exercise should be undertaken to draw lessons from the comprehensive impact assessment of the short-term measure for the conduct of future impact assessments, including how disproportionately negative impacts could be identified with a view to addressing them, as appropriate.

To that effect the Committee agreed to include the following additional paragraph in the resolution text, as an operative paragraph, on the adoption of the **amendments to MARPOL Annex VI on the short-term measure: "Agrees to undertake a lessons-learned exercise from the comprehensive impact assessment of the amendments to MARPOL Annex VI, with a view to improving the procedure for conducting future impact assessments, taking into account the Procedure for assessing impacts on States of candidate measures (MEPC.1/Circ.885) and the terms of reference for the impact assessment of the short-term measure;"**.

The Committee agreed that this lessons-learned exercise should take place as soon as possible so as to apply those lessons to future assessments in line with the Initial Strategy.

The Committee **did not agree to the inclusion** of a waiver clause to the draft amendments but **instead agreed that the Committee could revisit this matter** in conjunction with the **review of the short-term measure to be completed by 1 January 2026**.

The Committee considered a proposal to initiate a work on a mechanism for addressing disproportionately negative impacts on States, including developing countries, especially SIDS and LDCs, at this session. However, there was no wide support at this session.

To that purpose, the Committee invited Member States and international organizations to submit concrete proposals on how to keep the impacts of the short-term measure under review and how to undertake a lessons-learned exercise to the next session of the Committee, to be firstly considered by ISWG-GHG 10.

Furthermore, having noted various requests for additional technical assistance, resource mobilization and data gathering to support States with the implementation of the measure, the Committee requested the Technical Cooperation Committee to consider ways to provide enhanced support in the first years of implementation of the measure.



In conclusion, the Committee approved, in general, the report on the comprehensive impact assessment as set out in documents MEPC 76/7/13 and MEPC 76/INF.68 and addendum.

The Committee noted the concern expressed by the delegation of the United States emphasizing the need for language used by the Committee when formulating any decision regarding impact assessments to be consistent with the Initial IMO GHG Strategy.

Eighth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 8)

The Committee noted that ISWG-GHG 8 had considered the report of the Correspondence Group on the Development of Technical Guidelines on Carbon Intensity Reduction in conjunction with those documents submitted to MEPC 76 which commented on the report of the Correspondence Group.

34 Comments from Industry and Member States.

Finalization of the draft technical guidelines supporting the EEXI framework

The Committee noted the Group's discussion on the finalization of the draft technical guidelines supporting the EEXI framework.

Following consideration, the Committee adopted the following resolutions: Annexies 7,8 and 9 of Report

.1 resolution MEPC.333(76) on the 2021 Guidelines on the method of calculation of the attained Energy Efficiency Existing Ship Index (EEXI),

.2 resolution MEPC.334(76) on the 2021 Guidelines on survey and certification of the Energy Efficiency Existing Ship Index (EEXI);and

.3 resolution MEPC.335(76) on the 2021 Guidelines on the shaft/engine power limitation system to comply with the EEXI requirements and use of a power reserve

Finalization of the draft technical guidelines supporting the CII framework

Following consideration, the Committee adopted resolution MEPC.339(76) on the 2021 Guidelines on the operational carbon intensity rating of ships (CII Rating Guidelines, G4),

Draft terms of reference for the Correspondence Group on Carbon Intensity Reduction

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The Committee established a Correspondence Group on Carbon Intensity Reduction, under the joint coordination of China, Japan and the European Commission, with the following terms of reference:

Taking into consideration the outcome of the consideration by MEPC 76 of the draft amendments to MARPOL Annex VI on the short-term measure and the associated comprehensive impact assessment:

.1 further consider and finalize the draft updated guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP), using documents MEPC 76/7/6 and MEPC 76/INF.9 as a basis, taking into account document MEPC 76/7/37, comments and decisions made at ISWG-GHG 8 and MEPC 76, and paying particular attention to the role and structure of the SEEMP for ships to which regulation 28 applies and other proposals for inclusion into the SEEMP guidelines, as set out in paragraph 15 of document MEPC 76/7/6;

Revised proposal for an international maritime research and development board

There are 6 documents submitted and 29 paragraphs of comments. IMRD and IMRF as a short-term measures are open for further discussion

Due to lack of time, the Committee could not finish the full consideration of the revised IMRB proposal and related commenting documents as not all delegations were able to express their views. Consequently, the Committee agreed that the discussion would be resumed at its next session.

Proposals on the development of mid- and long-term measures following up on the Initial IMO GHG Strategy and supporting working arrangements

MEPC 76/7/10 Work plan for the development of mid- and long-term GHG reduction measures in accordance with the Initial IMO Strategy and consisting of the following three phases:

- .1 Phase I – Collation and initial consideration of proposals for measures;
- .2 Phase II – Assessment and selection of measures(s) to further develop; and
- .3 Phase III – Development of (a) measure(s) to be finalized within (an) agreed target date(s);

Questioned by 9 comprehensive and relevant submissions.

The Committee noted that document MEPC 76/7/10 had been co-sponsored by a large number of Member States (22) representing both developed and developing States and various geographical regions, putting forward a concrete process on how to structure the Organization's discussion on mid- and long-term measures, including the consideration of impacts on States of candidate measures in three distinct phases.

In this context, several delegations highlighted the importance for the Organization to start immediately the consideration of concrete midterm measures, with a view to agreeing on ambitious measures, as soon as possible but no later than 2025 to be able to effectively reduce GHG emissions from international shipping as a matter of urgency and to enhance investment certainty for the industry.

Several delegations expressed the view that the work plan should be approved at this session so as to initiate concrete work on phase I immediately. Some of these delegations further argued, also referring to document MEPC 76/7/61 (WWF et al.) that the timelines set out in the work plan for



phases II and III could be further tightened with a view to finalizing midterm measures, including possible market-based measures, by 2025. Some of these delegations stated further that, regardless of these timelines, the Committee could take any decision at the appropriate time, as these were just indicative.

The Committee noted an intervention by Argentina, supported by several other delegations, expressing support to organize future work on the basis of the work plan while proposing amendments to the work plan such that the assessment of impacts on States should be more prominent under phase II of the work plan and to also include a new phase IV to follow up on impacts on States.

The Committee noted also an intervention by the observer of RINA emphasizing the need for the Organization to urgently initiate work on including the use of ammonia and hydrogen in the IGF Code; to recognize the use of batteries in the EEDI and EEXI guidelines; and to more prominently advocate the use of wind propulsion.

The Committee noted further an intervention by the observer of EUROMOT highlighting the need for regulatory certainty in planning investments in low-carbon technologies and fuels; that internal combustion engines were already capable of running on a wide range of alternative fuels but that incentives were needed to drive the uptake of zero-carbon fuels; and that the Organization should develop a well-to-wake approach to quantify GHG emissions from marine fuels.

With reference to the proposal to **identify regulatory gaps regarding safety of alternative fuels** in document MEPC 76/7/2 (Norway), the Committee noted the view by the observer of IACS, supported by a number of observers, regarding the need to account for the safety aspects of future measures, and IACS' proposal to reflect the assessment of the impacts of future measures on safety of ships in phase II of the work plan proposed in document MEPC 76/7/10 (Australia et al), and determine a mechanism to bring the action to the attention of the Maritime Safety Committee. Further, the observer of IACS informed the Committee that **IACS had started work on the safety and environmental aspects associated with new energy-efficient technologies and alternative fuels, and planned to update relevant Committees of its progress.**

Following consideration, the Committee approved the work plan, and requested ISWG-GHG 10 to use the work plan as a basis and as guidance for its further work on the consideration of concrete proposals for mid- and long-term measures.

Proposal on the establishment of a universal mandatory greenhouse gas levy

MEPC 76/7/12 (Marshall Islands and Solomon Islands) containing proposal for a mandatory levy on GHG emissions from international shipping as an immediate priority measure with a view to incentivizing a rapid shift away from fossil fuel with the highest priority; proposing an entry level by 2025 of \$100 per tonne carbon dioxide equivalent on heavy fuel oil with upward ratchets in a five-yearly review cycle; and suggesting a formula for disbursement of monies raised and to reopen the debate on increasing the level of ambition required in the Revised Strategy. Several commenting documents submitted.

The Committee noted that, due to the severe time constraints it was faced with, it was not possible to have a detailed consideration of the above-mentioned documents. However, considering that the proposals contained therein were important in assisting the Committee to progress its consideration of the mid- and long-term measures, the Committee had an initial consideration of these documents.



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

Owing to time constraints, the Committee agreed to defer the consideration of documents under AI 8 to MEPC 77.

POLLUTION PREVENTION AND RESPONSE

Procedures for PSC on the use of electronic record books

Having considered the outcome of PPR 7 in relation to the request by III 6 to the PPR Sub-Committee to further review the draft amendments to the Procedures for port State control on the use of electronic record books, as set out in annex 15 to document PPR 5/24, that had not been included in the Procedures for port State control, 2019 (A.1138(31)) by III 6, the Committee:

- .1 endorsed the development of interim guidance for surveyors, including a sample form, to facilitate the endorsement of a cargo operation in an electronic Cargo Record Book; and
- .2 noted that PPR 7 had invited III 7 to develop the interim guidance and to consider whether there was a need to incorporate the guidance in the next revision of the Procedures for port State control.

Unified interpretations to the NOX Technical Code 2008

The Committee approved MEPC.1/Circ.895 on Unified interpretations to the NOX Technical Code 2008, as amended.

Guidelines for port State control under MARPOL Annex VI

The Committee noted that PPR 7 had invited III 7 to review document PPR 7/2/5 (IMarEST), with a view to developing appropriate amendments to the 2019 Guidelines for port State control under MARPOL Annex VI chapter 3 (resolution MEPC.321(74)) to include provisions relating to chapter 4 of MARPOL Annex VI.

ACTION REQUESTED OF OTHER IMO ORGANS

The **Council**, at its thirty-fourth extraordinary session, is invited to:

- .1 consider the report of the seventy-sixth session of MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirty-second session of the Assembly;
- .2 note that the Committee adopted amendments to MARPOL Annexes I, IV and VI and the AFS Convention, including the adoption of 2021 revised MARPOL Annex VI, introducing mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping (section 3 and annexes 1 to 4);
- .3 note the action taken by the Committee on issues related to ballast water management, in particular information on type approval of ballast water management systems that make use of Active Substances and an update on the experience-building phase associated with the Ballast Water Management Convention (section 4);
- .4 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the approval of circulars MEPC.1/Circ.884/Rev.1 on Guidance for best practice for Member State/coastal State and MEPC.1/Circ.850/Rev.3 on Guidelines for determining minimum



propulsion power to maintain the manoeuvrability of ships in adverse conditions; the adoption of resolution MEPC.332(76) on Amendments to the 2018 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships (resolution MEPC.308(73), as amended by resolution MEPC.322(74)) and its consideration of the report of the fuel oil consumption data for the period from 1 January 2019 until 31 December 2019 (sections 5 and 6 and annexes 5 and 6);

.5 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the approval, in general, of the report on the comprehensive impact assessment of the short-term measure and the invitation for concrete proposals to ISWG-GHG 10 on how to keep the impacts of the short-term measure under review and how to undertake a lessons-learned exercise; the adoption of seven sets of guidelines supporting the implementation of the short-term measure adopted through 2021 revised MARPOL Annex VI; and the approval of the Work plan for development of mid- and long-term measures as a follow-up of the Initial IMO Strategy on Reduction of GHG Emissions from Ships and the instruction to ISWG-GHG-10 to consider various relevant proposals (section 7 and annexes 7 to 14);

.6 note the action taken by the Committee on the outcome of PPR 7 and PPR 8, in particular the approval of two MEPC circulars on addressing marine plastic litter from ships and the unified interpretations to the NOX Technical Code 2008; and the endorsement of the evaluation of products and cleaning additives (section 9);

.7 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment, including the approval of the revised thematic priorities related to the marine environment and the endorsement of the reinstatement of a dedicated global programme on reducing atmospheric emissions from ships and in ports, and effective implementation of IMO's Initial GHG Strategy, for inclusion under the ITCP for the 2022-2023 biennium (section 11);

.8 endorse the following **new outputs** (paragraphs 12.3 and 12.5 of Report):

.1 "Review of the 2014 Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (MEPC.1/Circ.833) (2014 Guidelines) and identification of next steps", for inclusion in the biennial agenda of the SDC Sub-Committee for 2022-2023 and the provisional agenda for SDC 8; and

.2 "Development of an entrant training manual for PSC personnel" and "Development of guidance in relation to IMSAS to assist in the implementation of the III Code" for inclusion in the biennial agenda of the III Sub-Committee for 2022 -2023 and the provisional agenda for III 8;

.9 note the status **report of the outputs of MEPC for the 2020-2021 biennium** and the post-biennial agenda and

.10 note that the Committee approved the items to be included in the provisional agenda of MEPC 77.

The **Maritime Safety Committee**, at its 104th session, is invited to:

.1 note that the Committee approved MEPC.1/Circ.884/Rev.1 on Guidance for best practice for Member State/coastal State and MEPC.1/Circ.850/Rev.3 on Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions



.2 note that the PPR Sub-Committee has requested input from NCSR, SDC and HTW Sub-Committees in the context of developing draft guidelines on mitigation measures to reduce risks of use and carriage for use of heavy fuel oil as fuel by ships in Arctic waters (paragraph 9.9);

.3 note that the Committee approved the new output on "Review of the 2014 Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (MEPC.1/Circ.833) (2014 Guidelines) and identification of next steps", for inclusion in the biennial agenda of the SDC Sub-Committee for 2022-2023 and the provisional agenda for SDC 8 (paragraphs 12.3); and

.4 note that the Committee took a decision concurrent with that of MSC 103 with regard to the inclusion of new outputs on "Development of an entrant training manual for PSC personnel" and "Development of guidance in relation to IMSAS to assist in the implementation of the III Code" in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8

The Technical Cooperation Committee, at its seventy-first session, is invited to:

.1 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the adoption of 2021 revised MARPOL Annex VI introducing mandatory goal-based technical and operational measures to reduce carbon intensity of international shipping and the approval, in general, of the report on the comprehensive impact assessment of the short-term GHG reduction measure

.2 note various requests for additional technical assistance, resource mobilization and data gathering to support States with the implementation of the short-term measure, and to consider ways to provide enhanced support in the first years of implementation of the short-term measure for reducing carbon intensity of international shipping;

.3 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment, including the approval of the revised thematic priorities related to the marine environment and the endorsement of the reinstatement of a dedicated global programme on reducing atmospheric emissions from ships and in ports, and effective implementation of IMO's Initial GHG Strategy, for inclusion under the ITCP for the 2022-2023 biennium ; and

.4 note that the Committee, in approving a new output on "Review of the 2014 Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (MEPC.1/Circ.833) (2014 Guidelines) and identification of next steps", requested the Secretariat to discuss with potential donors, such as GEF, regarding the potential funding of a global underwater vessel noise project