

MARINE ENVIRONMENT PROTECTION  
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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS EIGHTIETH SESSION**

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## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The eightieth session of the Marine Environment Protection Committee was held from 3 to 7 July 2023, chaired by Dr. H. Conway (Liberia). The Vice-Chair of the Committee, Mr. H. Tan (Singapore), was also present.

1.2 The session was attended by Members and Associate Members, representatives from the United Nations Programmes, specialized agencies and other entities, observers from intergovernmental organizations with agreements of cooperation, and observers from non-governmental organizations in consultative status, as listed in document MEPC 80/INF.1.

### Use of hybrid meeting capabilities

1.3 The Committee noted that the plenary sessions would be conducted in hybrid mode, i.e. remote participation enabled, taking into account the relevant decisions of C 127 (C 127/D, paragraph 17.3).

1.4 In this regard, the Committee noted that C 127 had:

- .1 agreed to the use of hybrid facilities to complement in-person meetings from September 2022, for a trial period of one year; and
- .2 agreed that the rules of procedure and the *Interim guidance to facilitate remote sessions of the IMO Council during the COVID-19 pandemic*, as appropriate, should be applied and that only representatives of the Members attending the meeting in person at IMO Headquarters would be allowed to vote.

1.5 In this connection, the Chair recalled that, as per Article 30 of the IMO Convention, the Committee shall adopt its own rules of procedure and, in line with the decisions of the Council, the Committee agreed as follows:

- .1 as per the current rules of procedure of the Committee and the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1), adopted by the Committee at the ALCOM meeting in September 2020, for this hybrid session, a Member State will be considered "present" for the purposes of rule of procedure 28(1) if they are either physically present in the Main Hall, or are registered and participating remotely online using the hybrid system; and
- .2 any voting by secret ballot will take place in person only.

### Opening address of the Secretary-General

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

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

### Message by the United Nations Secretary-General

1.7 The Committee noted with appreciation the video statement by the United Nations Secretary-General, Mr. António Guterres, commending the important progress that the Organization had made in addressing GHG emissions from international shipping, and encouraging the Committee to adopt a revised IMO GHG Strategy committing international shipping to achieve net zero emission by 2050 at the latest, thereby contributing to global

efforts to limit the global temperature rise to 1.5°C and to develop technical and economic measures to deliver on such targets whilst also supporting a just and equitable transition. The full statement is set out in annex 29.

### **Chair's remarks**

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

### **Entry-into-force conditions of the Hong Kong Convention**

1.9 The Committee noted that the entry-into-force conditions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong Convention) had been met on 26 June 2023 with the accession of Bangladesh and Liberia, and that the Convention would therefore enter into force on 26 June 2025.

1.10 In this context, the delegation of Bangladesh expressed its appreciation to the Secretary-General for his keen interest in relevant developments in Bangladesh, to the Government of Norway for its financial support to the Safe and Environmentally Sound Ship Recycling in Bangladesh (SENSREC) project, and to the Secretariat for facilitating the implementation of the SENSREC project.

1.11 The delegation of Liberia also extended its appreciation to the Secretariat for the advice and assistance provided to the Government of Liberia during the preparation of its instrument of accession to the Hong Kong Convention.

1.12 The delegation of Japan made a statement, as set out in annex 30, welcoming the entry-into-force requirements of the Hong Kong Convention being met.

### **Adoption of the agenda and related matters**

1.13 The Committee adopted the agenda (MEPC 80/1) and agreed to be guided in its work in general, by the annotations contained in document MEPC 80/1/1 and by the provisional timetable (MEPC 80/1/1, annex 2, as amended).

1.14 In relation to the list of documents to be considered at this session, the delegation of Sri Lanka informed the Committee of its objection to document MEPC 80/16/3 (IWC et al), which called for the establishment of a new traffic separation scheme south of Sri Lanka, as, in the view of the delegation of Sri Lanka, the co-sponsors of the document had failed to consider important marine biology aspects and the actions that the Government of Sri Lanka had taken to safeguard life at sea. Having noted the request by the delegation of Sri Lanka for document MEPC 80/16/3 to be withdrawn, the Committee agreed to consider this matter further under agenda item 16 (Any other business).

### **Credentials**

1.15 The Committee noted that the credentials of 118 delegations attending the session were in due and proper form.

## **2 DECISIONS OF OTHER BODIES**

2.1 The Committee, having noted the decisions and outcomes of:

- .1 LC 44/LP 17 in document MEPC 80/2;
- .2 TC 72, MSC 106 and C 128 in document MEPC 80/2/1;
- .3 FAL 47 in document MEPC 80/2/2;
- .4 LEG 110 in document MEPC 80/2/3; and
- .5 ISWG-SP 1, NCSR 10 and MSC 107 (urgent matters only) in document MEPC 80/WP.8,

with regard to its work, agreed to take action as appropriate as indicated below.

### **Remaining outcomes of MSC 106 and outcomes of LEG 110**

2.2 Having recalled that MSC 106 had confirmed that application statements of future resolutions concerning new mandatory or non-mandatory instruments, or amendments to existing ones, which used the terms "fitted", "provided", "installed" or "installation", should provide a clear understanding of the intended meaning of such terms, and had invited all sub-committees to take action accordingly, the Committee confirmed the same understanding for instruments under the purview of MEPC.

2.3 With regard to the draft Assembly resolution on the revised Guidelines on places of refuge for ships in need of assistance, the Committee recalled that:

- .1 MSC 106 had approved the draft Assembly resolution; and
- .2 LEG 110 had agreed to some minor editorial amendments and one substantive amendment in paragraph 4.3 of section 4 (International/regional cooperation and coordination for places of refuge) of the draft revised Guidelines.

2.4 Following consideration, the Committee, in concurrence with MSC 106 and LEG 110, approved the draft Assembly resolution on Guidelines on places of refuge for ships in need of assistance, as amended by LEG 110 and set out in annex 1, for consideration, with a view to adoption, by A 33.

### **Urgent matters emanating from MSC 107**

2.5 The Committee agreed to take into account urgent matters emanating from MSC 107 under relevant agenda items.

## **Outcomes of C 128**

### ***Review of parts of the Strategic Plan of the Organization under MEPC's purview***

2.6 Having noted the decisions of C 128 as set out in document MEPC 80/2/1, the Committee reviewed, as requested by the Council, the parts of the Strategic Plan under its purview, taking into account the outcome of the first meeting of Intersessional Working Group on the Strategic Plan (ISWG-SP 1) as set out in document MEPC 80/WP.8.

2.7 With regard to the outcome of ISWG-SP 1, the Committee noted that the Group had commenced work on preparing a first draft of the Organization's Strategic Plan for the six-year period 2024 to 2029, taking into consideration key themes, trends and developments, and had made considerable progress and achieved consensus on the mission and vision statements, overarching principles, and strategic directions (SDs) 1, 2, 4, 5 and 6, with the agreed text for these sections presented in the annex to document C 129/4(a). The Committee further noted that due to time constraints, the Group had been unable to consider SDs 7 and 8 as well as performance indicators, and while they had an initial discussion on SD 3 (Respond to climate change), there was agreement to hold its finalization in abeyance, pending the outcome of MEPC 80.

2.8 Having recognized that the Committee had just adopted the *2023 IMO Strategy on the reduction of GHG emissions from ships* (see paragraph 7.53) and due to time constraints, the Committee agreed to invite the Council and its Working Group on the Strategic Plan to take into account the 2023 Strategy when finalizing the text of strategic direction 3 (Respond to climate change).

### ***Further screening of the application for consultative status by IPEN (International Pollutants Elimination Network)***

2.9 The Committee recalled that C 128, with regard to applications for consultative status and the recommendations of the first session of the Intersessional Working Group on Relations with Non-governmental Organizations (ISWG-NGO 1), had decided to refer the application submitted by International Pollutants Elimination Network (IPEN) for further screening by MEPC to assess its expertise and consider whether the Committee's work would benefit from IPEN's contribution.

2.10 Subsequently, the Committee invited the Council to note that no objections had been expressed to IPEN being granted consultative status with IMO.

### **Ongoing military conflict between the Russian Federation and Ukraine and its impact on international shipping, the marine environment and seafarers**

2.11 In relation to the ongoing military conflict between the Russian Federation and Ukraine on shipping, the marine environment and seafarers, the Committee recalled that MEPC 79 had considered the relevant decisions of C 127, TC 72, MSC 106 and C 128, as recorded in paragraphs 2.5 to 2.7 of the report of MEPC 79 (MEPC 79/15). The Committee also recalled that MEPC 79 had agreed to carefully monitor the impact of the ongoing military conflict between the Russian Federation and Ukraine on the marine environment and invited flag and coastal States and all other relevant parties to keep the Committee informed of any developments in that context.

2.12 In this regard, the Committee noted that LEG 110, inter alia:

- .1 having supported IMO's assistance in the implementation of UNGA resolution A/RES/ES-11/5 to establish an international register to document the Russian Federation's wrongful acts associated with the invasion of Ukraine and the resulting damages, was of the view that this project could be scoped to include a collection of information on damages that fell under IMO's remit to include commercial vessels and maritime infrastructure, including ports, port facilities, maritime training institutions and the marine environment in Ukraine that had suffered damage or been destroyed as a result of the Russian Federation's unlawful invasion, as well as impacts and damages with respect to seafarers;
- .2 to move forward with this proposal, had invited the Secretary-General to contact relevant UN organizations and develop options for the assessment, with appropriate costing, and then, given the potential budgetary implications, submit these options to C 129 for consideration; and
- .3 had decided to keep this matter under review and invited concerned Member States to provide relevant reports to the Legal Committee to conduct analysis of the infringements of IMO conventions and instruments by the Russian Federation's unlawful actions, as well as to call on other IMO bodies to follow this approach in respect of the instruments within their remit.

2.13 The delegation of Ukraine made a statement describing the consequences of the destruction of the dam of the Kakhovka Hydroelectric Power Plant by the Armed Forces of the Russian Federation, which included the loss of life of hundreds of people, thousands of people rendered homeless, major ecological damages including the pollution of Black Sea waters, and impacts to agricultural land and irrigation systems that could contribute to global food insecurity. In particular, the flooding of the lower reaches of the Dnipro River had caused extensive negative impacts to shipping, including:

- .1 unexploded mines and munitions that had entered waterways, endangering navigation and threatening global food security due to complicating the exports of grain and the implementation of the Black Sea Grain Initiative;
- .2 river port and terminal infrastructure that had been damaged or destroyed, including grain elevators, a vegetable storage facility, and a waterway lock that ensured the circulation of goods and the export of tens of millions of tons of agricultural products per year;
- .3 the change of the water level of the Dnipro River that would render navigation on the lower reaches of the river impossible for approximately five years;
- .4 the loss of dozens of river-going vessels and barges; and
- .5 implications for ballast water management for ships operating in the affected area due to the flooding and resulting release of human and cattle remains, which could introduce contaminants and pathogens into the surrounding waters which might be transported to other regions via ballast water, as well as the increased risk of the Black Sea ecosystem to the introduction of exotic organisms.

2.14 As requested, the full text of the statement by the delegation of Ukraine is set out in annex 30.



2.15 Subsequently, the Russian Federation made a statement strongly condemning the premeditated destruction of the Kakhovskaya Hydroelectric Power Plant by the Armed Forces of Ukraine and stressing the grave consequences thereof, which, inter alia:

- .1 highlighted confirmed facts of higher Ukrainian military officials openly describing the attacks by the Armed Forces of Ukraine on the Kakhovskaya Hydroelectric Power Plant with the aim of its destruction;
- .2 referred to numerous prior instances in which the Russian Federation had warned the international community of the continued attacks by the Ukrainian Armed Forces on the dam at the Kakhovskaya Hydroelectric Power Plant and the dire consequences of such reckless actions for the civilian population and the environment, including through the October 2022 letter of the Permanent Representative of the Russian Federation to the UN addressed to the UN Secretary-General and UN Security Council President. It was further indicated that this letter, with the official statement by the Ministry of Foreign Affairs of the Russian Federation on this matter, had been circulated to all IMO Members, intergovernmental organizations, and non-governmental organizations in consultative status by means of Circular Letter No.4728 of 8 June 2023; and
- .3 indicated that mankind might face even more detrimental consequences on a global scale due to continued uncontrolled shelling of the Zaporozhskaya Nuclear Power Plant by the Ukrainian Armed Forces and called for such despicable tactics to stop.

2.16 As requested, the full text of the statement by the delegation of the Russian Federation is set out in annex 30.

2.17 The subsequent statements by the delegations of Canada, France, Georgia, Iceland, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands (Kingdom of the), Portugal, Romania, Spain (supported by Belgium, Croatia, Cyprus, Denmark, Finland, Germany, Greece, Latvia, Malta, Poland and Sweden), Türkiye, United Kingdom and United States are set out in annex 30.

2.18 In response to the statement by the Russian Federation, the delegation of Ukraine made an additional statement reiterating, inter alia, that the cause of the Kakhovka Hydroelectric Power Plant's destruction was its mining and blowing up by Russia, which further prevented the access of humanitarian missions willing to assist persons in distress in the affected areas. The statement concluded that the only source of danger for the Zaporizhzhia Nuclear Power Plant resulted from the occupation of the region by the Russian Federation Armed Forces, which attempted to provoke a nuclear catastrophe by mining the station and placing military equipment and ammunition there, and that the only guarantee for nuclear safety was their complete withdrawal. As requested, the full text of the statement by the delegation of Ukraine is set out in annex 30.

2.19 Subsequently, the Russian Federation made an additional statement recalling that the delegation of France had stated, with regard to document MEPC 80/INF.26 (Mauritius) under agenda item 11, that multilateral forums and IMO committees were not the appropriate place to raise issues of national sovereignty, but had unhesitatingly raised and referred to these issues under the current agenda item. In this connection, the delegation of the Russian Federation strongly called on Member States to be consistent in their positions and to stop applying double standards.

2.20 In response to the comments by the Russian Federation, the delegation of France clarified that its statement under agenda item 11 commented on the delimitation of the zone of French sovereignty, which was a technical matter that was likely to have an impact on the implementation of a possible PSSA, and was entirely different to the violation of the sovereignty of an independent State by force. As requested, the full text of the statement by the delegation of France is set out in annex 30.

2.21 Subsequently, on the basis of the support of the overwhelming majority of delegations who spoke, the Committee took the following actions:

- .1 condemned the invasion of Ukraine by the Russian Federation and expressed grave concern regarding its impact on global shipping, safety of navigation and maritime security in the Black Sea and the Sea of Azov, and the marine environment;
- .2 called on the Russian Federation to immediately cease its war on Ukraine and withdraw its forces from Ukrainian territory extending to its territorial waters;
- .3 condemned the premeditated destruction of the Kakhovka Hydroelectric Power Plant which was under the occupation of the Russian Federation and expressed grave concern with regard to its consequences, which included contamination of the Black Sea with substances harmful to the marine environment;
- .4 urged the Russian Federation to refrain from attacks aimed at works or installations containing dangerous forces, which might lead to severe losses among the civilian population and consequent damage, including to the marine environment;
- .5 stressed the critical importance of protecting the environment in times of war, including in compliance with the relevant international obligations under international humanitarian law; and
- .6 agreed to carefully monitor the impact of the ongoing military conflict between the Russian Federation and Ukraine on the marine environment and invited flag and coastal States and all other relevant parties to keep the Committee informed of any developments in that context.

2.22 Following discussion, the delegation of the Russian Federation stated that it did not agree with any of the proposed conclusions and highlighted the view that the Committee, as opposed to its usual practice, had relied on political statements rather than solid facts when making its decisions, as no delegations had presented evidence. Further, the Russian Federation called upon the Committee to stay within its mandate and not to take upon itself functions of other bodies within the UN system.

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

#### **Draft amendments to appendix II of the BWM Convention concerning the form of the Ballast Water Record Book**

3.1 The Committee was invited to consider and adopt proposed amendments to appendix II of the Ballast Water Management (BWM) Convention concerning the form of the Ballast Water Record Book, which had been approved by MEPC 79, as set out in the annex to document MEPC 80/3.

3.2 The Committee noted that the text of the aforementioned draft amendments had been circulated to all IMO Members and Parties to the BWM Convention, in accordance with article 19 (2)(a) of the BWM Convention, by Circular Letter No.4668 of 22 December 2022, further noting that it was incorrectly cited as CL.4688 in document MEPC 80/3.

3.3 Having noted that no comments had been submitted on the draft amendments, the Committee confirmed their contents, subject to any editorial improvements.

3.4 The Committee confirmed the contents of the requisite resolution and agreed that the entry-into-force date of the amendments to appendix II of the BWM Convention would be 1 February 2025 and instructed the Drafting Group to prepare the final text of the requisite MEPC resolution, together with the amendments to the BWM Convention, for the Committee's consideration and adoption.

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

3.5 The Committee established the Drafting Group on Amendments to Mandatory Instruments and instructed it to:

- .1 prepare the final text of the draft amendments to appendix II of the BWM Convention, using document MEPC 80/3 as the basis; and
- .2 assess the implications for capacity-building and technical cooperation and assistance of the above-mentioned amendments to the BWM Convention, against the procedures and criteria for identification of capacity-building implications set out in annex 2 to the Committees' Guidelines (MSC-MEPC.1/Circ.5/Rev.4) and advise the Committee as appropriate.

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

3.6 Having considered the report of the Drafting Group (MEPC 80/WP.9), the Committee approved it in general and took action as indicated below.

### **Amendments to appendix II of the BWM Convention concerning the form of the Ballast Water Record Book**

3.7 The Committee considered the final text of the draft amendments to appendix II of the BWM Convention concerning the form of the Ballast Water Record Book (MEPC 80/WP.9, annex 1), and adopted the amendments by resolution MEPC.369(80) as set out in annex 2.

3.8 In adopting resolution MEPC.369(80) the Committee determined, in accordance with article 19(2)(e)(ii) of the BWM Convention, that the adopted amendments to appendix II of the BWM Convention shall be deemed to have been accepted on 1 August 2024 unless, prior to that date, more than one third of the Parties have notified the Secretary-General that they object to the amendments, and shall enter into force on 1 February 2025, in accordance with article 19(2)(f)(ii) of the Convention.

### **Assessment of capacity-building and technical cooperation and assistance implications for the draft amendments to mandatory instruments**

3.9 The Committee considered the outcome of the Group's discussions and its assessment of capacity-building implications and technical cooperation and assistance needs related to the aforementioned draft amendments, as set out in MEPC 80/WP.9, annex 2. It noted that the Group had determined that the amendments had no significant capacity-building implications since they were not a new requirement but a modification of an existing one.

## Instructions to the Secretariat

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

## 4 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

4.1 The Committee recalled that the Ballast Water Review Group had been expected to be established at this session with proposed terms of reference as set out in document MEPC 80/WP.2.

4.2 In the interest of time, the Committee agreed to refer all documents to the Ballast Water Review Group for detailed consideration in accordance with the respective terms of reference set out in document MEPC 80/WP.2, with the exception of the following matters:

- .1 relevant outcomes of PPR 10;
- .2 approval of ballast water management systems that make use of Active Substances; and
- .3 information on the type approval of ballast water management systems and other information relating to ballast water management.

4.3 With regard to the issues referred directly to the Ballast Water Review Group, the Committee had for its consideration documents, both submitted to this session and deferred by MEPC 79, addressing the following issues, noting that, as the consideration of the Convention Review Plan (CRP) might be linked in some ways to the various individual issues, some documents might be partly relevant under both the CRP and another issue on the list:

- .1 approval of the CRP under the experience-building phase associated with the BWM Convention (documents MEPC 80/4/4, MEPC 80/4/13, MEPC 80/4/15 and MEPC 80/4/19);
- .2 guidance on the application of the BWM Convention to ships operating in challenging water quality (documents MEPC 80/4/6, MEPC 80/4/8, MEPC 80/4/14, MEPC 80/4/16, MEPC 80/4/17, MEPC 80/4/18, MEPC 80/4/20 and MEPC 80/INF.16);
- .3 guidance on matters relating to ballast water record-keeping and reporting (documents MEPC 80/4/5, MEPC 80/4/7, MEPC 79/4/9 and MEPC 79/4/10);
- .4 guidance on the temporary storage of grey water or treated sewage in ballast tanks (documents MEPC 80/4/12, MEPC 80/INF.36, MEPC 79/4/8 and MEPC 79/4/11);
- .5 modifications to ballast water management systems with existing type approval (documents MEPC 80/4/10, MEPC 80/4/21, MEPC 80/4/22 and MEPC 80/INF.18); and
- .6 port State control inspections during the experience-building phase (document MEPC 80/4/11).

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## Convention Review Plan

4.4 With regard to the approval of the CRP under the experience-building phase associated with the BWM Convention, the Committee had for its consideration the following documents, which were referred to the Ballast Water Review Group:

- .1 MEPC 80/4/4 (United Kingdom), containing the report of the Correspondence Group on Review of the BWM Convention established by MEPC 78, including the draft text of the body of the CRP and the draft table of issues that should be considered when reviewing the Convention, which needed to be finalized and added to the CRP prior to its approval;
- .2 MEPC 80/4/13 (ICS et al.), providing comments on the report of the Correspondence Group on Review of the BWM Convention as provided in document MEPC 80/4/4 and in particular on the issues table and issue prioritization; and proposing, inter alia, to include compliance challenges experienced by existing ships with BWM Convention requirements as a priority issue and include a separate row for existing ships in the table of issues, and to address the existing technology gap before supplementing the generic training requirements already required by the Convention;
- .3 MEPC 80/4/15 (New Zealand), commenting on the report of the Correspondence Group on Review of the BWM Convention and the need for a refocus on the approach to the review of the BWM Convention; and proposing a framework to guide a holistic approach to the Convention review and subsequent table of issues in order to help guide discussions and reach solutions; and
- .4 MEPC 80/4/19 (Japan), providing comments on the report of the Correspondence Group on Review of the BWM Convention; proposing to carefully consider whether it was necessary to revise the BWMS Code to strengthen type approval testing and to organize the basic principles of what tests are required for each BWMS processing method, depending on the details of the BWMS design changes; and proposing an example table for organizing the basic principles for necessary tests for each BWMS treatment method based on the specific design changes.

## Application of the BWM Convention to ships operating in challenging water quality

4.5 With regard to the development of guidance on the application of the BWM Convention to ships operating in challenging water quality, the Committee had for its consideration the following documents, which were referred to the Ballast Water Review Group:

- .1 MEPC 80/4/6 (India et al.), aiming to clarify various issues related to challenging water quality; highlighting the challenges that existed for ships in meeting the BWM Convention's requirements while operating in a port with challenging water quality (CWQ); and proposing to consider including the issue of type-approved ballast water management systems (BWMS) unable to treat water of challenging quality in certain ports in the table of priority issues that was being developed for inclusion in the CRP;

- .2 MEPC 80/4/8 (Australia et al.), proposing temporary guidance on the application of the BWM Convention to ships operating in CWQ, which had been prepared with a view to progressing the discussion on CWQ, taking into account recent discussions of the Ballast Water Review Group; and identifying elements that required further discussion or refinement;
- .3 MEPC 80/4/14 (ICS et al.), commenting on the proposed temporary guidance on the application of the BWM Convention to ships operating in challenging water quality conditions (MEPC 80/4/8) and suggesting alternate principles for future discussion;
- .4 MEPC 80/4/16 (ICS et al.), commenting on documents MEPC 79/WP.6, MEPC 80/4/4 and MEPC 80/4/8; identifying the challenges faced by tankers and bulk carriers in CWQ, in terms of selection and installation of the BWMS; and reiterating the call for the development of robust BWMS that could operate in all water conditions to address these challenges;
- .5 MEPC 80/4/17 (ICS et al.), commenting on document MEPC 80/4/8 (proposed temporary guidance on the application of the BWM Convention to ships operating in CWQ conditions), specifically on the proposed approach to managing CWQ faced by ships; and reiterating the need for proposed CWQ mitigation measures to be pragmatic and simple for ships to adopt, when required;
- .6 MEPC 80/4/18 (INTERTANKO), presenting an update of information on reports submitted by INTERTANKO members relating to ships that experienced issues with their BWMS in ports with CWQ and proposing that all physical parameters be considered with real-world data before being excluded from defining CWQ;
- .7 MEPC 80/4/20 (India), commenting on the proposed temporary guidance on the application of the BWM Convention to ships operating in CWQ conditions (MEPC 80/4/8) and suggesting various amendments to the proposal for further discussion; and
- .8 MEPC 80/INF.16 (United States), aiming to clarify ultraviolet transmittance (UVT) and turbidity, which may affect the performance of BWMS, describe their measurement approaches, explain their potential impacts on BWMS, and mention efforts to collect empirical measurements.

### **Ballast water record-keeping and reporting**

4.6 With regard to the development of guidance on matters relating to ballast water record-keeping and reporting, the Committee had for its consideration the following documents, which were referred to the Ballast Water Review Group:

- .1 MEPC 80/4/5 (Canada et al.), proposing draft guidance for operations carried out as per the new codes and items in the revised Form of the Ballast Water Record Book being adopted at this session, in a format that would assist in bringing clarity to the record-keeping and reporting process, to complement the proposal on the amended ballast water reporting form and the ballast water log (MEPC 80/4/7), thus forming a part of the complete proposal on guidance for record-keeping and reporting as had been invited by MEPC 79;

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- .2 MEPC 80/4/7 (Australia et al.), providing a framework for guidance on ballast water record-keeping and reporting, including an updated example ballast water reporting form and a draft format for voluntary tank-by-tank logging of ballast water operations to assist ships in completing the reporting form, and a placeholder for insertion of guidance on the Ballast Water Record Book, which was submitted separately (MEPC 80/4/5), as well as proposed consequential amendments to the Guidelines (G4) and (G6);
  - .3 MEPC 79/4/9 (India), proposing draft amendments to the BWM Convention for an electronic Ballast Water Record Book (eBWRB) in line with resolutions MEPC.314(74), MEPC.316(74) and MEPC.317(74); and suggesting the development of a guideline for the use of an eBWRB under the BWM Convention in line with the *Guidelines for the use of electronic record books under MARPOL* (resolution MEPC.312(74)); and
  - .4 MEPC 79/4/10 (India), proposing a draft guideline along the lines of resolution MEPC.312(74) that would incorporate the Ballast Water Record Book (BWRB) under the proposed Guidelines for the use of electronic record books under the Ballast Water Management Convention.

#### **Temporary storage of grey water or treated sewage in ballast tanks**

4.7 With regard to the development of guidance on the temporary storage of grey water or treated sewage in ballast tanks, the Committee had for its consideration the following documents, which were referred to the Ballast Water Review Group:

- .1 MEPC 80/4/12 (IACS), discussing concerns about the temporary storage of treated sewage and grey water in ballast tanks and providing draft guidance for temporarily storing treated sewage and/or grey water in ballast tanks, the intent of which was to establish a uniform procedure for minimizing the impact on the environment;
- .2 MEPC 80/INF.36 (Japan), sharing the results of a trial on the temporary storage of treated sewage in ballast tanks in line with the proposed draft guidance included in the annex of document MEPC 79/4/11;
- .3 MEPC 79/4/8 (China), discussing the feasibility of temporary storage of grey water and treated sewage (effluent) by a sewage treatment plant in ballast tanks, proposing issues that needed further consideration when developing guidance on temporary storage of grey water or treated sewage in ballast tanks, and providing possible amendments to the BWM Convention, so as to provide information for consideration in developing a BWM circular and amendments to the BWM Convention; and
- .4 MEPC 79/4/11 (India et al.), providing draft guidance for the temporary storage of treated sewage and grey water in ballast tanks, which was proposed in order to establish a uniform procedure that would minimize the impact on the environment while ensuring practicability for existing ships, in light of the actual needs for storage of such water in ballast tanks at specific ports and areas.

### **Modifications to BWMS with existing type approval**

4.8 With regard to modifications to ballast water management systems with existing type approval, the Committee had for its consideration the following documents, which were referred to the Ballast Water Review Group:

- .1 MEPC 80/4/10 (Norway), discussing necessary modifications of BWMS after type approval; proposing to develop guidance for approval after initial type approval; and providing possible amendments to the *Code for Approval of Ballast Water Management Systems* (BWMS Code) (resolution MEPC.300(72));
- .2 MEPC 80/4/21 (Germany), providing comments on document MEPC 80/4/10 regarding the proposals for approval of modifications to BWMS with an existing type approval in accordance with the BWMS Code, including various concerns and alternative proposals;
- .3 MEPC 80/4/22 (Germany), providing comments on documents MEPC 80/4/10 and MEPC 80/INF.18 regarding procedural aspects that affect type approval of BWMS; and proposing an alternative flow chart of procedures for modifications to BWMS components after type approval and an example list on pre-evaluation of modifications for BWMS whose treatment involves filtration and UV irradiation; and
- .4 MEPC 80/INF.18 (BEMA), providing information regarding procedural aspects that affect type approval of BWMS, as well as technical background on scenarios that may necessitate system modifications, to demonstrate how the current type approval procedures impacted the ability to modify BWMS with existing type approval and make updated technology commercially available in a time efficient manner.

### **PSC inspections during the experience-building phase**

4.9 With regard to port State control inspections during the experience-building phase, the Committee had for its consideration document MEPC 80/4/11 (BEMA), presenting industry views and information intended to encourage port State control conducting meaningful inspections of installed BWMS on ships operating in their ports in accordance with the requirements of the Ballast Water Management Convention during the ongoing experience-building phase, which was referred to the Ballast Water Review Group.

### **Outcome of PPR 10**

4.10 The Committee had for its consideration the outcomes of PPR 10 concerning the following matters relating to ballast water management:

- .1 unified interpretations to provisions of the BWM Convention; and
- .2 protocol for verification of ballast water compliance monitoring devices.



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**Unified interpretations to provisions of the BWM Convention**

4.11 The Committee approved the unified interpretation to the form of the International Ballast Water Management Certificate and regulations B-3.5 and B-3.10 of the BWM Convention, as set out in annex 3, and instructed the Secretariat to include it in a further revision of BWM.2/Circ.66 (i.e. BWM.2/Circ.66/Rev.5).

**Protocol for verification of ballast water compliance monitoring devices**

4.12 The Committee approved the *Protocol for verification of ballast water compliance monitoring devices*, as set out in annex 16 to document PPR 10/18/Add.1, and instructed the Secretariat to disseminate it by means of BWM.2/Circ.78.

**Approval of ballast water management systems that make use of Active Substances**

4.13 Following consideration of the report of the forty-third meeting of the GESAMP-BWWG (MEPC 80/4/9), the Committee approved the report in general and concurred with the recommendations to:

- .1 grant Final Approval to the BalClor® Smart BWMS submitted by Denmark in document MEPC 80/4/1;
- .2 grant Final Approval to the EcoGuardian NF™ Ballast Water Management System submitted by Liberia in document MEPC 80/4/2;
- .3 grant Basic Approval to the HiBallast 2.0™ BWMS submitted by the Republic of Korea in document MEPC 80/4/3; and
- .4 extend the original Final Approval of the ERMA FIRST BWTS, model FIT 75-3000, for use in fresh water as proposed by Greece in document MEPC 80/4.

4.14 The Committee invited the Administrations of Denmark, Greece, Liberia and the Republic of Korea to verify that all the recommendations contained in the report of the forty-third meeting of the GESAMP-BWWG (MEPC 80/4/9, annexes 4 to 7) were fully addressed during the further development of the ballast water management systems.

**Future meetings of the GESAMP-BWWG**

4.15 The Committee noted that the forty-fourth meeting of the GESAMP-BWWG had been scheduled for 11 to 15 December 2023 and detailed information had been specified in BWM.2/Circ.77.

**Type approval of ballast water management systems**

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

- .1 MEPC 80/INF.2 (Liberia) on the type approval of the BlueBallast II Plus NK-O3 ballast water management system manufactured by NK Co., Ltd;
- .2 MEPC 80/INF.7 (United Kingdom) on the type approval of the TECHCROSS Inc., ECS HYCHLOR 2.0 ballast water management system; and
- .3 MEPC 80/INF.11 (Norway) on the type approval of the One-Pass Mode of the KBAL ballast water management system.

**Other information relating to ballast water management**

4.17 The Committee noted the information in document MEPC 80/INF.21 (Colombia) on the results of a research project to prevent biological invasions in the marine areas of the country and corresponding measures by the Colombian Maritime Authority as a port State in connection with ballast water discharges.

**Establishment of the Ballast Water Review Group**

4.18 The Committee established the Ballast Water Review Group and instructed it, taking into consideration the comments and decisions made in plenary, to:

- .1 finalize the Convention Review Plan under the experience-building phase associated with the BWM Convention, focusing on the table of issues to be considered in the convention review stage, using annexes 2 and 3 of document MEPC 80/4/4 as the basis and taking into account the relevant views and comments in documents MEPC 80/4/6, MEPC 80/4/13, MEPC 80/4/15, MEPC 80/4/16 and MEPC 80/4/19;
- .2 prepare draft terms of reference for the re-establishment of the Correspondence Group on Review of the BWM Convention;
- .3 consider, with a view to finalization, the proposed guidance on the application of the BWM Convention to ships operating in challenging water quality, using the annex to document MEPC 80/4/8 as the basis and taking into account the relevant views and comments in documents MEPC 80/4/6, MEPC 80/4/13, MEPC 80/4/14, MEPC 80/4/16, MEPC 80/4/17, MEPC 80/4/18 and MEPC 80/4/20 and the information contained in document MEPC 80/INF.16;
- .4 consider, with a view to finalization, the proposed guidance on matters relating to ballast water record-keeping and reporting, using the annexes to documents MEPC 80/4/5 and MEPC 80/4/7 as the basis;
- .5 depending on the outcome of the consideration of the proposed guidance on matters relating to ballast water record-keeping and reporting, consider the proposed consequential amendments to the Guidelines (G4) and (G6) contained in document MEPC 80/4/7, and advise the Committee accordingly;
- .6 consider the proposed guidance for the use of electronic record books under the BWM Convention contained in the annex to document MEPC 79/4/10, and advise the Committee accordingly;
- .7 depending on the outcome of the consideration of the proposed guidance for the use of electronic record books under the BWM Convention, consider the proposed consequential amendments to the BWM Convention contained in document MEPC 79/4/9, and advise the Committee accordingly;
- .8 consider, with a view to finalization, the proposed guidance on the temporary storage of grey water or treated sewage in ballast tanks, taking into account the proposals in the annexes to documents MEPC 79/4/11 and MEPC 80/4/12 and the views in document MEPC 79/4/8;

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- .9 if time permits, consider the proposed amendments to the BWM Convention contained in document MEPC 79/4/8 concerning the discharge of grey water or treated sewage temporarily stored in ballast tanks, and advise the Committee accordingly;
  - .10 if time permits, consider the proposals contained in document MEPC 80/4/10 regarding modifications to ballast water management systems with existing type approval, taking into account the relevant comments and information in documents MEPC 80/4/19, MEPC 80/4/21, MEPC 80/4/22 and MEPC 80/INF.18, and advise the Committee accordingly; and
  - .11 if time permits, consider the proposals contained in document MEPC 80/4/11 regarding port State control inspections during the experience-building phase associated with the BWM Convention, and advise the Committee accordingly.

### **Report of the Ballast Water Review Group**

4.19 Having considered the report of the Ballast Water Review Group (MEPC 80/WP.13), the Committee approved it in general and took action as outlined below.

#### ***Convention Review Plan***

4.20 The Committee approved the *Convention Review Plan under the experience-building phase associated with the BWM Convention*, as set out in annex 1 to document MEPC 80/WP.13, and instructed the Secretariat to disseminate it by means of BWM.2/Circ.79.

4.21 The Committee also noted the aspects for consideration regarding the identification of issues to be addressed during the convention review stage, which the Correspondence Group on Review of the BWM Convention might refer to as appropriate, as set out in annex 2 to document MEPC 80/WP.13.

#### *Re-establishment of the Correspondence Group on Review of the BWM Convention*

4.22 In this connection, the Committee re-established the Correspondence Group on Review of the BWM Convention with the following terms of reference:

- .1 define objectives for changes to specific Convention provisions and/or instruments, or the need for new provisions and/or instruments, to address the issues in the annex of the Convention Review Plan, taking into consideration document MEPC 80/4/15 and the relevant discussions reflected in document MEPC 80/WP.13; and
- .2 submit a written report to MEPC 81.

4.23 In this regard, the Committee encouraged interested Member States and international organizations to contact the Coordinator<sup>1</sup> of the Correspondence Group, with a view to participating and contributing to the work of that Group.

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<sup>1</sup> **Coordinator:**  
Ms. Sonia Gorgula  
Director, Ballast Water Unit, Marine & Aquatic Biosecurity Section  
Animal Biosecurity Branch, Biosecurity Animal Division  
Department of Agriculture, Fisheries and Forestry

4.24 In addition, the Committee noted the table format for the use of the Correspondence Group on Review of the BWM Convention to prepare its output, as set out in annex 4 to document MEPC 80/WP.13.

#### ***Application of the BWM Convention to ships operating in challenging water quality***

4.25 The Committee noted that, owing to lack of consensus on various matters as well as time constraints, the Group had not been able to finalize draft guidance on the application of the BWM Convention to ships operating in challenging water quality; however, several delegations intended to work intersessionally with a view to achieving this at the next session.

4.26 In this connection, a number of delegations, while expressing their appreciation for the hard work of the Group on this matter, also expressed their disappointment that this guidance was not concluded at this session. Recalling the extensive work in the Committee on this matter over multiple sessions, and highlighting the critical importance of this guidance as it addressed a pressing issue affecting ship operations, several delegations noted that lack of guidance by the Organization could lead to unilateral actions by individual Member States at the national level, which would create inconsistency and uncertainty. There was broad support for the prioritization of this matter for conclusion at the next session, and some delegations also expressed their support for document MEPC 80/4/8 as a basis to that end.

4.27 In light of this, the Committee encouraged delegations to work together with the broadest possible participation, using document MEPC 80/4/8 as the starting point, with a view to the finalization of guidance on the application of the BWM Convention to ships operating in challenging water quality at the next session.

#### ***Ballast water record-keeping and reporting***

##### *Guidance on ballast water record-keeping and reporting*

4.28 The Committee approved the *Guidance on ballast water record-keeping and reporting*, as set out in annex 5 to document MEPC 80/WP.13, and instructed the Secretariat to disseminate it by means of BWM.2/Circ.80.

##### *Consequential amendments to Guidelines (G4) and (G6)*

4.29 In this connection, the Committee adopted resolution MEPC.370(80) on *Amendments to the Guidelines for ballast water management and development of Ballast Water Management Plans (G4)* (resolution MEPC.127(53), as amended by resolution MEPC.306(73)), as set out in annex 4.

4.30 Furthermore, the Committee adopted resolution MEPC.371(80) on *Amendments to the 2017 Guidelines for ballast water exchange (G6)* (resolution MEPC. 288(71)), as set out in annex 5.

##### *Electronic Ballast Water Record Books*

4.31 The Committee adopted resolution MEPC.372(80) on *Guidelines for the use of electronic record books under the BWM Convention*, as set out in annex 6.

4.32 In addition, the Committee approved draft amendments to regulations A-1 and B-2 of the BWM Convention concerning the use of electronic record books under the Convention, as set out in annex 7, and requested the Secretary-General to circulate the amendments in accordance with article 19(2)(a) of the BWM Convention, with a view to adoption by MEPC 81.

### ***Temporary storage of treated sewage or grey water in ballast tanks***

#### *Guidance on the temporary storage of grey water or treated sewage in ballast tanks*

4.33 The Committee noted that, owing to time constraints, the Group had not been able to finalize the proposed draft guidance on the temporary storage of grey water or treated sewage in ballast tanks, and invited interested Member States and international organizations to work intersessionally and submit further concrete proposals to the next session for such guidance.

#### *Consequential amendments to the BWM Convention*

4.34 In addition, the Committee noted that, owing to time constraints, the Group had not been able to consider the proposed amendments to regulations A-2, B-1 and B-2 of the BWM Convention contained in document MEPC 79/4/8 concerning the discharge of grey water or treated sewage temporarily stored in ballast tanks, and deferred their consideration to the next session.

### ***Modifications to BWMS with existing type approval***

4.35 The Committee invited interested Member States and international organizations to work intersessionally and submit concrete proposals to the next session on guidance or a unified interpretation to address the issue of modifications to BWMS with existing type approval, taking into account the relevant comments made at this session including the potential linkage with the BWMS Code and the CRP.

### ***PSC inspections during the experience-building phase***

4.36 The Committee encouraged Member States to conduct more sampling and analysis as part of port State control inspections, in order to gather more meaningful knowledge on the operation of installed ballast water management systems, while maintaining the non-penalization elements of the experience-building phase associated with the BWM Convention, within the context of existing provisions and at the same time recognizing the role of flag State implementation in this matter.

### ***Future work***

4.37 The Committee noted the request of the Group on re-establishment of the Review Group at MEPC 81, in accordance with the provisions of regulation D-5 of the BWM Convention, to consider also those terms of reference that could not be concluded at this session due to time constraints.

### **Expression of appreciation**

4.38 The Committee expressed its appreciation to the Chair of the Ballast Water Review Group, Ms. Leanne Page (United Kingdom), who would step down from this role following this session due to being transferred to other duties in the Administration, for her invaluable contribution to the Organization's work in this capacity over a number of years, and wished her every success in her new duties while looking forward to her continued contribution to the Organization's work in other capacities.

## 5 AIR POLLUTION PREVENTION

### Early release of the Working Group on Air Pollution and Energy Efficiency

5.1 In the interest of time, the Committee agreed to refer all documents submitted under this agenda item, as well as relevant documents deferred from ISWG-GHG 15, to the Working Group on Air Pollution and Energy Efficiency for detailed consideration in accordance with the respective terms of reference set out in document MEPC 80/WP.2, with the exception of the following matters:

- .1 implementation of the global 0.50% sulphur limit, including matters related to exhaust gas cleaning systems (EGCS);
- .2 outcomes of PPR 10; and
- .3 other information related to air pollution issues.

### Implementation of the global 0.50% sulphur limit, including matters related to exhaust gas cleaning systems (EGCS)

5.2 The Committee noted the information reported to the Organization related to the implementation of the global 0.50% sulphur limit (IMO 2020) and the results of the sulphur monitoring programme for 2022 provided in document MEPC 80/INF.4 (Secretariat).

5.3 With regard to exhaust gas cleaning systems (EGCS), the Committee had for its consideration the following documents:

- .1 MEPC 80/5/5 (Austria et al.), proposing draft amendments to MARPOL Annex VI for regulating "discharge water" from EGCS, following the action of MEPC 78 to complete part 3 of output 1.23 on regulatory matters;
- .2 MEPC 80/5/6 (Japan), providing technical comments on document MEPC 80/5/5, expressing concerns that the proposed amendments may be interpreted as regulating "discharge water" without carrying out appropriate risk and impact assessments, and suggesting instructing GESAMP to consider risk and potential impact of discharge water from EGCS on the marine environment; and
- .3 MEPC 80/5/7 (Japan), providing legal comments on document MEPC 80/5/5 and proposing alternative draft amendments to MARPOL Annex VI which in their view are consistent with relevant provisions of UNCLOS, providing in particular a definition of "discharge water", and encouraging parties intending to regulate "discharge water" to conduct risk and impact assessments based on the guidelines developed by the Organization.

5.4 The Committee recalled that MEPC 78 had agreed to extend the target completion year of output 1.23 on "Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas" to 2025.

5.5 The Committee also recalled that following consideration of this issue, MEPC 79 had referred several related documents to PPR 11.

5.6 The Committee further recalled that PPR 10 had agreed to re-instate the agenda item on "Evaluation and harmonization of rules and guidance on the discharge of discharge water from EGCS into the aquatic environment, including conditions and areas" in the provisional agenda for PPR 11, which the Committee approved under agenda item 14.

5.7 In the ensuing discussion, several delegations, in referring in particular to document MEPC 80/5/5 (Austria et al.), suggested that the Committee should instruct PPR 11 to consider the proposed draft amendments to MARPOL Annex VI as part of the work on part 3 (regulatory matters) of the scope of work of output 1.23, as set out in annex 3 to document MEPC 77/WP.8. These delegations stressed the urgency of developing such amendments to MARPOL Annex VI in order to clarify and harmonize the measures adopted by coastal States to address the quality of discharge water from EGCS. These delegations also stressed that in their view there were sufficient legal and technical grounds to develop such regulations in MARPOL Annex VI and that it was unnecessary to request GESAMP to consider this issue, as suggested in document MEPC 80/5/6 (Japan).

5.8 Several delegations supported the development of draft amendments to MARPOL Annex VI using document MEPC 80/5/7 (Japan) as a basis, as they considered that the proposed approach was aligned with provisions in UNCLOS regarding the jurisdiction of coastal States and safeguarding the freedom of navigation beyond territorial sea.

5.9 Several delegations expressed concerns regarding proposals to develop restrictions on discharge water from EGCS and associated reporting requirements in MARPOL Annex VI, stressing that such recommendation was better suited and should only be provided in a guidance document. In this context, several other delegations highlighted that the use of recommendatory guidance might generate regulatory inconsistencies.

5.10 Several delegations, in seeing merit in the development of consistent and clear regulatory measures, expressed the view that it was premature to develop draft amendments to MARPOL Annex VI at this stage, especially in light of the remaining uncertainty regarding the impact of discharge water from EGCS on the marine environment, and stressed that experience should be built first on the implementation of the *2022 Guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems* (MEPC.1/Circ.899).

5.11 Several delegations, with regard to legal issues raised in document MEPC 80/5/7, stressed the need to be mindful of the principles contained in UNCLOS and some delegations also stressed that application of restrictive measures on discharge water from EGCS should not go beyond a coastal State's territorial sea. Several other delegations expressed the view that the proposed amendments to MARPOL Annex VI set out in document MEPC 80/5/5 would not contradict with UNCLOS. One delegation highlighted that it was not the role of IMO to define the regulatory authority that coastal States had in areas beyond their territorial sea, but that individual countries were responsible for determining their respective authorities under the instruments to which they were a party. During the discussion, the Committee noted that as requested by MEPC 79, the Secretariat had been preparing a legal opinion on the matter as appropriate to a future session, taking into account the existing study on Implications of the United Nations Convention on the Law of the Sea for the International Maritime Organization (LEG/MISC.8). In view of the further discussion at this session, the above-mentioned legal opinion by the Secretariat would be submitted to MEPC 81.

5.12 Following discussion, the Committee agreed to refer documents MEPC 80/5/5, MEPC 80/5/6 and MEPC 80/5/7 to PPR 11, and instructed the Sub-Committee to consider them in conjunction with documents MEPC 78/9/3 (Germany), MEPC 79/5/1 (CESA), MEPC 79/5/4 (CESA) and MEPC 79/INF.4 (Netherlands), with a view to advising the Committee accordingly.

## **Outcomes of PPR 10**

5.13 The Committee had for its consideration paragraphs 2.16 to 2.22, 2.28, 2.34 and 2.35 of document MEPC 80/9 (Secretariat) providing the list of actions requested of the Committee on air pollution matters emanating from PPR 10.

### ***Reduction of the impact on the Arctic of Black Carbon emissions from international shipping***

5.14 The Committee had for its consideration the following documents commenting on the outcome of PPR 10:

- .1 MEPC 80/9/1 (FOEI et al.), responding to the outcome of PPR 10, inviting interested Member States and international organizations to work interessionally to further develop proposals on potential Black Carbon control measures by providing additional information to facilitate the development of proposals for submission to PPR 11; and
- .2 MEPC 80/9/2 (FOEI et al.), commenting on the outcome of PPR 10, responding to discussions on the geographic scope of effective Black Carbon emission reduction measures aimed at protecting the Arctic, providing information to facilitate an informed discussion on the geographic scope and recommending measures to ships operating throughout the wider Arctic area.

5.15 Following consideration, the Committee:

- .1 noted the outcome of PPR 10 on the reduction of the impact on the Arctic of Black Carbon emissions from international shipping as summarized in paragraph 2.16 of document MEPC 80/9; and
- .2 with regard to the geographical scope of Black Carbon emissions control measures, agreed that whilst voluntary measures might be developed for ships sailing in or near the Arctic, in line with the language used in resolution MEPC.342(77) on *Protecting the Arctic from shipping Black Carbon emissions*, consideration by the Committee of any potential mandatory measures to expand the geographical scope of application or the definition of the Arctic should only be given when such a proposal was co-sponsored by a Party to MARPOL Annex VI.

5.16 Several observers urged Member States to submit concrete proposals to PPR 11 mandating reductions in Black Carbon emissions from international shipping in the Arctic. The statements made by the observers from FOEI, WWF, CSC and Inuit Circumpolar Council are set out in annex 30.

### ***2023 Guidelines for thermal waste treatment devices (TWTd)***

5.17 In considering the draft 2023 Guidelines for thermal waste treatment devices (TWTd) set out in annex 5 to document PPR 10/18/Add.1, the delegation of Denmark, in highlighting the existing unclarity regarding the substances generated by TWTd and the extent of the potential uptake of these devices in the fleet, expressed concerns regarding discharging substances generated by TWTd directly into water when cleaning the exhaust gas, and suggested that the potential environmental impact of TWTd discharges into water be further investigated.



5.18 Following consideration, the Committee adopted resolution MEPC.373(80) on *2023 Guidelines for thermal waste treatment devices (TWTD)*, as set out in annex 8.

#### ***Multiple engine operation profiles***

5.19 The Committee endorsed the recommendation of PPR 10 regarding the expansion of the scope of output 2.15 to cover definitions of terminology and application related to Engine International Air Pollution Prevention (EIAPP) test cycles and related amendments to the NO<sub>x</sub> Technical Code; and consequently, agreed to change the title of output 2.15 to "Development of amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code on the use of multiple engine operational profiles for a marine diesel engine and on the clarification of test cycles".

#### ***Draft amendments to regulation 13.2.2 of MARPOL Annex VI***

5.20 The Committee approved the draft amendments to regulation 13.2.2 of MARPOL Annex VI on a marine diesel engine replacing a steam system, as set out in annex 9, and requested the Secretary-General to circulate them in accordance with article 16(2) of MARPOL, with a view to adoption at MEPC 81.

5.21 In this context, the Committee deferred consideration of the draft 2023 guidelines as required by regulation 13.2.2, as set out in annex 7 to document PPR 10/18/Add.1, to MEPC 81 with a view to adoption in conjunction with the adoption of the above-mentioned amendments to regulation 13.2.2 of MARPOL Annex VI.

5.22 The Committee instructed the Secretariat to update the unified interpretation to regulation 13.2.2 of MARPOL Annex VI, prepared by PPR 10, as set out in annex 8 to document PPR 10/18/Add.1, for inclusion in a future revision of circular MEPC.1/Circ.795, when the corresponding amendments to regulation 13.2.2 of MARPOL Annex VI enter into force.

5.23 The delegation of the Marshall Islands reiterated concerns expressed during PPR 10 (PPR 10/18, paragraph 9.8) regarding the inclusion in MARPOL Annex VI of a new requirement for Administrations to notify the Organization in all instances where a Tier II, rather than a Tier III, replacement engine had been installed. The full text of the statement made by the delegation of the Marshall Islands is set out in annex 30.

#### ***Unified interpretations to regulations 18.5 and 18.6 of MARPOL Annex VI***

5.24 The Committee approved the unified interpretations to regulations 18.5 and 18.6 of MARPOL Annex VI, concerning electronic bunker delivery notes, as set out in annex 10, and instructed the Secretariat to revise MEPC.1/Circ.795/Rev.7 accordingly, for dissemination as MEPC.1/Circ.795/Rev.8.

#### ***Consideration of document MEPC 78/5/1***

5.25 The Committee noted that PPR 10, having considered document MEPC 78/5/1 (China), agreed to keep the *2019 Guidelines for onboard sampling for the verification of the sulphur content of the fuel oil used on board ships* (MEPC.1/Circ.864/Rev.1) unchanged.

### ***Scope of work on the reduction of volatile organic compound (VOC) emissions***

5.26 The Committee approved the scope of work on the reduction of volatile organic compound (VOC) emissions set out in annex 18 to document PPR 10/18/Add.1.

### **Information related to air pollution matters**

5.27 The Committee noted the information in the following documents:

- .1 MEPC 80/INF.13 (India), providing information on the result of a fuel oil quality survey conducted by India, and emphasizing the need for implementing schemes for the licensing of bunker suppliers in order to improve transparency and ensuring uniform implementation; and
- .2 MEPC 80/INF.35 (Austria et al.), providing information on the ongoing work regarding the possible designation of a North-East Atlantic Ocean Emission Control Area under MARPOL Annex VI and the intention of the co-sponsors to submit a proposal to MEPC 81.

5.28 The statement made by the delegation of Portugal regarding document MEPC 80/INF.35 is set out in annex 30.

### **Establishment of the Working Group on Air Pollution and Energy Efficiency**

5.29 The Committee established the Working Group on Air Pollution and Energy Efficiency and instructed it, taking into account comments, proposals and decisions made in plenary, to:

- .1 consider the need to develop interim guidance on the use of biofuels and biofuel blends, taking account documents MEPC 80/5 (Norway), MEPC 80/5/2 (India), MEPC 80/7/9 (India et al.), ISWG-GHG 15/5 (France), the discussion by ISWG-GHG 15 (MEPC 80/WP.7, paragraphs 117 to 127) and comments made in plenary, and advise the Committee accordingly;
- .2 consider the information and proposals on engine emission testing and certification for NO<sub>x</sub> Tier III set out in document MEPC 80/5/1 (Canada), and advise the Committee accordingly;
- .3 consider the proposals in respect of regulation 18 of MARPOL Annex VI and other draft amendments to that Annex as set out in documents MEPC 80/5/3 (Germany et al.) and MEPC 80/5/4 (Liberia et al.), and advise the Committee accordingly; and
- .4 consider the proposed draft amendments to the *2021 Guidelines for exhaust gas cleaning systems* (MEPC.340(77)) set out in document MEPC 80/16/1 (IACS), and advise the Committee accordingly.

### **Report of the Working Group on Air Pollution and Energy Efficiency**

5.30 Having considered the report of the Working Group on Air Pollution and Energy Efficiency (MEPC 80/WP.11), the Committee approved it in general and took action as outlined below.

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***Development of interim guidance on the use of biofuels and biofuel blends***

5.31 With regard to the need to develop interim guidance on the use of biofuels and biofuel blends, the Committee noted that the Working Group had considered the following documents:

- .1 MEPC 80/5 (Norway), providing a study which compares pollutants in exhaust gas generated from two different engines using biodiesel and marine gas oil in a laboratory demonstrating that the combustion of hydrotreated vegetable oil (HVO) reduces NO<sub>x</sub> emissions compared to the use of marine gas oil, supporting the effectiveness of unified interpretation to regulation 18.3 of MARPOL Annex VI; and
- .2 MEPC 80/5/2 (India), providing text of draft interim guidelines for the use of biofuels and blends of biofuels, and providing recommendations in respect of procurement, storage, oil quality testing and use of biofuels or biofuel blends on board.

5.32 The Committee, having noted the Group's discussion on the matter, and having agreed that approval of the interim guidance should not, in any case, prejudice future decisions on the application of LCA frameworks to any kinds of fuels, including biofuels, following further development of the LCA guidelines, approved MEPC.1/Circ.905 on *Interim guidance on the use of biofuels under regulations 26, 27 and 28 of MARPOL Annex VI (DCS and CII)*.

5.33 The Committee noted that due to time constraints, the Working Group had not finalized the consideration of documents MEPC 80/5 (Norway) and MEPC 80/5/2 (India), and consequently deferred the consideration of these documents to MEPC 81.

***Engine emission testing and certification for NO<sub>x</sub> Tier III***

5.34 With regard to engine emission testing and certification for NO<sub>x</sub> Tier III, the Committee noted that the Working Group had considered document MEPC 80/5/1 (Canada), providing a study regarding NO<sub>x</sub> emissions from Tier III engines in ECAs suggesting that based on further research, data and real-world information, a potential additional test cycle for NO<sub>x</sub> Tier III may be established which better reflected real-world ship operations within ECAs as ships were operating at lower loads than 25%, and inviting comments from relevant stakeholders.

5.35 The Committee noted the Group's discussion on the matter and invited interested Member States and international organizations to provide any relevant information on in-service engine NO<sub>x</sub> emission measurement campaigns, including findings from recent studies, to a future session.

***Draft amendments to MARPOL Annex VI related to low-flashpoint fuels and other fuel oil related issues***

5.36 With regard to draft amendments to MARPOL Annex VI related to low-flashpoint fuels and other fuel oil related issues, the Committee noted that the Working Group had considered the following documents:

- .1 MEPC 80/5/3 (Germany et al.), aiming to resolve the inconsistency regarding the reporting of flashpoint on the bunker delivery note resulting from the different terminologies used in SOLAS chapter II-2 and MARPOL Annex VI as well as the consistent use of definitions of "oil fuel", "oil" and "fuel oil" in SOLAS and MARPOL; and proposing amendments to MARPOL Annex VI addressing the inconsistencies; and

- .2 MEPC 80/5/4 (Liberia et al.), proposing amendments to regulation 18.4 of MARPOL Annex VI to clarify that gases used as a fuel, low-flashpoint fuels, ethane, liquefied petroleum gas, such as propane and butane, methyl/ethyl alcohols, hydrogen and ammonia would be exempted from sampling provided that the sulphur content of these fuels was documented by suppliers.

5.37 Having noted the Working Group's discussion on the matter, the Committee approved draft amendments to regulations 2, 14, 18 and appendix I of MARPOL Annex VI, as set out in annex 9, and requested the Secretary-General to circulate them in accordance with article 16(2)(a) of MARPOL, with a view to adoption at MEPC 81. Further, the Committee authorized the Secretariat to update the unified interpretation to regulation 2.1.14 of MARPOL Annex VI when the corresponding amendments to regulation 2.1.14 entered into force.

### ***Amendments to the 2021 Guidelines for exhaust gas cleaning systems***

5.38 The Committee noted that the Working Group had considered document MEPC 80/16/1 (IACS), proposing a minor amendment relevant to the EGCS Electronic Record Book (ERB) in the *2021 Guidelines for exhaust gas cleaning systems* (resolution MEPC.340(77)) by inserting a footnote referring to *Guidelines for the use of electronic record books under MARPOL* (resolution MEPC.312(74)) with a view to facilitating uniform and universal implementation.

5.39 Having noted the Working Group's support for the proposal, the Committee requested the Secretariat to update the 2021 EGCS Guidelines accordingly in relevant publications, or issue a corrigendum, as appropriate.

## **6 ENERGY EFFICIENCY OF SHIPS**

### **Early release of the Working Group on Air Pollution and Energy Efficiency**

6.1 In the interest of time, the Committee agreed to refer all documents submitted under this agenda item, as well as relevant documents deferred from previous sessions and ISWG-GHG 14, to the Working Group on Air Pollution and Energy Efficiency, established under agenda item 5, for detailed consideration in accordance with the respective terms of reference set out in document MEPC 80/WP.2, with the exception of the following matters:

- .1 implementation of the short-term measure and proposals for the conduct of the review of the short-term measure;
- .2 technical issues related to reporting data in the IMO DCS module in GISIS;
- .3 revision of ship fuel oil consumption reporting in the IMO Data Collection System (DCS); and
- .4 matters related to EEDI.

### **Implementation of the short-term measure and proposals for the conduct of the review of the short-term measure**

6.2 The Committee recalled that MEPC 79 had deferred seven documents regarding the implementation and review of the CII framework, i.e. documents MEPC 79/7/1 and MEPC 79/7/2 (INTERTANKO), MEPC 79/7/13 (Bahamas et al.), MEPC 79/7/15 (Bahamas and ICS), MEPC 79/7/21 (CLIA), MEPC 79/7/27 (ICS and INTERCARGO) and MEPC 79/INF.19 (INTERCARGO), to this session, for consideration by the Working Group on Air Pollution and Energy Efficiency.

6.3 The Committee had for its consideration the following documents submitted to this session:

- .1 MEPC 80/6 (India), proposing amendments to the *2021 Guidelines on the Shaft/Engine Power Limitation System to comply with the EEXI requirements and use of a power reserve* for including the format and clarity on evidence, period and deadline for reporting uses of a power reserve to the Organization in order to provide a uniform and effective implementation of the 2021 Guidelines;
- .2 MEPC 80/6/3 (Liberia), outlining the significant operational constraints of self-unloading bulk carriers performing transloading and trans-shipment operations; highlighting that such operations reduce carbon emissions compared to standard bulk carrier operations; and suggesting accounting for these highly variable, but significant, energy demands that occur on those self-unloading bulk carrier types while calculating their attained CII and ratings;
- .3 MEPC 80/6/5 (India), seeking clarification for specific cases regarding the application of the correction factors as provided in the *2022 Interim Guidelines on correction factors and voyage adjustments for CII calculations* (CII Guidelines, G5); proposing that CII Guidelines be revised by including a correction factor to avoid the ship's carbon intensity indicator (CII) being adversely impacted due to cargo operational activities;
- .4 MEPC 80/6/6 (India), proposing amendments to regulation 19.3 of MARPOL Annex VI to clarify the non-applicability of requirements of SEEMP under regulation 26.3 of MARPOL Annex VI for category A ships as defined in the Polar Code;
- .5 MEPC 80/6/8 (IACS), proposing amendments to MEPC.1/Circ.876 regarding the sample format for the confirmation of compliance of SEEMP part II) for updating the reference to regulation 26.2 of MARPOL Annex VI in view of the entry into force of the 2021 Revised MARPOL Annex VI; also proposing the change of the reference to the *2022 Guidelines for the development of a Ship Energy Efficiency Management Plan* adopted by resolution MEPC.346(78) instead of the *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* adopted by resolution MEPC.282(70);
- .6 MEPC 80/INF.20 (IACS), containing information on the publication of IACS Recommendation No.175 on "SEEMP/CII implementation guidelines"; and
- .7 MEPC 80/INF.28 (Republic of Korea), presenting the results of an analysis that compared the attained CII values calculated based on the DWT as a transport work proxy in accordance with the current IMO CII Guidelines and the values calculated based on the actual cargo carried using EU-MRV data set; highlighting the conclusion that the future data collection must be based on actual cargo carried to apply IMO CII criteria more precisely, intuitively and consistently.

6.4 The Committee recalled that MEPC 79 had requested the Secretariat to submit a proposal to this session on how the review of the short-term measure could be conducted in an effective and efficient way for consideration by the Committee. In this regard, the Committee

noted that the Secretariat had submitted document MEPC 80/6/7 (Secretariat), providing the Secretariat's considerations and proposals on how to conduct the review of the short-term measure and highlighting several key aspects that may be clarified in order to conduct the review in an effective and efficient way, including the definition of the review stages, scope of the review, nature, source and granularity of the data needed for the review, and the respective roles of Member States, observer organizations, the Secretariat and other stakeholders, as appropriate.

6.5 In the ensuing discussion, all delegations that spoke expressed support for using the proposal set out in document MEPC 80/6/7 to conduct the review of the short-term measure in a structured way, in particular with regard to the proposed working arrangements, and highlighted the need for further guidance on the procedural and analytical needs that should be considered by the Committee specifically for the revision of CII and EEXI frameworks, as soon as possible during the data-gathering stage.

6.6 Several delegations, in supporting the finalization of the review plan using document MEPC 80/6/7 as a basis, highlighted that the workload for the Organization and individual Member States on GHG was increasing and stressed the importance to ensure the full participation of all by avoiding the establishment of many different parallel work streams.

6.7 Several delegations suggested splitting the review in two phases, starting as a priority by improving the CII framework in incorporating relevant correction factors and voyage adjustments, while in parallel improving the CII metric. In this regard, several delegations stressed that proposals for correction factors and voyage adjustments deferred from previous sessions and also submitted to this session were still valid and would need to be considered in detail.

6.8 One observer suggested that the Organization should urgently develop a clear statement to all stakeholders that until the end of the review period the CII rating framework should be understood as an interim system associated with a soft enforcement approach and not be used for penalizing ships for factors beyond their control.

6.9 Several delegations highlighted specific elements which in their view should be included in the review process, e.g. development of a Carbon Intensity Code, improvement of the CII metric using additional DCS data.

6.10 Following consideration, the Committee agreed to instruct the Working Group on Air Pollution and Energy Efficiency to consider how the review of the short-term measure could be conducted in an effective and efficient way and develop a review plan as appropriate, using document MEPC 80/6/7 (Secretariat) as a basis, taking into account documents MEPC 80/6/3 (Liberia), MEPC 80/6/5 (India), MEPC 80/6/6 (India), MEPC 80/6/8 (IACS), MEPC 80/INF.20 (IACS), MEPC 80/INF.28 (Republic of Korea), MEPC 80/INF.34 (CLIA), MEPC 79/7/1 (INTERTANKO), MEPC 79/7/2 (INTERTANKO), MEPC 79/7/13 (Bahamas et al.), MEPC 79/7/15 (Bahamas and ICS), MEPC 79/7/21 (CLIA), MEPC 79/7/27 (ICS and INTERCARGO) and MEPC 79/INF.19 (INTERCARGO), as well as comments made in Plenary.

#### **Technical issues related to reporting of data to the IMO DCS GISIS module**

6.11 The Committee noted the comments and suggestions in document MEPC 80/6/4 (China) proposing technical improvements when submitting data to the IMO DCS module in GISIS and associated proposed changes to the *2022 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database*, based on issues experienced by China.

6.12 In response to the technical issues experienced by China, the Committee noted an intervention by the Secretariat providing the Committee with an overview of existing reporting functionalities in the IMO DCS module and of the ongoing updating and testing of the IMO DCS GISIS module, notably to accommodate the EEXI and CII reporting requirements following adoption of the short-term GHG reduction measure. In addition, the Secretariat provided an update on its long-term work initiated with the United Nations International Computing Centre (UNICC) to maintain the current IMO DCS GISIS module and to develop further improvements, notably an enhanced online user interface and functionalities to the Web-interface, with a view to preparing the IMO DCS module for future GHG regulations, also dependent on future resources.

6.13 Following consideration, the Committee noted the technical comments and suggestions in document MEPC 80/6/4 and the update by the Secretariat, on its ongoing work in maintaining and upgrading the IMO DCS GISIS module, and requested the Secretariat to continue its work on updating and testing of the DCS module taking into consideration document MEPC 80/6/4 and the comments of the Committee, to liaise directly with any interested Member States and international organizations on IMO DCS GISIS functionalities as well the testing of new functionalities for the IMO DCS, and to provide the Committee with relevant updates as appropriate.

#### **Revision of ship fuel oil consumption reporting in the IMO Data Collection System (DCS)**

6.14 With regard to the further consideration of proposals on the revision of the IMO ship fuel oil consumption Data Collection System (DCS), following the consideration of the outcomes of ISWG-GHG 14 (MEPC 80/WP.6, paragraph 134.3), the Committee:

- .1 noted that there was broad support within the Group for the inclusion of data on transport work and on an enhanced level of granularity in the data reported to the IMO DCS;
- .2 noted that concerns were expressed on various issues, such as immaturity and timing of the proposed amendments, the tendency to overly complicate the CII mechanism, accessibility of data and transparency and that the Group was not in a position to conclude on these matters; and
- .3 endorsed the recommendation by the Group that further consideration of the draft amendments as proposed in documents ISWG-GHG 14/4, ISWG-GHG 14/4/1, ISWG-GHG 14/4/2, as well as the collation of proposed amendments set out in MEPC 80/WP6, annex 3, should be undertaken by the Working Group on Air Pollution and Energy Efficiency.

6.15 With regard to the revision of the IMO DCS, the Committee also had for its consideration the following documents:

- .1 MEPC 80/6/9 (Austria et al.), proposing draft amendments to MARPOL Annex VI on the anonymization and accessibility of data, aiming to widen the accessibility of IMO DCS, while taking into account the concerns expressed in the previous discussions;
- .2 MEPC 80/6/11 (BIMCO), proposing to transfer the reporting requirements, "Information to be submitted to the IMO Ship Fuel Oil Consumption Database" unamended, from appendix IX of MARPOL Annex VI to new guidelines, as a priority, to support an effective and efficient review of the CII regulations and associated guidelines;

- .3 MEPC 80/6/12 (Brazil), commenting on documents MEPC 80/WP.6 and ISWG-GHG 14/4 and reiterating a number of difficulties encountered by the study contained in document MEPC.69/INF.28 (Brazil), related to the adoption of compulsory information for ships loads and their weights for reporting to the IMO Data Collection System (DCS); and
- .4 MEPC 80/6/13 (WSC), commenting on proposals to amend the IMO Data Collection System (DCS) and provides further information to support the use of TEU-miles as the sole metric to quantify cargo carried by container ships.

6.16 In the ensuing discussion, several delegations supported the further consideration of the inclusion of data on transport work and on enhanced level of granularity in the Working Group on Air Pollution and Energy Efficiency, as recommended by ISWG-GHG 14, with a view to approving draft amendments to MARPOL Annex VI at this session. Several of these delegations highlighted that DCS was at the cornerstone of GHG measures and a crucial element for the Committee's decision-making and that the Committee should avoid being in a situation where the lack of data would limit its ability to take decisions.

6.17 In considering whether to increase the accessibility of IMO DCS data, several delegations supported full public access to the data in order to improve data quality, transparency and inclusiveness. Several other delegations saw merit in the proposed differentiated access to IMO DCS data set out in document MEPC 80/6/9 and expressed the view that it provided the appropriate balance between enhanced data accessibility and preservation of data confidentiality.

6.18 Several other delegations preferred to keep the current data accessibility provisions unchanged, since increased data transparency would risk increasing the work burden on Administrations, generate data security risks and increase disparities among countries to analyse the data. These delegations expressed the view that the current practice where only the Secretariat could access and analyse the full DCS data sets had been working well and the Committee had been benefiting from the Secretariat's impartial analysis in support of the development of energy efficiency measures.

6.19 In considering the proposal in document MEPC 80/6/11 to transfer the content of appendix IX of MARPOL Annex VI to a set of new guidelines, several delegations expressed preference for keeping DCS reporting parameters in MARPOL Annex VI in order to ensure that these elements remained legally binding and were enforced in a consistent way. One delegation expressed concerns that frequent changes to the DCS reporting parameters would disrupt data collection. One delegation could support the proposal in principle, stating that it would enable a flexible, effective and efficient review process.

6.20 Following consideration of the matter, the Committee instructed the Working Group on Air Pollution and Energy Efficiency to:

- .1 consider proposed amendments to MARPOL Annex VI on the revision of the IMO ship fuel oil consumption Data Collection System (DCS), using annex 3 to document MEPC 80/WP.6 as a basis, with a view to finalization of draft amendments to MARPOL Annex VI at this session, also taking into account MEPC 80/6/12 (Brazil), MEPC 80/6/13 (WSC), ISWG-GHG 14/4 (Austria et al.), ISWG-GHG 14/4/1 (India) and ISWG-GHG 14/4/2 (WSC); and
- .2 further consider document MEPC 80/6/9 (Austria et al.), taking into account comments and concerns made in plenary, and advise the Committee accordingly.



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**Matters related to the EEDI**

6.21 The Committee noted documents MEPC 80/INF.3 (Secretariat), providing the thirteenth summary of data and graphical representations of the information in the EEDI database and MEPC 80/INF.5 (IACS), containing a copy of the 2022 Industry guidelines for calculation and verification of the Energy Efficiency Design Index (EEDI) and the role of the verifier in conducting the verification of EEDI.

**Additional terms of reference for the Working Group on Air Pollution and Energy Efficiency**

6.22 The Committee agreed to the following additional terms of reference for the Working Group on Air Pollution and Energy Efficiency, established under agenda item 5:

- .1 consider the need to clarify the *2022 Guidelines on the survey and certification of the Energy Efficiency Design Index (EEDI)* (resolution MEPC.365(79)) and the proposed amendments set out in document MEPC 80/6/1 (IACS), and advise the Committee accordingly;
- .2 consider proposals on the use of an overridable shaft/engine power limitation (ShaPoLi/EPL) as set out in documents MEPC 80/6 (India), MEPC 80/6/2 (United States) and MEPC 80/6/10 (Germany), and advise the Committee accordingly;
- .3 consider proposed amendments to MARPOL Annex VI on the revision of the IMO ship fuel oil consumption Data Collection System (DCS), using annex 3 to document MEPC 80/WP.6 as a basis, with a view to finalization of draft amendments to MARPOL Annex VI at this session, also taking into account documents MEPC 80/6/12 (Brazil), MEPC 80/6/13 (WSC), ISWG-GHG 14/4 (Austria et al.), ISWG-GHG 14/4/1 (India) and ISWG-GHG 14/4/2 (WSC);
- .4 further consider document MEPC 80/6/9 (Austria et al.), taking into account comments and concerns made in plenary, and advise the Committee accordingly; and
- .5 consider how the review of the short-term measure could be conducted in an effective and efficient way and develop a review plan as appropriate, using document MEPC 80/6/7 (Secretariat) as a basis, taking into account documents MEPC 80/6/3 (Liberia), MEPC 80/6/5 (India), MEPC 80/6/6 (India), MEPC 80/6/8 (IACS), MEPC 80/INF.20 (IACS), MEPC 80/INF.28 (Republic of Korea), MEPC 80/INF.34 (CLIA), MEPC 79/7/1 (INTERTANKO), MEPC 79/7/2 (INTERTANKO), MEPC 79/7/13 (Bahamas et al.), MEPC 79/7/15 (Bahamas and ICS), MEPC 79/7/21 (CLIA), MEPC 79/7/27 (ICS and INTERCARGO) and MEPC 79/INF.19 (INTERCARGO), as well as comments made in plenary.

**Report of the Working Group on Air Pollution and Energy Efficiency**

6.23 Having considered the relevant part of the report of the Working Group on Air Pollution and Energy Efficiency (MEPC 80/WP.11), the Committee took action as outlined below.

***Amendments to the 2022 Guidelines on the survey and certification of the Energy Efficiency Design Index (EEDI)***

6.24 The Committee noted that the Working Group had considered document MEPC 80/6/1 (IACS), seeking clarification for the definition of the term "filling rate for gas fuel tanks" used in paragraph 2.2.1 for  $F_{DFgas}$  of the *2022 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships* (resolution MEPC.364(79)); and proposing to amend a footnote in the table of paragraph 4.2.3.2 of the *2022 Guidelines on the survey and certification of the Energy Efficiency Design Index (EEDI)* (resolution MEPC.365(79)).

6.25 Having noted the Working Group's discussion on the matter, the Committee adopted resolution MEPC.374(80) on amendments to the *2022 Guidelines on the survey and certification of the Energy Efficiency Design Index (EEDI)* (resolution MEPC.365(79)), as set out in annex 11.

***Proposals on the use of overridable shaft/engine power limitation (ShaPoLi/EPL) systems in the EEXI and EEDI frameworks***

6.26 The Committee noted that the Working Group had considered documents containing proposals on the use of overridable shaft/engine power limitation (ShaPoLi/EPL) systems in the EEXI and EEDI frameworks, as follows:

- .1 MEPC 80/6 (India), proposing amendments to the *2021 Guidelines on the Shaft/Engine Power Limitation System to comply with the EEXI requirements and use of a power reserve* for including the format and clarity on evidence, period and deadline for reporting uses of a power reserve to the Organization in order to provide a uniform and effective implementation of the 2021 ShaPoLi/EPL Guidelines;
- .2 MEPC 80/6/2 (United States), considering the use of an overridable shaft/engine power limitation as a strategy for improving ship energy efficiency and proposing modifications to the EEDI calculation methodology for incorporating this concept; and highlighting that this proposal was consistent with the methodology recently adopted for use in the EEXI calculation guidelines; and
- .3 MEPC 80/6/10 (Germany), discussing the further development of the Shaft Power Limitation (ShaPoLi) concept focusing on areas identified during MEPC 79 by the Working Group on Air Pollution and Energy Efficiency; and highlighting and emphasizing the first experiences with ShaPoLi systems in the context of the EEXI certification.

6.27 The Committee, having noted the Working Group's discussion on the proposal regarding the reporting to the Organization of the use of the power reserve for ShaPoLi/EPL systems in the EEXI framework, adopted resolution MEPC.375(80) on Amendments to the *2021 Guidelines on the shaft/engine power limitation system to comply with the EEXI requirements and use of a power reserve* (resolution MEPC.335(76)), as set out in annex 12.

6.28 The Committee, having also noted the Working Group's discussion on proposals on the use of overridable ShaPoLi/EPL systems in EEDI calculations, invited interested Member States and international organizations to work informally intersessionally e.g. on how to assign the appropriate *MCR* value, with a view to submitting proposals addressing this issue as well as potential draft amendments to the NO<sub>x</sub> Technical Code to a future session.

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***Amendments to MARPOL Annex VI to include data on transport work and on enhanced level of granularity in the IMO ship fuel oil consumption Data Collection System (DCS)***

6.29 Having noted the Working Group's discussion on proposed amendments to MARPOL Annex VI to include data on transport work and on enhanced level of granularity in the IMO ship fuel oil consumption Data Collection System (DCS), the Committee approved the draft amendments to appendix IX of MARPOL Annex VI, as set out in annex 9, and requested the Secretary-General to circulate them in accordance with article 16(2)(a) of MARPOL, with a view to adoption at MEPC 81.

***Accessibility of IMO DCS data***

6.30 Having noted the Working Group's discussion on accessibility of IMO DCS data, the Committee:

- .1 noted that, with regard to the proposed amendments set out in document MEPC 80/6/9, there was a broad support within the Working Group to improving the accessibility of IMO DCS data;
- .2 approved the draft amendments to regulation 27 of MARPOL Annex VI, as set out in annex 9, and requested the Secretary-General to circulate them in accordance with article 16(2)(a) of MARPOL, with a view to adoption at MEPC 81; and
- .3 invited interested Member States and international organizations to work together informally intersessionally and submit proposals to a future session on how to address the comments and concerns made at this session on the accessibility of IMO DCS data.

***Review of the short-term GHG reduction measure***

6.31 The Committee, having noted the Working Group's discussion on the development of a draft Review plan of the short-term GHG reduction measure, approved it as set out in annex 13. In this context, the Committee noted that the proposals contained in documents MEPC 80/6/3 (Liberia), MEPC 80/6/5 (India), MEPC 80/6/6 (India), MEPC 80/6/8 (IACS), MEPC 80/INF.20 (IACS), MEPC 80/INF.28 (Republic of Korea), MEPC 80/INF.34 (CLIA), MEPC 79/7/1 (INTERTANKO), MEPC 79/7/2 (INTERTANKO), MEPC 79/7/13 (Bahamas et al.), MEPC 79/7/15 (Bahamas and ICS), MEPC 79/7/21 (CLIA), MEPC 79/7/27 (ICS and INTERCARGO) and MEPC 79/INF.19 (INTERCARGO) would be considered in accordance with the approved review plan.

**7 REDUCTION OF GHG EMISSIONS FROM SHIPS****Introduction**

7.1 The Committee agreed to consider the matters under this agenda item in the following order:

- .1 update on UNFCCC matters and on the GHG TC-Trust Fund;
- .2 outcome of ISWG-GHG 14 and ISWG-GHG 15, including the consideration of the revision of the IMO GHG Strategy, the development of the basket of mid-term measures and the life-cycle analysis (LCA) guidelines;

- .3 proposals related to onboard CO<sub>2</sub> capture; and
- .4 remaining information documents and establishment of the Working Group on Reduction of GHG Emissions from Ships.

### ***UNFCCC matters***

7.2 The Committee noted a statement by the Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC), Mr. Simon Stiell, set out in annex 30, providing a summary of the recent work carried out under the UNFCCC and relevance to IMO's GHG discussions.

7.3 The Committee also noted document MEPC 80/INF.6 (Secretariat) providing detailed information on the Secretariat's participation in the UN Climate Change Conference in Sharm El Sheikh, Egypt in November 2022 (COP 27), and additional information provided orally by the Secretariat on the cooperation between the Secretariat and the UNFCCC Secretariat, the Secretariat's participation in relevant UNFCCC bodies and meetings, as well as on the invitation from the UNFCCC Secretariat to UN specialized agencies to provide written input to the first Global Stocktake (GST).

7.4 Following consideration, the Committee requested the Secretariat to continue its well-established cooperation with the UNFCCC Secretariat and its attendance to relevant UNFCCC meetings, to continue, as appropriate, to bring the outcome of the Organization's work on the reduction of GHG, in particular the 2023 IMO GHG Strategy, to the attention of appropriate UNFCCC bodies and meetings, and to the first Global Stocktake.

### ***Update on the IMO GHG TC-Trust Fund, the Voluntary Multi-Donor Trust Fund to support participation of delegates, GHG projects and other donor contributions supporting the Organization's work in reducing GHG emissions from ships***

7.5 The Committee noted that the IMO GHG TC-Trust Fund had recently funded the preliminary expert review by UNCTAD of the technical and economic elements, and their possible combinations, of the proposals for candidate mid-term GHG reduction measures (MEPC 80/INF.39/Add.1), co-financed the recently published *Study on the readiness and availability of low- and zero-carbon ship technology and marine fuels* (MEPC 80/INF.10), and funded the ongoing study on improving the availability of maritime transport costs data in the Pacific region.

7.6 The Committee also noted the establishment by the Council of the Voluntary Multi-Donor Trust Fund to facilitate delegates from developing countries, especially SIDS and LDCs to attend MEPC and ISWG-GHG meetings. In this context, the Committee further noted that the Fund had facilitated a total of 12 representatives from Bangladesh, Belize, the Cook Islands, Fiji, Kiribati, Madagascar, Mongolia, Nauru, Seychelles, Solomon Islands, Tuvalu and Vanuatu to attend ISWG-GHG 15 and MEPC 80.

7.7 The Committee noted with appreciation the pledged annual contribution by the Government of Norway for the years 2024 - 2030 to phase II of the GreenVoyage2050 Project, with a view to continuing the work initiated under phase I. The Committee also noted the contribution by Finland (€150,000) to phase II of the GreenVoyage2050 Project, in particular to support Caribbean SIDS with the development of their IMO National Action Plans (NAPs).

7.8 The Committee noted with appreciation the pledged contributions to the GHG TC-Trust Fund by Malaysia (\$25,000), United Kingdom (£150,000) and ICS (\$100,000) and to the Voluntary Multi-Donor Trust Fund to support participation of delegates by Malaysia

(\$25,000) and the United Kingdom (£150,000). In this connection, the Committee, having noted the request by the delegation of the Cook Islands that the Voluntary Multi-Donor Trust Fund should be extended to also cover the participation in the Steering Committee for the comprehensive impact assessment of the candidate mid-term measures by Members from developing States, in particular, SIDS and LDCs, instructed the Secretariat to look into the request taking into account the schedule and modalities of the meetings of the Steering Committee.

7.9 The Committee further noted an intervention by the delegation of Kenya expressing their appreciation to the increasing support provided by IMO's capacity-buildings projects and other initiatives supporting developing States with the implementation of the IMO GHG Strategy and energy efficiency regulations, including through the global network of IMO Maritime Technologies Cooperation Centres (MTCCs) and the GreenVoyage2050 Project.

7.10 The Committee expressed its appreciation to all contributors to the IMO GHG TC-Trust Fund, the Voluntary Multi-Donor Trust Fund to support participation of delegates, GHG projects and other donor contributions supporting the Organization's work in reducing GHG emissions from ships, and encouraged Member Governments and international organizations to consider making financial contributions to these funds to further support the Organization's efforts in supporting the global implementation of the 2023 IMO GHG Strategy.

#### **Outcome of ISWG-GHG 14 and ISWG-GHG 15**

7.11 The Committee noted that the fourteenth and fifteenth meetings of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 14 and ISWG-GHG 15) had been held from 20 to 24 March 2023, and from 26 to 30 June 2023, respectively, and that their reports had been submitted as documents MEPC 80/WP.6 and MEPC 80/WP.7, respectively.

7.12 The Committee noted the additional information provided orally by the Chair of the Working Group, Mr. Sveinung Oftedal (Norway), and expressed appreciation to all delegates for their hard and constructive work during these two intersessional meetings, and to the Chair for very efficiently leading the Group through its dense and complex agenda.

7.13 The Committee also expressed appreciation to the Secretariat for all the support provided to the ISWG-GHG meetings and for organizing the useful ad hoc Expert workshop on comparative analysis of candidate mid-term GHG reduction measures (GHG-EW 3), which took place on 25 and 26 May 2023 (MEPC 80/INF.39).

7.14 The Committee further thanked the Secretariat for their hard work in preparing documents MEPC 80/WP.6 and MEPC 80/WP.7, and in particular, the Conference Division, for translating document MEPC 80/WP.7 over the weekend.

#### **Outcome of ISWG-GHG 14**

7.15 The Committee noted the outcome and action requested by ISWG-GHG 14 as reported in document MEPC 80/WP.6 and approved the report in general. Whilst also noting that the action requested of the Committee regarding the revision of the IMO GHG Strategy and the further development of the basket of mid-term GHG reduction measures had been superseded by the discussions of ISWG-GHG 15, the Committee took action as per the below.

*Finalization of the draft Revised Strategy*

7.16 The Committee noted the progress the Group had made on the revision of the Initial Strategy and that ISWG-GHG 14 had agreed to use the text as set out in annex 1 to document MEPC 80/WP.6 as a basis for its further consideration and finalization of the draft Revised Strategy at ISWG-GHG 15.

*Further consideration of the assessment and selection of measure(s) to further develop in the context of Phase II of the Work Plan*

7.17 The Committee noted the progress the Group had made in the further consideration of the assessment and selection of measure(s) to further develop in the context of Phase II of the Work plan for the development of mid- and long-term measures and noted that ISWG-GHG 14:

- .1 had welcomed all relevant proposals submitted to that session and previous sessions, and agreed to continue its consideration of those proposals and other relevant documents submitted to previous sessions with a view to finalizing its considerations under Phase II of the Work Plan by MEPC 80;
- .2 with regard to the proposal to initiate a preliminary comparative analysis of the various technical and economic elements of the proposed candidate measures set out in document ISWG-GHG 14/3/2, had requested the Secretariat to organize a dedicated expert workshop (GHG-EW 3) ahead of ISWG-GHG 15 with the terms of reference set out in annex 2 of document MEPC 80/WP.6 with a view to further supporting the Group's considerations under Phase II of the Work Plan, and had requested the Secretariat to liaise with UNCTAD and other relevant organizations, as appropriate, in this respect; and
- .3 had noted that with regard to the proposals in document ISWG-GHG 14/2/6 on various matters associated with revenue disbursement, deliberations on the consideration of this issue could be part of the further development of the basket of measures, and that further detailed discussions should take place under Phase III of the Work Plan, as appropriate.

*Further consideration of proposals on the revision of the IMO ship fuel oil consumption Data Collection System*

7.18 With regard to the further consideration of proposals on the revision of the IMO ship fuel oil consumption Data Collection System (DCS), the Committee noted that:

- .1 there was a broad support within the Group for the inclusion of data on transport work and on enhanced level of granularity of reported data in the IMO ship fuel oil consumption Data Collection System (DCS); and
- .2 concerns had been expressed on various issues, such as immaturity and timing of the proposed amendments, the tendency to overly complicate the CII mechanism, accessibility of data and transparency and that the Group was not in a position to conclude on these matters.

7.19 With regard to the recommendation by ISWG-GHG 14 that further consideration of the draft amendments as proposed in documents ISWG-GHG 14/4, ISWG-GHG 14/4/1, ISWG-GHG 14/4/2, as well as the collation of proposed amendments set out in annex 3 of

document MEPC 80/WP.6, should be undertaken by the Working Group on Air Pollution and Energy Efficiency with a view to finalization, taking into account comments made at ISWG-GHG 14, the Committee recalled that this matter had been considered under agenda item 6 (see paragraphs 6.14 to 6.20 and 6.29 to 6.30).

### **Outcome of ISWG-GHG 15**

#### *General comments*

7.20 With regard to the outcome of ISWG-GHG 15, the Committee noted general statements and interventions by several Ministers, Ambassadors, High-Commissioners and other delegations and observers, expressing appreciation to the constructive discussions of the Intersessional Working Group, and encouraging the Organization to adopt an ambitious 2023 IMO GHG Strategy and advancing its deliberations on the development of a basket of candidate mid-term measure comprised of both a technical and an economic element at this session, to demonstrate its leadership in addressing climate challenge and aligning the global shipping sector's energy transition and associated GHG reduction commitment to the objectives and goals as set out in the 2015 Paris Agreement and the 2021 Glasgow Climate Pact, while paying attention to the special needs of developing States, in particular SIDS and LDCs.

7.21 As requested, the statements made by Ministers, Ambassadors, High-Commissioners and several other representatives of the delegations of Australia, Argentina, Belgium, Brazil, Canada, Chile, China, Colombia, the Cook Islands, El Salvador, Estonia, Fiji, Germany, India, Italy, Nicaragua, Pakistan, Panama, the Philippines, the Republic of Korea, Saudi Arabia, Slovenia, Spain, Ukraine, the United Kingdom, the United States and the Bolivarian Republic of Venezuela, as well as the observers from CSC, FOEI and ITF, are set out in annex 30.

7.22 Having considered the report of ISWG-GHG 15 (MEPC 80/WP.7), the Committee approved it in general and took action, as described in the paragraphs below.

#### *Further consideration and finalization of the development of the draft revised IMO Strategy on Reduction of GHG Emissions from Ships*

7.23 The Committee noted that ISWG-GHG 15, in its consideration of the revision of the Strategy, had considered the following documents submitted to MEPC 80:

- .1 MEPC 80/7/5 (OECD), providing an overview of the work undertaken by the OECD Council Working Party on Shipbuilding on the decarbonization of shipping and shipbuilding, and emphasizing the importance of a stable and reliable policy environment for shipowners and shipbuilders to make the necessary investments and adapt capacity to supply and lower the cost of production of alternative-fuelled ships, energy saving and alternative fuel technologies and fuel conversion retrofits;
- .2 MEPC 80/7/8 (IPIECA), proposing amendments to the draft revision of the Initial Strategy to clarify some elements and terminology, as well as to support the future developments expected in Phase III of the Work plan on the development of mid-term measures; calling for the proposed "Vision" and "Levels of ambition" to consistently refer to "GHG" instead of "carbon" or a proxy for all GHGs; and further proposing adjustments in regard to issues such a well-to-wake emissions, emission reduction targets and candidate short-, mid- and long-term measures;

- .3 MEPC 80/7/11 (CSC et al.), drawing attention to the IPCC AR 6 Synthesis Report: Climate Change 2023, which was released on 20 March 2023; and suggesting bringing the levels of ambition in the Initial IMO GHG Strategy unambiguously into line with the Paris Agreement's goal of keeping heating below 1.5°C, to make further deep cuts on Black Carbon emissions, to seek more stringent CII targets, to take into account vulnerable Indigenous People, and to enhance collaboration between UN agencies;
- .4 MEPC 80/7/13 (Brazil), providing comments to document MEPC 80/INF.10 (Secretariat) providing the "Study on the readiness and availability of low and zero-carbon ship technology and marine fuels"; proposing a well-to-wake (WtW) approach in the effective mitigation assessment of candidate low or zero GHG emission fuels to avoid disregarding fuels with high potential to reduce shipping emissions and the use of the LCA Guidelines as a tool for evaluating and selecting candidate fuels; and
- .5 MEPC 80/INF.10 (Secretariat), containing, in the annex, the summary report of the draft final "Study on the readiness and availability of low- and zero-carbon ship technology and marine fuels" undertaken by Ricardo and DNV for the IMO Future Fuel and Technology Project (FFT Project), which was commissioned in response to the request by MEPC 77 with a view to supporting the revision process of the Initial IMO GHG Strategy.

7.24 The Committee noted the Group had further progressed on the finalization of the draft 2023 IMO Strategy on Reduction of GHG Emissions from Ships, as set out in annex 1 to document MEPC 80/WP.7, and that owing to time constraints, the Group had not been able to further consider the requisite draft MEPC resolution.

7.25 Following consideration, the Committee instructed the Working Group on Reduction of GHG Emissions from Ships to consider and resolve the text, in particular in square brackets, contained in the draft 2023 GHG Strategy, as set out in annex 1 of document MEPC 80/WP.7, and its draft cover resolution as set out in annex 1 of document MEPC 79/WP.10, for finalization at this session.

*Further consideration and finalization of the assessment and selection of measures to further develop in the context of Phase II of the Work plan for the development of mid- and long-term measures*

7.26 The Committee noted that ISWG-GHG 15 in its consideration of the assessment and selection of measures to further develop in the context of Phase II had considered the following documents submitted to MEPC 80:

- .1 MEPC 80/7/14 (India), commenting on the report of ISWG-GHG 14 (MEPC 80/WP.6) and document MEPC 80/INF.10, highlighting the price differential between conventional and alternative fuels in the current market scenarios and suggesting that any economic measure alone or as part of basket of measures may not achieve the Paris Agreement goals without severe impacts on trade, unless the availability of affordable future fuels, cost-effective future fuelled engines and trained manpower to operate such ships would be ensured through strategic distribution of carbon revenues generated;



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- .2 MEPC 80/INF.12 (OECD), informing the Committee of the recently finalized report of the International Transport Forum at OECD, titled *The Potential of E-fuels to Decarbonize Ships and Aircraft*, which reviews the latest understanding of the production and use of novel fuels in the shipping and aviation sectors, highlighting the policy requirements needed to accelerate their adoption;
  - .3 MEPC 80/INF.39 (Secretariat), providing the report of the ad hoc Expert workshop on comparative analysis of candidate mid-term GHG reduction measures (GHG-EW 3) organized by the Secretariat on 25 and 26 May 2023 at the request of ISWG-GHG 14; and
  - .4 MEPC 80/INF.39/Add.1 (Secretariat), providing the report of UNCTAD's preliminary expert review of the technical and economic elements, and their possible combinations, of the proposals for candidate mid-term GHG reduction measures.

7.27 The Committee noted the Group's further consideration in view of finalization of the assessment and selection of measure(s) to further develop in the context of Phase II of the Work plan for the development of mid- and long-term measures.

*Consideration of the Final Report of the Correspondence Group on Marine Fuel Life Cycle GHG Analysis with a view to finalization of the LCA Guidelines*

7.28 The Committee noted that ISWG-GHG 15, in its consideration of the draft guidelines on GHG intensity of marine fuels, had considered the final report of the Correspondence Group on Marine Fuel Life Cycle GHG Analysis, as set out in document MEPC 80/7/4 (China et al.) along with summaries of comments provided to the Correspondence Group set out in documents MEPC 80/INF.23, MEPC 80/INF.24 and MEPC 80/INF.25 (China et al.), in conjunction with documents below commenting on the report of the Correspondence Group:

- .1 MEPC 80/7/1 (Brazil), providing information on the aspects to be considered in the draft guidelines on life cycle GHG intensity of marine fuels (LCA guidelines) when evaluating potential indirect emissions based on scientific literature; indicating that while indirect effects were uncertain and difficult to estimate, they might be negative or large enough to affect the estimated GHG savings of some fuel pathways; suggesting including safeguards in the LCA guidelines, such as restricting fuels with high induced land use change (ILUC) risk, developing a positive list or low land use change (LUC) and including additional renewable energy requirements to minimize ILUC and indirect emissions for all alternative marine fuels;
- .2 MEPC 80/7/3 (Brazil), presenting aspects to be considered in the production of hydrogen so that it was effective in reducing shipping GHG emissions based on the key findings of a study conducted by the International Council on Clean Transportation (ICCT) entitled *Life-cycle greenhouse gas emissions of hydrogen as a marine fuel and cost of producing green hydrogen in Brazil*, which emphasized that significant climate benefits would only be achieved if hydrogen production was powered by additional renewable electricity;
- .3 MEPC 80/7/4 (China et al.), providing the final report of the Correspondence Group on Marine Fuel Life Cycle GHG Analysis established by MEPC 78, recommending to consider and finalize, with a view to adoption at this

- session, the draft Guidelines on life cycle GHG intensity of marine fuels (LCA Guidelines), as set out in annex 1 to the document; and recommending to consider possible ways to undertake the continuous scientific review of the LCA guidelines, to address the methodological elements of the guidelines that needed further work, and to develop further guidance where needed;
- .4 MEPC 80/7/9 (India et al.), presenting a draft MEPC resolution on biofuels which would be certified to conform with the sustainability aspects in the LCA guidelines by being assigned a CO<sub>2</sub> emission conversion factor ( $C_F$ ) as zero for use in IMO DCS and CII regulations and thus facilitate the uptake of biofuels and the reduction of GHG emissions; and highlighting that the immediate decarbonization of the shipping sector could be initiated by using biofuels, including biogas, and their blends;
  - .5 MEPC 80/7/12 (SGMF), commenting on document MEPC 80/7/4 (China et al.), containing the final report of the Correspondence Group on Marine Fuel Life Cycle GHG Analysis, notably suggesting considering energy efficiency of e-fuel production during the follow-up work on the sustainability issues and the inclusion of energy efficiency in the sustainability criteria; and suggesting including the development of calculation methodology and certification procedures for actual/onboard emission values in the follow-up work;
  - .6 MEPC 80/7/15 (Belgium et al.), presenting comments relevant to document MEPC 80/7/4 (China et al.), providing the final report of the Correspondence Group on Marine Fuel Life Cycle GHG Analysis; proposing to establish at MEPC 80 an expert panel on an ad hoc/interim basis to be tasked with completing the identification of default emission factors for the existing fuel pathways and to further consider specific methodological issues that were relevant for measuring actual emission factors, as well as to organize (an) expert workshop(s) before MEPC 81 to discuss sustainability criteria and certification issues;
  - .7 MEPC 80/INF.23 (China et al.), providing a summary of comments provided to the Correspondence Group on Marine Fuel Life Cycle GHG Analysis established at MEPC 78 during Consultation Rounds 1, 2 and 3;
  - .8 MEPC 80/INF.24 (China et al.), providing a summary of comments provided to the Correspondence Group on Marine Fuel Life Cycle GHG Analysis established at MEPC 78 during Consultation Rounds 4 and 5;
  - .9 MEPC 80/INF.25 (China et al.), providing a summary of comments provided to the Correspondence Group on Marine Fuel Life Cycle GHG Analysis established at MEPC 78 during Consultation Rounds 6 and 7; and
  - .10 MEPC 80/INF.29. (Republic of Korea), presenting the results of a case study that compared the life cycle GHG emissions of four fossil-based marine fuels: heavy fuel oil (HFO), liquefied natural gas (LNG), liquefied petroleum gas (LPG), and methanol and also evaluated the potential regional factors on energy import-dependent countries, with a specific focus on the Republic of Korea.

7.29 The Committee expressed its appreciation to the members and the coordinators of the Correspondence Group on Marine Fuel Life Cycle GHG Analysis, and noted that the Group had considered and finalized the draft guidelines on GHG intensity of marine fuels.

7.30 Following consideration, the Committee adopted resolution MEPC.376(80) on *Guidelines on life cycle GHG intensity of marine fuels* (LCA guidelines), as set out in annex 14.

7.31 The Committee endorsed the Group's recommendations on intersessional follow-up work on the LCA framework and consequently:

- .1 established the Correspondence Group on the Further Development of the LCA Framework, under the coordination of Brazil, Japan and the European Commission,<sup>2</sup> with the following terms of reference:

"Taking into account relevant documents submitted to MEPC 80 and the comments made at ISWG-GHG 15 on LCA matters:

- .1 review the template for the well-to-tank data collection (appendix 4 of the LCA guidelines) in light of the experience gained with its implementation;
  - .2 develop a template for tank-to-wake default emission factors for the fuel pathways listed in appendix 1 of the LCA guidelines (resolution MEPC.376(80));
  - .3 collect and compile the default emission factor data received (see point .2 above);
  - .4 advance the consideration of the methodological elements identified in paragraph 81.4 of document MEPC 80/7/4, and advise the Committee accordingly;
  - .5 advance the consideration of the methodological elements on evaluating carbon GHG intensity of electricity (including onshore power supply – OPS) and the tank-to-wake methodologies for actual/ onboard emission factors; and
  - .6 submit a written report to MEPC 81, to be considered first by ISWG-GHG 16";
- .2 requested the Secretariat to undertake a review of existing practices on sustainability aspects/certification and third-party verification issues;
- .3 requested the Secretariat to organize an expert workshop on the life cycle GHG intensity of marine fuels, using the output of the review mentioned in .2 above as a basis for discussion; and
- .4 agreed to add in the terms of reference of ISWG-GHG 16 an agenda item on further development of the LCA framework.

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7.32 The Committee invited interested Member States and international organizations to submit documents containing proposals on the establishment of an expert group on LCA matters to the next session, also taking into consideration document ISWG-GHG 11/2/1 (Secretariat).

*Consideration of document MEPC 80/7/9 (India) proposing a draft MEPC resolution on assigning a CO<sub>2</sub> emission conversion factor (C<sub>F</sub>) as zero for use in IMO DCS and CII regulations to facilitate the uptake of biofuels*

7.33 The Committee noted that ISWG-GHG 15 had recommended to instruct the Working Group on Air Pollution and Energy Efficiency to further consider the use of biofuels under the IMO DCS and the CII frameworks, taking into account documents MEPC 80/7/9 and ISWG-GHG 15/5 and the discussion of ISWG-GHG 15, and to advise the Committee accordingly.

7.34 In the ensuing discussion, several delegations, whilst recognizing that sustainable biofuels were already used and might play a further role in the energy transition of the shipping sector, expressed the view that it was premature to develop interim guidelines on the use of biofuels and the associated carbon factor as this would prejudice the further discussions on sustainability aspects/criteria, certification criteria and third-party certification to ensure a proper well-to-wake life cycle approach. These delegations preferred a holistic discussion on these matters in the context of the continuation of work on the LCA framework before assigning a carbon conversion factor for biofuels to avoid wrong incentives, and therefore could not support further discussions on this matter in the Working Group on Air Pollution and Energy Efficiency at this session. These delegations also stated that any interim guidance that might be developed by the Committee would have to be revoked once a more structural approach had been developed in the context of the LCA framework.

7.35 Several other delegations, noting the urgency in clarifying the carbon conversion factor for biofuels in view of ensuring a harmonized approach in the reporting of fuel consumption to the IMO DCS and associated calculation of the attained CII, expressed the view that the Committee should not lose the opportunity to discuss and provide further guidance on this matter at this session, and emphasized that the Working Group on Air Pollution and Energy Efficiency at this session could also consider alternative approaches, also taking into account document ISWG-GHG 15/5 (France).

7.36 Following consideration, the Committee agreed to instruct the Working Group to consider the need to develop interim guidance on the use of biofuels and biofuel blends, taking into account documents MEPC 80/5 (Norway), MEPC 80/5/2 (India), MEPC 80/7/9 (India), ISWG-GHG 15/5 (France), the discussion by ISWG-GHG 15 (MEPC 80/WP.7, paragraphs 117 to 127) and comments made in plenary, and advise the Committee accordingly.

7.37 In this regard, the Committee noted that relevant safety aspects addressed in these documents would be better addressed in MSC and/or the HTW Sub-Committee, and that the Working Group could identify such issues in their report as appropriate.

### **Proposals related to onboard CO<sub>2</sub> capture**

7.38 The Committee recalled that, owing to time constraints, MEPC 79 had not considered in detail the proposals related to onboard CO<sub>2</sub> capture contained in documents MEPC 79/7/4 (Liberia and ICS), MEPC 79/7/6 and MEPC 79/7/7 (China), MEPC 79/7/16 (Norway), MEPC 79/7/22 and MEPC 79/INF.27 (Republic of Korea) and instead had focused on possible ways of how to progress the consideration of this issue. The Committee also recalled that MEPC 79 had agreed to further consider these proposals at MEPC 80 and had invited interested Member States and international organizations to submit further information, comments and proposals on onboard CO<sub>2</sub> capture to this session.

7.39 In addition to the above-mentioned six documents submitted to MEPC 79, the Committee had for its consideration the following documents related to onboard CO<sub>2</sub> capture submitted to this session:

- .1 MEPC 80/7 (RINA), presenting an analysis of technical and economic aspects of onboard carbon capture (OCC) technology applied to different ship types and sizes (container, bulk and tanker), main carbon-based fuels and full and partial application as part of a retrofit or newbuild; indicating that while currently energy requirements linked to OCC and its CO<sub>2</sub> abatement costs were high, further developing OCC could play a role in the mid-term to reduce the emission intensity of fossil-fuelled ships based on analysis of technical feasibility, carbon emission reduction performance, design integration, and CO<sub>2</sub> abatement costs of a series of case studies;
- .2 MEPC 80/7/7 (China et al.), proposing that the Committee should agree to a dedicated work stream on onboard CO<sub>2</sub> capture and that, as the first step, a structured review of the current IMO regulatory framework should be undertaken as part of the development of a work plan to accommodate onboard CO<sub>2</sub> capture within IMO's regulatory framework; and further suggesting that the Working Group on Air Pollution and Energy Efficiency should further consider the proposed work stream and, if appropriate, develop terms of reference for a correspondence group to advance the work on onboard CO<sub>2</sub> capture;
- .3 MEPC 80/7/10 (IBIA), focusing on the identification of requirements for preparation of marine diesel engine exhaust gases for shipboard carbon capture (SBCC) technologies; and providing an indication of the merits of onboard carbon capture as a transition solution towards a net zero goal; outlining proposals to develop a standard for pre-SBCC exhaust gas preparation; and suggesting starting working towards the enabling of advanced exhaust gas cleaning technology to meet required performance criteria for both human health and SBCC, including means to assure effective and measured performance in service;
- .4 MEPC 80/INF.14 (RINA), containing the full report of a study as referred to in document MEPC 80/7 on onboard carbon capture (OCC) technology applied to different ship types and sizes, as part of a retrofit or newbuild;
- .5 MEPC 80/INF.31 (Republic of Korea), providing a preliminary assessment of zero and negative emissions depending on the origin of carbon in fuel and the fate of CO<sub>2</sub>; highlighting the accounting challenge of emissions from international shipping; and further stating that it was critical to effectively and accurately account for GHG emissions that originated from the introduction of sustainable marine fuels and onboard carbon capture to provide clear signals to stakeholders; and
- .6 MEPC 80/INF.32 (India), proposing initiation of policy action to limit GHG emissions from engine exhausts through carbon capture, storage, utilization/sequestration (CCUS), highlighting that carbon capture technologies on board ships and offshore facilities were well suited for post-combustion carbon capture comprising a range of technical solutions, and further mentioning that India had initiated accelerating CCUS technology through the Department of Science and Technology of the Government of India.

7.40 The Committee noted that those delegations which submitted separate proposals to MEPC 79 related to the incorporation of onboard CO<sub>2</sub> capture in the IMO framework had joined their efforts in preparing document MEPC 80/7/7, which provided concrete proposals on how to structure and organize the work on this matter, accordingly.

7.41 The Committee also noted that document MEPC 80/7/7 proposed the Committee to agree to initiate a dedicated work stream on onboard CO<sub>2</sub> capture with draft terms of reference which would include a review of the current IMO's regulatory framework in a structured manner; how to incorporate onboard CO<sub>2</sub> capture in the Organization's regulatory framework; to review the status of technological development of onboard CO<sub>2</sub> capture; and to consider issues related to different parts of the value chain.

7.42 In the ensuing discussion, several delegations, whilst recognizing in general that onboard CO<sub>2</sub> capture could play an important role in the reduction of GHG emissions, and noting that while some parts of the industry were already actively considering and trialling the use of onboard CO<sub>2</sub> capture, expressed the view that, overall, the technology was still at a relatively early stage, with various technical and safety issues still evolving, and therefore considered it premature to establish a dedicated stand-alone workstream on onboard CO<sub>2</sub> capture and preferred a more holistic approach as part of the further development of the LCA framework.

7.43 Several other delegations, in emphasizing the rapid development of onboard CO<sub>2</sub> capture technology, supported the proposal to initiate a dedicated workstream to ensure the timely development of a suitable regulatory framework by the Organization to further support the further development and uptake of the technology through a global level playing field. Several of these delegations also referred to IPCC reports which recognized CO<sub>2</sub> removal and storage as one of the means to achieve carbon neutrality, especially in hard to abate sectors, such as shipping.

7.44 Following consideration, the Committee agreed to instruct ISWG-GHG 16, if time permitted, to consider the proposals related to onboard CO<sub>2</sub> capture, using document MEPC 80/7/7 (China et al.) as a basis and taking into account documents MEPC 80/7 (RINA), MEPC 80/7/10 (IBIA), MEPC 80/INF.14 (RINA), MEPC 80/INF.31 (Republic of Korea), MEPC 80/INF.32 (India), MEPC 79/7/4 (Liberia and ICS), MEPC 79/7/6 (China), MEPC 79/7/7 (China), MEPC 79/7/16 (Norway), MEPC 79/7/22 (Republic of Korea) and MEPC 79/INF.27 (Republic of Korea), and advise the Committee on a way forward.

7.45 As requested, the statement by the observer from ACOPS is set out in annex 30.

#### **Information on GHG-related matters**

7.46 The Committee noted that MSC 107 had agreed to include in its biennial agenda for 2024-2025 a continuous output on "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels", assigning MSC as the coordinating organ, in association with the CCC, HTW, III, SSE and SDC Sub-Committees as and when requested by the MSC, and invited the MEPC to consider being an associated organ. The Committee further noted that MSC 107 had established a correspondence group to progress the work intersessionally.

7.47 Following consideration, the Committee agreed to be involved as an associated organ and to include this output in proposed outputs of MEPC for the 2024-2025 biennium.

7.48 The Committee noted document MEPC 80/INF.17 (Secretariat) reporting on the outcome of the regulatory mapping of alternative marine fuels undertaken under the GreenVoyage2050 Project and requested the Secretariat to inform the Correspondence Group established by MSC 107 of this document, for consideration in its work as appropriate.

7.49 The Committee further noted the following documents providing information on recent GHG-related developments:

- .1 MEPC 80/7/2 (IAPH) on the progress by ports in implementing the MEPC resolution on *Invitation to Member States to encourage voluntary cooperation between the ports and shipping sectors to contribute to reducing GHG emissions from ships* (resolution MEPC.366(79));
- .2 MEPC 80/7/6 (ICS et al.) on the role of onshore power supply (OPS) in the maritime energy mix;
- .3 MEPC 80/INF.27 (Republic of Korea) on the establishment of land-based test sites for evaluation of electric and alternative fuel propulsion systems;
- .4 MEPC 80/INF.30 (Republic of Korea) on the development status and plans for magnetic bearing-based rotor sail technology; and
- .5 MEPC 80/INF.33 (RINA and IWSA) on wind propulsion technologies as a key enabler.

### **Establishment of the Working Group on Reduction of GHG Emissions from Ships**

7.50 Following consideration of various items under this agenda item, the Committee established the Working Group on Reduction of GHG Emissions from Ships and instructed it, taking into account the comments, proposals and decisions made in plenary, to:

- .1 consider and resolve the draft text, in particular the text in square brackets contained in the draft 2023 IMO Strategy on Reduction of GHG Emissions from Ships as set out in annex 1 to document MEPC 80/WP.7 and the draft requisite MEPC resolution, as set out in annex 1 to document MEPC 79/WP.10; and
- .2 consider how to progress the work under this output intersessionally before MEPC 81 and advise the Committee accordingly, including preparing draft terms of reference as appropriate.

### ***Report of the Working Group on Reduction of GHG Emissions from Ships***

7.51 Having considered the report of the Working Group on Reduction of GHG Emissions from Ships (MEPC 80/WP.12), the Committee approved it in general and took action as outlined below.

#### ***Adoption of the draft 2023 IMO GHG Strategy***

7.52 The Committee noted that the Group's had had extensive consultations and deliberations in order to find solutions to resolve the draft text of the 2023 IMO GHG Strategy, focusing on the text in square brackets, as set out in annex 1 to MEPC 80/WP.7. In this regard, the Committee expressed its sincere appreciation to the Chair of the ISWG-GHG, Mr. Sveinung Oftedal (Norway) for his efforts in effectively leading the Group in its deliberations on the revision of the Initial Strategy during several meetings.

7.53 The Committee noted that the Group had finalized the draft requisite MEPC resolution for the adoption of the 2023 IMO GHG Strategy.

7.54 The Committee, having also noted the long discussions of the Group in which all delegations had demonstrated their flexibility, mutual understanding and willingness to adopt the 2023 IMO GHG Strategy by consensus, adopted by acclamation resolution MEPC.377(80) on the *2023 IMO Strategy on reduction of GHG emissions from ships*, as set out in annex 15, outlining the Organization's continued and enhanced commitment to reducing GHG emissions from international shipping and, as a matter of urgency, aiming to phase them out as soon as possible, while promoting, in the context of this Strategy, a just and equitable transition.

7.55 Subsequently, a great number of delegations welcomed the adoption of the 2023 IMO GHG Strategy, describing it as a "historic" or "milestone" achievement of the Organization and stressed that the 2023 IMO GHG Strategy was sending a strong and unequivocal signal to the shipping industry, fuel and technology providers, financiers, etc. on the decarbonization pathway of international shipping. Many delegations highlighted with appreciation the spirit of cooperation, trust, dialogue and mutual respect which prevailed during the finalization of the Strategy.

7.56 Many delegations, in stating that the adoption of the 2023 IMO GHG Strategy was a demonstration of the leadership of the Organization in addressing GHG emissions from international shipping, reaffirmed their commitment to support the implementation of the 2023 Strategy with appropriate concrete action, in particular on the development of the basket of mid-term measures and its associated comprehensive impact assessment in line with agreed timelines.

7.57 As requested, the statements by the delegations of Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, Chile, the Cook Islands, Denmark, Ecuador, Fiji, France, India, Indonesia, Israel, Italy, Jamaica, Kiribati, Madagascar, the Marshall Islands, Mexico, Panama, Palau, Peru, the Philippines, Spain, Tuvalu, the United Kingdom, the United Arab Emirates, the United States, Vanuatu, and Venezuela (Bolivarian Republic of), as well as the observers from ICS, FOEI, CSC, Inuit Circumpolar Council, and IWSA, are set out in annex 30

*Comprehensive impact assessment of the basket of mid-term measures*

7.58 The Committee, having noted the Group's considerations on the comprehensive impact assessment of the basket of candidate GHG reduction mid-term measures, invited the Secretary-General to establish the Steering Committee on the comprehensive impact assessment of the basket of candidate mid-term measures, and requested the Steering Committee to conduct the comprehensive impact assessment in accordance with MEPC.1/Circ.885/Rev.1 and the terms of reference set out in annex 16, and to submit its interim report to MEPC 81 for consideration.

7.59 The Committee invited Member States and international organizations to financially contribute to the comprehensive impact assessment of the basket of candidate mid-term measures by means of a donation to the GHG TC-Trust Fund.



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*Intersessional work on the reduction of GHG emissions from ships between MEPC 80 and MEPC 81*

7.60 The Committee endorsed the full overview of intersessional work on the reduction of GHG emissions from ships between MEPC 80 and MEPC 81, as set out in annex 2 to document MEPC 80/WP.12, including the terms of reference of the Correspondence Group on the Further Development of the LCA Framework (see also paragraph 7.31.1); the terms of reference for the Review of existing practices on sustainability aspects/certification and third-party verification issues (see also paragraph 7.31.2); and the terms of reference for the expert workshop on the life cycle GHG intensity of marine fuels (see also paragraph 7.31.3).

7.61 The Committee agreed to the following terms of reference for ISWG-GHG 16 to be held before MEPC 81, subject to the endorsement by the Council, and while noting that the Secretariat would specify the dates for the meeting in the circular letter inviting participation, taking into account the Programme of meetings for 2024, recommended that this meeting be held back-to-back with MEPC 81:

"The Intersessional Working Group on Reduction of GHG Emissions from Ships is instructed, taking into account documents submitted to the ISWG-GHG, the report of the Correspondence Group on Further Development of the LCA Framework, the report by the Steering Committee of the comprehensive impact assessment on the basket of candidate mid-term measures, and relevant documents submitted to MEPC 81 to:

- .1 further consider the development of candidate mid-term measure(s) in the context of Phase III of the Work plan for the development of mid- and long-term measures;
- .2 further develop the Life Cycle GHG Assessment (LCA) framework, on the basis of the areas for further work identified by ISWG-GHG 15, the outcome of the expert workshop (GHG-EW 4) and the report of the Correspondence Group established by MEPC 80;
- .3 if time permits, consider the proposals related to onboard CO<sub>2</sub> capture, using document MEPC 80/7/7 (China et al.) as a basis and taking into account documents MEPC 80/7 (RINA), MEPC 80/7/10 (IBIA), MEPC 80/INF.14 (RINA), MEPC 80/INF.31 (Republic of Korea), MEPC 80/INF.32 (India), MEPC 79/7/4 (Liberia and ICS), MEPC 79//7/6 (China), MEPC 79/7/7 (China), MEPC 79/7/16 (Norway), MEPC 79/7/22 (Republic of Korea) and MEPC 79/INF.27 (Republic of Korea), and advise the Committee on a way forward; and
- .4 submit a written report to MEPC 81."

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

### **Outcome of PPR 10**

8.1 The Committee had for its consideration document MEPC 80/9, paragraphs 2.25 and 2.26, containing the action points requested by PPR 10 for the Committee regarding marine plastic litter from ships.

***Reducing the environmental risk of plastic pellets transported by ships***

8.2 With regard to the reduction of the environmental risk of plastic pellets transported by ships, the Committee noted the two-stage approach agreed by the Sub-Committee in relation to reducing the environmental risk associated with the maritime transport of plastic pellets in freight containers, namely:

- .1 the development of a draft circular containing recommendations for the carriage of plastic pellets by sea in freight containers, addressing in particular packaging, notification and stowage, to be finalized at PPR 11 following input by the CCC Sub-Committee, with a view to approval by MEPC 81 in 2024; and
- .2 subsequently, the development of amendments to appropriate mandatory instruments, which could be informed by the experience gained from the implementation of the voluntary measures.

8.3 In this context, the Committee noted the draft MEPC circular on recommendations for the carriage of plastic pellets by sea in freight containers, as set out in annex 9 to document PPR 10/18/Add.1, and the request of PPR 10 to the CCC Sub-Committee for input in that regard.

8.4 The Committee also noted:

- .1 the agreement of the Sub-Committee that plastic pellets should not be carried in bulk, and the invitation to interested Member States and international organizations to submit relevant proposals to a future session of the Sub-Committee on potential regulatory changes that may be needed to prevent the shipment of plastic pellets in bulk; and
- .2 the establishment of the Correspondence Group on Pollution Response to develop a draft guide on clean-up of plastic pellets from ship-source spills.

***Marking of fishing gear***

8.5 The Committee noted the progress made by the Sub-Committee in relation to marking of fishing gear and with regard to facilitating and enhancing reporting of the loss or discharge of fishing gear as provided for in regulations 7.1.3 and 7.1.4 of MARPOL Annex V.

**Other documents related to marine plastic litter**

8.6 In addition to the outcome of PPR 10 concerning marine plastic litter from ships, the Committee had for its consideration the following documents:

- .1 MEPC 80/8 (Norway), providing information on reasons for loss of fishing gear and proposing additional active measures to reduce such losses and facilitate discussions on developing new guidance for the management of fishing gear on board fishing vessels;
- .2 MEPC 80/INF.8 (Norway), containing a summary of the Norwegian national action plan for reducing marine litter from fisheries and aquaculture, published in 2021;

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- .3 MEPC 80/INF.9 (Norway), providing information on the release of microplastics and other harmful substances from anti fouling paints during hull cleaning; and
  - .4 MEPC 80/INF.15 (France), containing a study on pollution by plastic pellets conducted by the CEDRE, a French centre of expertise on accidental water pollution, which compiled the available information on accidental pollution by plastic pellets and provided perspectives in order to develop the necessary knowledge in the framework of a pellet spill response and could provide further elements for the development of Guidelines on clean-up of plastic pellets from ship-source spills.

8.7 In the ensuing discussion, the Committee noted general support for the approach in document MEPC 80/8, including the development of a ship-specific "Plan for onboard management of fishing gear ship" (FGMP) for fishing vessels and vessels engaged in fishing; and a consequential update of guidelines or new guidance on the FGMP. However, a number of delegations noted the need for further consideration of the elements of the proposal. Additionally, divergent views were expressed with regard to whether the FGMP should be a mandatory or a voluntary measure.

8.8 In this context, many delegations stressed the need for voluntary measures that would take into account the global diversity and specific characteristics of fisheries, fishing gear types and vessel types for each country and region. Other delegations, however, expressed the view that ship-specific plans would provide the necessary flexibility to accommodate the variation in fisheries and equipment and should be made mandatory at this stage.

8.9 The observer from ITF highlighted the need to consider the human element with regard to the impact on fishers during further development of measures with reporting requirements. Further, the observer proposed including work on fishing gear management in the revision of the revised STCW-F Convention, in a manner similar to how sustainable fishing had been introduced.

8.10 Subsequently, the Committee agreed to forward document MEPC 80/8 to PPR 11 and instructed the PPR Sub-Committee to further consider the proposals therein with a view to advising the Committee on the best way forward.

8.11 Having noted the information in documents MEPC 80/INF.8, MEPC 80/INF.9 and MEPC 80/INF.15, the Committee agreed to forward document MEPC 80/INF.8 to PPR 11 and to refer document MEPC 80/INF.15 to the Correspondence Group on Pollution Response, which had been established by PPR 10 to develop a draft guide on clean-up of plastic pellets from ship-source spills, for information.

8.12 Some delegations and observers also highlighted that document MEPC 80/INF.15 was relevant to the ongoing work of the PPR Sub-Committee on the development of measures to reduce the environmental risk associated with the maritime transport of plastic pellets and stressed the importance of adopting mandatory measures in this regard.

8.13 The delegation of Spain informed the Committee that with regard to the ongoing work at the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, the EU had submitted a proposal regarding the loss of plastic pellets resulting from plastic pellet handling and transport.

8.14 In this connection, the Secretariat was invited to keep the Committee apprised of progress being made at INC on a regular basis.

***Prospective study on marine plastic litter from ships***

8.15 The Committee recalled that MEPC 79 had considered document MEPC 79/8 (Secretariat) and had invited submissions by interested Member States and international organizations to MEPC 80 to assist the Committee in deciding how to progress with the IMO study on marine plastic litter from ships, taking into account the recommendations contained in the external expert's report (MEPC 79/8 and MEPC 79/INF.18).

8.16 Having noted that no documents had been submitted to this session in this regard, the Committee invited interested Member States and international organizations to submit documents to MEPC 81, which could, for example, identify priority areas to be addressed by sub-projects, propose revised terms of reference for the IMO study on marine plastic litter, or comment on how the GloLitter Partnerships Project could contribute towards the fulfilment of the terms of reference for the study.

8.17 The Committee also invited interested Member States, particularly those that had made financial contributions towards the study, to liaise with the Secretariat regarding priority areas to be addressed by sub-projects and to discuss potential in-kind support that could be provided if sub-projects were to be initiated prior to MEPC 81.

***Review of the Action Plan to Address Marine Plastic Litter from Ships***

8.18 The Committee recalled that, as stated in operative paragraph 4 of resolution MEPC.310(73) on the *Action Plan to Address Marine Plastic Litter from Ships*, it had agreed to keep the Action Plan under review, with a view to assessing the effectiveness of the actions within the Action Plan against the intended outcomes in 2023. However, in light of the ongoing work at the PPR Sub-Committee and the Committee's workload at this session, the Committee agreed to defer the review of the Action Plan to MEPC 81.

**9 POLLUTION PREVENTION AND RESPONSE****Outcome of PPR 10*****General***

9.1 Having recalled that the Sub-Committee on Pollution Prevention and Response (PPR) had held its tenth session from 24 to 28 April 2023 and that the report of that session had been issued as documents PPR 10/18, PPR 10/18/Add.1 and PPR 10/18/Add.2 (MEPC 80/9), the Committee approved the report in general and took action as indicated in paragraphs 9.2 to 9.22.

9.2 The Committee also recalled that the action requested of it under paragraphs 2.16 to 2.22, 2.25 to 2.29, 2.31, 2.32 and 2.35 of document MEPC 80/9 (Secretariat), together with commenting documents MEPC 80/9/1 (FOEI et al.) and MEPC 80/9/2 (FOEI et al.), had been considered under other agenda items as follows:

- .1 MEPC 80/9, paragraphs 2.27 and 2.32, had been considered under agenda item 4 (Harmful aquatic organisms in ballast water) (see paragraphs 4.11 and 4.12);
- .2 MEPC 80/9, paragraphs 2.16 to 2.22, 2.28, 2.34 and 2.35, together with commenting documents MEPC 80/9/1 and MEPC 80/9/2, had been considered under agenda item 5 (Air pollution prevention) (see paragraphs 5.13 to 5.26);

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- .3 MEPC 80/9, paragraphs 2.25 and 2.26, had been considered under agenda item 8 (Follow-up work emanating from the Action Plan to address marine plastic litter from ships) (see paragraphs 8.1 to 8.5); and
  - .4 MEPC 80/9, paragraphs 2.29 and 2.31, had been considered under agenda item 14 (Work programme of the Committee and subsidiary bodies) (see paragraphs 14.5, 14.6 and 14.17.2).

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

9.3 The Committee noted that the report of GESAMP/EHS 59, together with the revised GESAMP Composite List, had been disseminated as PPR.1/Circ.12, and that the outcome of GESAMP/EHS 59 had been noted by the Sub-Committee.

9.4 The Committee concurred with the evaluation of:

- .1 products by ESPH 28 and their respective inclusion in lists 1, 2, 3 and 5 of MEPC.2/Circ.28 on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* (published on 1 December 2022), with validity for all countries and with no expiry date where appropriate;
- .2 cleaning additives by ESPH 28 and their inclusion in annex 10 to MEPC.2/Circ.28;
- .3 products by the ESPH Technical Group during PPR 10 and their inclusion in lists 1 and 3 of the next edition of the MEPC.2 circular on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* (i.e. MEPC.2/Circ.29, to be issued on 1 December 2023), with validity for all countries and with no expiry date; and
- .4 cleaning additives by the ESPH Technical Group during PPR 10 and their inclusion in annex 10 to MEPC.2/Circ.29.

9.5 In this context, the Committee concurred with the recommendation of ESPH 28 and of the Sub-Committee that the assignment of ship type 2 (in combination with pollution category X) was appropriate for "Creosote (coal tar)" based on expert judgement and agreed for the expiry date associated with "Creosote (coal tar) (amended)" to be changed to "none" as of MEPC.2/Circ.29.

9.6 In addition, the Committee noted that:

- .1 the justification for the assignment of ship type 2 (in combination with pollution category X) for "Creosote (coal tar)" had been included in the draft amendments to the *Decisions with regard to the categorization and classification of products* (PPR.1/Circ.7) prepared by the Sub-Committee (see also paragraph 9.10); and
- .2 the carriage requirements for "Creosote (coal tar) (amended)" would replace the carriage requirements for "Creosote (coal tar)" in the next revision of chapter 17 of the IBC Code.

9.7 The Committee noted that, prior to MEPC.2/Circ.28 being published, a review had been undertaken by ESPH 28 and amendments had been made, including the deletion of products that had reached their expiry dates, or were no longer shipped, or had been re-evaluated and met the criteria for complex mixtures in paragraph 9.2 of the *Guidelines for the provisional assessment of liquid substances transported in bulk* (MEPC.1/Circ.512/Rev.1).

9.8 In this connection, the Committee noted that the trade-named product "RBHC (Exxon Mobil)", having been re-evaluated and found to meet the criteria for complex mixtures in paragraph 9.2 of MEPC.1/Circ.512/Rev.1, would be deleted from the MEPC.2 circular on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* as of MEPC.2/Circ.29.

9.9 Subsequently, the Committee urged reporting countries that had products in list 2 or list 3 of the MEPC.2/Circular to contact the respective manufacturers and request them to review their products for the purpose of assessing whether any changes in the carriage requirements would be necessary, taking into account the revised chapter 21 of the IBC Code, the latest GESAMP Hazard Profiles for the components, MEPC.1/Circ.512/Rev.1 and PPR.1/Circ.10.

9.10 Having considered the draft amendments to PPR.1/Circ.7, as set out in annex 1 to document PPR 10/18/Add.1, which consisted of decisions concerning pollution hazards or decisions that had been approved previously as well as at this session, the Committee approved them and instructed the Secretariat to revise PPR.1/Circ.7 accordingly for dissemination as PPR.1/Circ.7/Rev.1.

### ***Response to spills of hazardous and noxious substances***

9.11 Having considered the draft Operational Guide on the Response to Spills of Hazardous and Noxious Substances (HNS) set out in annex 3 to document PPR 10/18/Add.1, the Committee approved it and authorized the Secretariat, when preparing the final text of the *Operational Guide on the Response to Spills of Hazardous and Noxious Substances (HNS)* (volumes 1 and 2) for publication, to effect any editorial corrections that might be identified as appropriate, including any additional reference sources deemed relevant.

### ***Biofouling guidelines***

9.12 The Committee adopted resolution MEPC.378(80) on the *2023 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (2023 Biofouling Guidelines), as set out in annex 17.

9.13 In this regard, the Committee noted that the Sub-Committee had:

- .1 invited Member States and international organizations to submit relevant information on best practices for biofouling inspections and cleaning actions to the Organization as it may become available in the future; and
- .2 encouraged Member States and other stakeholders to implement the recommendations on how to increase the uptake and effectiveness of the revised Biofouling Guidelines, set out in paragraphs 35 to 41 and 49 of document PPR 9/7 (Norway) and in paragraph 50 of document PPR 10/5/1 (Norway), encouraged Member States and other stakeholders to implement the recommendations.

9.14 The delegation of Norway, made a statement welcoming the adoption of the 2023 Biofouling Guidelines), noting, inter alia, that the work of the Organization in this regard was an important contribution to target 6 of the Kunming-Montreal Global Biodiversity Framework, namely to reduce rates of introduction and establishment of invasive alien species by 50%, and expressing the view that the Organization should start work on a mandatory framework to reduce biofouling. As requested, the full text of the statement is set out in annex 30.

9.15 In this context, the delegation of Ecuador highlighted the support provided by the GloFouling Partnerships Project and encouraged the Secretariat to seek funding for a second phase of the project to ensure the continued support of IMO.

9.16 Following the adoption of the 2023 Biofouling Guidelines, the Committee agreed to change the title of output 1.21 from "Review of the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (resolution MEPC.207(62))" to "Development of guidance on matters relating to in-water cleaning" and to set the target completion year of the renamed output to 2025.

### ***Special requirements for the use and carriage of oils as fuels in Arctic waters***

9.17 With regard to document MEPC 78/14/1 (Iceland and Norway), proposing that the scope of the existing output 7.11 on Development of measures to reduce risks of use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters be expanded to include an upper pour point limit in regulation 43.1.2 in MARPOL Annex I, which the Committee had forwarded to PPR 10 for further consideration with a view to receiving advice from the Sub-Committee on how best to proceed, the Committee noted that there had not been general consensus at the Sub-Committee to move forward with the proposal in document MEPC 78/14/1 and follow-up proposals in document PPR 10/10/1 (Norway) at this stage, and consequently the Sub-Committee had:

- .1 agreed to revisit this matter in 2025 and to review documents MEPC 78/14/1 and PPR 10/10/1 again at PPR 12 following the effective date (1 July 2024) of the prohibition in regulation 43A of MARPOL Annex I; and
- .2 invited Member States and international organizations to submit information to future sessions of the Sub-Committee on bunker fuel properties available for Arctic shipping, including any trends in viscosity, density and pour point in the lead up to 1 July 2024 and after that date.

9.18 The Committee also noted that, as noted by the Sub-Committee, should Member States in the meantime wish to pursue an alternative approach to the current structure of regulation 43A, for example the development of a polar fuel standard, they could submit proposals for a new output to the Committee.

### ***Revision of MARPOL Annex IV and associated guidelines***

9.19 The Committee endorsed the expansion of the scope of output 1.26 (Revision of MARPOL Annex IV and associated guidelines) to include the introduction of provisions for a sewage management plan and record-keeping on all ships (i.e. not only ships with an STP) under MARPOL Annex IV.

### ***Inventory of Hazardous Materials***

9.20 The Committee adopted resolution MEPC.379(80) on the 2023 Guidelines for the development of the Inventory of Hazardous Materials, as set out in annex 18.

***Experience gained with hybrid***

9.21 The Committee noted the comments that had been made at PPR 10 with respect to the experience gained with using the hybrid system, namely that:

- .1 the option to participate remotely was highly appreciated, as it allowed for the input by experts, who, for various reasons, had been unable to travel to IMO Headquarters, to be taken into account;
- .2 while the need to limit the number of remote-active slots for plenary was understandable and justified, sharing 10 remote-active slots between plenary (Main Hall) and the working groups in committee rooms 9 and 10 resulted in some delegations not having enough remote-active slots for all their experts to participate remotely in those working groups at this session; and
- .3 consideration should be given to decoupling remote-active slots reserved for plenary from the remote-active slots associated with the working groups in committee rooms 9 and 10 in order to provide more remote-active slots than was currently possible for remote participation in working groups.

9.22 Subsequently, the Committee invited the Council to note the comments and take action as appropriate.

**10 REPORTS OF OTHER SUB-COMMITTEES****Outcome of CCC 8*****Draft amendments to article V of Protocol I of MARPOL***

10.1 The Committee approved the draft amendments to article V of Protocol I of MARPOL, as set out in annex 19, having noted that MSC 107 had approved the related draft amendments to SOLAS chapter V, and requested the Secretary-General to circulate them in accordance with article 16(2) of MARPOL, with a view to adoption at MEPC 81.

**Outcome of SDC 9*****Reduction of underwater radiated noise from shipping***

10.2 The Committee noted the information that had been provided to SDC 9 regarding a two-year GEF-UNDP-IMO project called the Global Partnership for Mitigation of Underwater Noise from Shipping (GloNoise Partnership), which the Organization's Department of Partnerships and Projects would commence later in 2023 and which was aligned with the current work on the review of the *Guidelines for the reduction of underwater noise* (MEPC.1/Circ.833) and the consideration of next steps.

10.3 In this context, the Committee approved MEPC.1/Circ.906 on *Revised guidelines for the reduction of underwater radiated noise from shipping to address adverse impacts on marine life*.

10.4 In addition, the Committee encouraged interested Member States and international organizations to submit to the Committee lessons learned/best practices in the implementation of the Revised Guidelines by MEPC 85, including outreach and awareness efforts to support uptake, with a view to identifying necessary revisions to the Revised Guidelines.



10.5 Subsequently, the Committee endorsed the updated work plan for the continued work on underwater radiated noise, as set out in annex 2 to document SDC 9/16/Add.1 and agreed to extend the target completion year for output 1.16 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) and identification of next steps" to 2024.

10.6 With regard to the draft guidelines for underwater radiated noise reduction in Inuit Nunaat and the Arctic, which had been prepared by the Inuit Circumpolar Council for utilization in the future by interested parties and which the Working Group on Review of the Guidelines for the Reduction of Underwater Noise that had been established by SDC 9 had annexed to its report (SDC 9/WP.3, annex 2), the Committee agreed that they should be disseminated as a separate circular (MEPC.1/Circ.907).

10.7 In line with the updated work plan, the Committee approved the convening of an expert workshop on the relationship between energy efficiency and underwater noise, with the participation of relevant experts, and requested the Secretariat to make the necessary arrangements in that regard. In this connection, the Committee was informed that a two-day expert workshop was being planned, to be held on 18 and 19 September 2023 at IMO Headquarters with hybrid functionality. The Committee was also informed that further information on the expert workshop, including the list of topics to be covered, would be circulated in due course.

10.8 Furthermore, the Committee noted that the Sub-Committee had re-established the relevant Correspondence Group to continue the remaining work on identifying ways to implement the Revised Guidelines and promote the work of the Organization.

10.9 The observers from CSC, FOEI and WWF recognized the approval of the *Revised guidelines for the reduction of underwater radiated noise from shipping to address adverse impacts on marine life* (MEPC.1/Circ.906) as a significant step and expressed their appreciation for the contributions of all those involved in the revision. Noting that noise levels had doubled in the 10 years since the approval by MEPC 66 in 2014 of the first set of guidelines on underwater noise (MEPC.1/Circ.833) and that knowledge of the impact of underwater noise on marine wildlife and even marine plants had increased, these observers called on Member States to put equal effort in the effective uptake of the Revised Guidelines and initiate the development of mandatory measures as a matter of urgency.

## **Outcome of HTW 9**

### ***E-learning courses***

10.10 The Committee noted that HTW 9 had recalled the implications of converting STCW model courses into e-learning model courses, as had been considered at HTW 6 (HTW 6/13, paragraph 3.3), in particular that, except for the accountability implications related to the independent evaluations, which were only relevant to STCW model courses, those implications affected all model courses.

10.11 Consequently, the Committee agreed with the Sub-Committee's advice that model courses should not generally be converted into e-learning training material, having noted that MSC 107 had also agreed with that advice.

***Ballast water management training provisions***

10.12 The Committee agreed with the inclusion of the work under the output on "Development of training provisions for seafarers related to the BWM Convention" in the output on "Comprehensive review of the 1978 STCW Convention and Code" and consequently agreed to delete the former from its biennial agenda.

**Outcome of NCSR 10**

10.13 The Committee recalled that the outcome of NCSR 10 concerning the draft Associated Protective Measures (AMPs) to be included in the final MEPC resolution on the designation of a particularly sensitive sea area in the North-Western Mediterranean Sea had been considered under agenda item 11 (Identification and protection of Special Areas, ECAs and PSSAs) (see paragraphs 11.1 to 11.4, 11.13.1 and 11.15).

**11 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS, ECAs AND PSSAs****Designation of a PSSA in the north-western Mediterranean Sea to protect cetaceans from international shipping**

11.1 The Committee recalled that MEPC 79 had considered a proposal for the designation of a PSSA in the North-Western Mediterranean Sea to protect cetaceans from international shipping, and agreed in principle to the designation subject to the further development and approval of the proposed associated protective measures (APM) by the appropriate sub-committee or committee.

11.2 The Committee noted document MEPC 80/WP.8 providing the outcome of NCSR 10 and MSC 107 concerning the consideration of the proposed APMs in the North-Western Mediterranean Sea. In particular, the Committee noted that NCSR 10 had:

- .1 agreed to the draft APMs (MEPC 80/WP.8, annex 2) with a view to their being included in the final MEPC resolution on the designation of a particularly sensitive sea area in the North-Western Mediterranean Sea to be considered by MEPC; and
- .2 invited MSC 107, as an urgent matter, to agree that the above-mentioned APMs could be directly referred to MEPC 80, and also invited MEPC 80 to consider the agreed APMs as an urgent matter, given the proximity of the Committee's meeting, and the compelling need and urgency for the designation of the PSSA.

11.3 Additionally, the Committee noted that MSC 107 had agreed that the APMs could be referred by the NCSR Sub-Committee directly to MEPC 80, taking into account the general nature of the APMs, aiming at information-sharing primarily for contributing to the protection of the marine environment.

11.4 Following discussion, the Committee agreed to establish the Technical Group on the Designation of PSSAs and Special Areas to further review the relevant outcome of NCSR 10 and prepare an MEPC resolution for the designation of the North-Western Mediterranean Sea as a PSSA.

11.5 The Committee also noted following two documents submitted by France, relevant to the designation of the North-Western Mediterranean Sea PSSA and protecting cetaceans from international shipping:

- .1 MEPC 80/INF.19, providing information on the LIFE SEADETECT project funded by CINEA (European Climate, Infrastructure and Environment Executive Agency); and
- .2 MEPC 80/INF.37, providing information on OceanPlanner©, a platform and Web-based operational service to evaluate the efficiency of the management measures on underwater noise, NO<sub>x</sub>, SO<sub>x</sub>, CO<sub>2</sub> emissions as well as ship strikes risks.

#### **Establishment of an effective date for the Red Sea and the Gulf of Aden special areas under MARPOL Annexes I and V**

11.6 The Committee had for its consideration document MEPC 80/11, submitted by the PERSGA Members States, including Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, the Sudan and Yemen, providing an update on efforts made by countries in the Red Sea and Gulf of Aden region (RSGA) to bring into effect the special area requirements for the Red Sea and the Gulf of Aden areas under MARPOL Annexes I and V and requesting the Committee to establish a date from which the special area status should take effect in these areas.

11.7 The Committee also considered document MEPC 80/11/1 (Israel) providing confirmation from the State of Israel that adequate reception facilities had been provided in the port of Eilat, as required by MARPOL Annexes I and V, and therefore Israel supported the request in document MEPC 80/11 to establish a date to bring into effect the special area requirements for the Red Sea under MARPOL Annexes I and V.

11.8 The delegations of Egypt and Saudi Arabia highlighted the importance of the RSGA region for biodiversity and maritime traffic and outlined the case for establishing a date from which the special area status should take effect in the areas.

11.9 In the ensuing discussion, a number of delegations expressed appreciation of the efforts made by countries in the RSGA region to bring into effect the Special Area requirements, expressed support for establishing a date to bring into effect the Special Area requirements and encouraged those countries in the region yet to ratify MARPOL and its relevant annexes to do so.

11.10 Following discussion, the Committee agreed to task the Technical Group on the Designation of PSSAs and Special Areas to prepare an MEPC resolution to bring into effect the special area requirements for the Red Sea and the Gulf of Aden areas under MARPOL Annexes I and V.

#### **Establishment of the Technical Group on the Designation of PSSAs and Special Areas**

11.11 The Committee established the Technical Group on the Designation of PSSAs and Special Areas, and instructed it, taking into account the comments and decisions made in plenary, to:

- .1 review the relevant outcome of NCSR 10 (MEPC 80/WP.8) and prepare an MEPC resolution for the designation of the North-Western Mediterranean Sea as a PSSA; and

- .2 prepare an MEPC resolution on the establishment of the date on which the discharge requirements of regulations 15.3, 15.5 and 34.3 to 34.5 of MARPOL Annex I, in respect to the Red Sea and the Gulf of Aden Special Areas, and regulation 6 of MARPOL Annex V, in respect to the Red Sea Special Area, shall take effect.

### **Report of the Technical Group on the Designation of a PSSA**

11.12 The Committee considered the report of the Technical Group (MEPC 80/WP.10), approved it in general and took action as described below.

11.13 The Committee adopted:

- .1 resolution MEPC.380(80) on *Designation of the North-Western Mediterranean Sea as a particularly sensitive sea area*, as set out in annex 20;
- .2 resolution MEPC.381(80) on *Establishment of the date on which regulations 15.3, 15.5 and 34.3 to 34.5 of MARPOL Annex I in respect to the Red Sea and the Gulf of Aden Special Areas shall take effect*, as set out in annex 21; and
- .3 resolution MEPC.382(80) on *Establishment of the date on which regulation 6 of MARPOL Annex V, in respect to the Red Sea Special Area shall take effect*, as set out in annex 22.

11.14 In this context, the Committee agreed that the effective date referred to in resolutions MEPC.381(80) and MEPC.382(80) would be 1 January 2025 and requested the Secretary-General to notify all Parties to MARPOL Annexes I and V of the aforementioned decision.

11.15 The delegation of Italy, on behalf of the co-sponsors of the North-Western Mediterranean Sea PSSA (France, Italy, Monaco and Spain), made a statement welcoming the adoption of resolution MEPC.380(80), highlighting that the designation would improve the protection of cetaceans against the risk of collisions with ships in the area, and that the co-sponsors would continue to collaborate to ensure the appropriate application of the associated protective measures within the PSSA. The full text of the statement is set out in annex 30.

### **Information on preparation of a PSSA proposal for Mauritius and Rodrigues Island**

11.16 The Committee noted document MEPC 80/INF.26 (Mauritius) informing that the Government of Mauritius was in the process of finalizing a full PSSA proposal, for submission to MEPC in 2024, to protect the coasts of Mauritius and Rodrigues Island from increasing pressures from international shipping.

11.17 The delegation of France made a statement, as set out in annex 30, in respect to the Island of Tromelin, which had been included in the map of the potential PSSA proposal contained in document MEPC 80/INF.26.

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

12.1 The Committee, having considered the information contained in document MEPC 80/12 (Secretariat), noted the update provided on the marine environment activities implemented under IMO's Integrated Technical Cooperation Programme (ITCP) for 2022, and expressed its appreciation to the Secretariat for the technical assistance received through the ITCP, notably, through training workshops, seminars and e-Learning courses.

12.2 Those delegations that took the floor provided information on specific capacity-building activities delivered through the ITCP in their countries in 2022, as well as proposals to improve technical assistance for future activities. Others called for an improved balance of ITCP activities among the thematic priorities during the next biennium, as well as an increased number of activities related to MARPOL Annex VI, in light of the 2023 IMO Strategy on Reduction of GHG Emissions from Ships.

12.3 The Committee approved the thematic priorities related to the marine environment for the 2024-2025 biennium, as set out in annex 2 to document MEPC 80/12, and agreed to refer these to TC 73, for its consideration and approval in October 2023.

12.4 The delegation of Ukraine made a statement regarding the capacity-building efforts to improve ratification and implementation of a number of priority environmental conventions, including MARPOL Annex VI, the BWM Convention, the OPRC Convention and OPRC-HNS Protocol, noting that relevant proposals would be submitted to TC 73. The full statement is set out in annex 30.

12.5 The delegation of India expressed its appreciation for IMO's technical cooperation programme and for the capacity-building projects delivered. It reiterated the intervention it had made at MEPC 79, whereby it had requested the Secretariat to provide an update to the Committee on the status of the agreed review of the effective implementation of resolution MEPC.229(65) on *Promotion of technical cooperation and transfer of technology relating to the improvement of energy efficiency of ships*. As such, the delegation reiterated its request to see such an update at a future session.

12.6 The Committee also noted the information contained in document MEPC 80/12/1 (REMPEC), providing an update on activities implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) for the period 1 January to 31 December 2022.

12.7 The Committee expressed its appreciation to all donors for their financial and in-kind contributions to the ITCP.

## 13 APPLICATION OF THE COMMITTEE'S METHOD OF WORK

13.1 The Committee recalled that MEPC 79 and MSC 106 had concurrently approved the revised *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4), incorporating some efficiency measures first introduced during the COVID-19 pandemic when holding remote meetings.

13.2 The Committee noted that MSC 107, having considered document MSC 107/16 (Secretariat) providing clarifications on the feasibility and benefits of continuing the practice of taking decisions by correspondence which had been introduced during the COVID-19 pandemic to deal with the backlog of deferred documents, had agreed to discontinue the practice of taking decisions by correspondence.

13.3 The Committee noted further that, subject to concurrent approval by this Committee, MSC 107 had approved amendments to the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4), introducing a new paragraph 6.2 in the section "Preparation of documents" regarding document submission through the new Meeting Document Submission Portal and had requested the Secretariat to revise the Committees' Method of Work accordingly to be issued as MSC-MEPC.1/Circ.5/Rev.5.

13.4 In concurrence with the decision by MSC 107, the Committee approved the aforementioned amendment and requested the Secretariat to revise the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4) accordingly to be issued as MSC-MEPC.1/Circ.5/Rev.5.

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

### **Proposals for new outputs**

#### ***Proposal for new output on revision of resolution MEPC.291(71), as amended***

14.1 The Committee had for its consideration the following documents:

- .1 MEPC 80/14/1 (Marshall Islands et al.), proposing a new output to amend the *2017 Guidelines addressing additional aspects of the NO<sub>x</sub> Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with selective catalytic reduction (SCR) systems* (resolution MEPC.291(71), as amended by resolution MEPC.313(74)) (the 2017 SCR Guidelines), with a view to facilitating the consistent and global implementation of the Guidelines; and
- .2 MEPC 80/14/3 (Norway), commenting on document MEPC 80/14/1 and proposing that the scope of the proposed new output should include the development of additional guidance for the certification of marine diesel engines fitted with SCR systems, where more than one engine was connected to a common SCR unit,

together with the Chair's preliminary assessment of the proposal (MEPC 80/WP.3, annex).

14.2 Following discussion, the Committee agreed to include in the post-biennial agenda of the Committee a new output on "Amendments to the 2017 Guidelines addressing additional aspects of the NO<sub>x</sub> Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with selective catalytic reduction (SCR) systems (resolution MEPC.291(71), as amended by resolution MEPC.313(74))", assigning the PPR Sub-Committee as the associated organ, with one session needed to complete the work. The Committee also agreed to the scope of work of this output as follows:

"To update the 2017 SCR Guidelines to remove ambiguities and ensure consistent application, including clarifying the pre-certification procedure and developing additional guidance for certifying SCR arrangements where more than one engine is connected to a common SCR system."

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***Proposal for new output on revision of the NO<sub>x</sub> Technical Code 2008 with regard to recertification procedures of existing marine diesel engines on board ships***

14.3 The Committee considered document MEPC 80/14/2 (Denmark and Germany), proposing a new output to amend the NO<sub>x</sub> Technical Code 2008 with regard to recertification procedures of existing marine diesel engines on board of ships, together with the Chair's preliminary assessment of the proposal (MEPC 80/WP.3, annex).

14.4 Following discussion, the Committee agreed to include in the post-biennial agenda of the Committee a new output on "Amendments to the NO<sub>x</sub> Technical Code 2008 with regard to re-certification procedures of existing marine diesel engines onboard of ships" assigning the PPR Sub-Committee as the associated organ, with one session needed to complete the work. The Committee also agreed to the scope of work for this output as follows:

- .1 amend the NO<sub>x</sub> Technical Code 2008 to introduce a definition of "retrofitting of existing engines"; and
- .2 amend the procedure within the NO<sub>x</sub> Technical Code 2008 to improve the recertification of existing diesel engines onboard ships for retrofitting with modern engine technologies when improving their energy efficiency, whilst maintaining the levels for nitrogen oxide emission regulations.

**Biennial agenda of the PPR Sub-Committee and provisional agenda for PPR 11**

14.5 The Committee recalled that under agenda item 5, it had agreed to:

- .1 change the title of output 1.21 from "Review of the *2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (resolution MEPC.207(62))" to "Development of guidance on matters relating to in-water cleaning" and to set the target completion year of the renamed output to 2025;
- .2 change the title of output 2.15 to "Development of amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code on the use of multiple engine operational profiles for a marine diesel engine and on the clarification of test cycles"; and
- .3 extend the scope of output 1.26 (Revision of MARPOL Annex IV and associated guidelines) to introduce the provisions of a sewage management plan and record-keeping for all ships (i.e. not only for ships installed with a sewage treatment plant) under MARPOL Annex IV.

14.6 Subsequently, the Committee noted the biennial status report of the PPR Sub-Committee for the 2022-2023 biennium, as set out in annex 15 to document PPR 10/18/Add.1. Having taken into account the relevant decisions made at this session, the Committee approved the biennial agenda of the PPR Sub-Committee for the 2024-2025 biennium and the provisional agenda for PPR 11, as set out in annexes 23 and 24, respectively.

**Biennial agendas of the CCC and III Sub-Committees and provisional agendas for CCC 9 and III 9**

14.7 Having recalled that MSC 106 and MEPC 79 had approved the current biennial status of the CCC and III Sub-Committees and the provisional agendas for CCC 9 and III 9 (MSC 106/19, annexes 27 and 28), which had been confirmed by MSC 107, the Committee concurrently confirmed both.

**Status of outputs of MEPC for the 2022-2023 biennium**

14.8 Having recalled that, as per usual practice, the status of outputs would only be produced after the session as an annex to the Committee's report, in accordance with paragraph 9.1 of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), to avoid any unnecessary duplication of work, the Committee invited C 129 to note the status report of the outputs of MEPC for the 2022-2023 biennium, as set out in annex 25.

**Proposed outputs of MEPC for the 2024-2025 biennium**

14.9 The Committee, having considered document MEPC 80/WP.5 (Secretariat), approved the proposed outputs of MEPC for the 2024-2025 biennium, as set out in annex 26, and the outputs on the post-biennial agenda of the Committee, as set out in annex 27; and requested the Secretariat to review the outputs, taking into account the outcome of this session, in particular with regard to the proposals for new outputs, and make any necessary modifications as appropriate, for submission to C 129 for endorsement.

**Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies for the 2024-2025 biennium**

14.10 The Committee recalled that paragraph 3.5 of the Committees' Method of Work (MSC-MEPC.1/Circ.5/Rev.4) required that the Committee Chairs submit to their respective Committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, with a view to inclusion in the Secretary-General's relevant budget proposals.

14.11 Having considered the planned meeting weeks proposed by the MSC and MEPC Chairs (MEPC 80/14) and having noted that MSC 107 had, subject to the concurrent decision of MEPC, approved the proposed plan of 22.4 meeting weeks, the Committee:

- .1 noted the information regarding the Committees' and Sub-Committees' planned activities and priorities during the 2024-2025 biennium;
- .2 approved the proposed plan of meeting weeks for MSC and MEPC and their subsidiary bodies for the 2024-2025 biennium for inclusion in the Secretary-General's relevant budget proposals.
- .3 noted that, in accordance with the timeline for the development of candidate mid-term measures and associated comprehensive impact assessment (*2023 IMO Strategy on reduction of GHG emissions from ships*, section 6), the proposed meeting weeks for MSC and MEPC and their subsidiary bodies for the 2024-2025 biennium could be extended (i.e. an extraordinary session of MEPC of one or two days in autumn 2025).



14.12 The observer of ICS expressed concerns that due to the significant ongoing workload of this Committee, including substantial and urgent work streams related to IMO's decarbonization work, the established duration and frequency of MEPC meetings might result in insufficient time being available for the Committee to reach a consensus on these complex issues in a timely manner. The observer also recommended that consideration be given to increasing the time allocated to MEPC for the 2024-2025 biennium.

#### **Items to be included in the agenda of MEPC 81**

14.13 The Committee, having considered document MEPC 80/WP.4 (Secretariat) and taken into account the decisions made at this session, approved the items to be included in the agenda of MEPC 81, as set out in annex 28.

#### **Tentative dates for MEPC 81**

14.14 The Committee noted that MEPC 81 had been tentatively scheduled to take place from 18 to 22 March 2024.

#### **Correspondence Groups**

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

- .1 Correspondence Group on Review of the BWM Convention; and
- .2 Correspondence Group on Further Development of the LCA Framework.

#### **Groups expected to be established at MEPC 81**

14.16 The Committee, taking into account the decisions made under the respective agenda items, anticipated that the following groups might be established at MEPC 81:

- .1 Working Group on Air Pollution and Energy Efficiency;
- .2 Working Group on Reduction of GHG Emissions from Ships;
- .3 Drafting Group on Amendments to Mandatory Instruments;
- .4 Ballast Water Review Group;
- .5 Working Group on Marine Plastic Litter; and
- .6 Technical Group on the Designation of PSSA and Special Areas,

whereby the Chair, taking into account the submissions received on the respective subjects and all other agenda items, would advise the Committee well before MEPC 81 on the final selection of such groups.

#### **Intersessional meetings**

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

- .1 the sixteenth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships from 15 to 19 April 2024; and
- .2 an intersessional meeting of the ESPH Technical Group in 2024.

## **15 ELECTION OF THE CHAIR AND VICE-CHAIR FOR 2024**

15.1 The Committee, in accordance with rule 18 of its rules of procedure, unanimously re-elected Dr. Harry Conway (Liberia) as Chair and Mr. Hanqiang Tan (Singapore) as Vice-Chair, both for 2024.

## **16 ANY OTHER BUSINESS**

### **Recent inter-agency activities**

16.1 The Committee noted the information contained in document MEPC 80/16 (Secretariat) on recent inter-agency activities and invited the Secretariat to continue to update the Committee with any significant inter-agency cooperation relating to the work of the Committee.

### **Development of a proposal for an emissions control area**

16.2 The Committee had for its consideration the following documents:

- .1 MEPC 80/16/2 (Canada), providing information on Canada's engagement with relevant stakeholders; informing the Committee of Canada's intention to submit a proposal, in accordance with regulations 13 and 14 and appendix III of MARPOL Annex VI, to MEPC 81 to designate an Emission Control Area (ECA) in Canadian Arctic waters; and outlining the potential proposal, which would establish that the designation of the prospective ECA is supported by a demonstrated need to prevent, reduce and control emissions of nitrogen oxides, sulphur oxides and particulate matter from ships in Canada's Arctic;
- .2 MEPC 80/16/5 (ICC), welcoming and commenting on the intention of Canada to propose the designation of an ECA in Canadian Arctic waters, and stressing the need to have an accompanying equitable transition framework in place to ensure economic hardship, which would impact Inuit communities who had not caused the climate crisis but were being the most impacted, did not occur; and
- .3 MEPC 80/16/6 (FOEI et al), welcoming the declarations of intent from Canada for the designation of an ECA in Canadian Arctic waters and from the North-East Atlantic Ocean littoral States for the designation of an ECA in their waters, as vital steps towards tackling harmful shipping emissions, and advocating for the most integrated approach possible between these and other ongoing initiatives, with a view to maximizing the economic, health and environmental benefits of ECAs.

16.3 All delegations who spoke welcomed and expressed support for the initiative of the Government of Canada in pursuance of the establishment of an ECA in Canadian Arctic Waters and looked forward to the prospective submission of proposal by Canada in that regard to MEPC 81.

16.4 The observer from the Inuit Circumpolar Council highlighted the comments in document MEPC 80/16/5 and reiterated the importance of having an accompanying equitable transition framework in place for the envisaged ECA in Canadian Arctic waters to ensure that any increased costs for the use of cleaner fuels would not be passed on to disproportionately affected climate vulnerable Inuit communities. The observers from Pacific Environment, FOEI and WWF also welcomed the declaration of intent by Canada, and the observer from WWF

invited other Member States to consider, as soon as possible, a similar approach so that additional ECAs could be established to protect the Arctic from harmful atmospheric emissions from ships.

16.5 During the discussion, the information that had been noted under agenda item 5 concerning the ongoing work on the possible designation of a North-East Atlantic Ocean ECA, as contained in document MEPC 80/INF.35, was recalled and welcomed. In this context, the delegation of Norway informed the Committee of its intention to submit a document to MEPC 81 proposing to expand the existing NO<sub>x</sub> and SO<sub>x</sub> ECA currently established in the North Sea to cover the remaining Norwegian coast in the area defined as the Norwegian Sea in MARPOL Annex II.

16.6 Subsequently, the Committee noted the information in document MEPC 80/16/2 and the comments and proposals in documents MEPC 80/16/5 and MEPC 80/16/6.

### **Traffic separation scheme south of Sri Lanka**

16.7 The Committee had for its consideration document MEPC 80/16/3 (IWC et al), outlining environmental and safety issues surrounding the traffic separation scheme (TSS) south of Dondra Head, Sri Lanka; providing the history of outreach actions undertaken on this matter; supporting the establishment of a new traffic separation scheme 15 nm south of the existing TSS, which, in the co-sponsors' view, would lead to significant environmental and safety benefits for the thousands of vessels transiting this major East-West trade lane, smaller fishing vessels, and a major reduction in the risk of ship strikes with endangered blue whales that fed in the waters surrounding the existing TSS; and informing the Committee that the co-sponsors intended to follow with an appropriate submission on this matter to MSC 108.

16.8 The delegation of Sri Lanka recalled that during the adoption of the Committee's agenda it had called for document MEPC 80/16/3 not to be considered and made a statement elaborating on the reasons for categorically rejecting the contents of that document, expressing its categorical objection to the proposal calling for a creation of a new TSS by amending the existing TSS south of Dondra Head, affirming the commitment of the Government of Sri Lanka to adhering to the international regulations on the safety of navigation and to protecting the marine environment, and informing the Committee that the Government of Sri Lanka would continue to endeavour to monitor, review and take actions required to address any maritime safety and environmental concerns. As requested, the full text of the statement by the delegation of Sri Lanka is set out in annex 30.

16.9 A number of delegations also did not support further consideration of document MEPC 80/16/3 by the Committee due to the lack of consultation with the relevant coastal State, in this case Sri Lanka. In this regard, one delegation noted that amendments to ships' routeing should be raised by the interested coastal States and referred to the General provisions of ships' routeing established pursuant to SOLAS regulation V/10, in particular paragraph 3.2 listing the elements to be considered in deciding whether or not to adopt or amend a TSS, and paragraph 3.4 listing the circumstances in which the Organization could not adopt or amend any routeing system without the agreement of the interested coastal States. Having noted that document MEPC 80/16/3 did not contain all the elements specified in the Guidance Note on the Preparation of Proposals on Ships' Routeing Systems and Ship Reporting Systems (MSC/Circ.1060), the same delegation suggested that the co-sponsors of document MEPC 80/16/3 should have in-depth consultations with the coastal State involved and that no further consideration be given to the document at this session.

16.10 The observer from IWC made a statement concerning the considerations by IWC over several years of the issue of ship strike risks to the northern Indian Ocean blue whale population south of Sri Lanka and expressed the view that implementation of the proposals in document MEPC 80/16/3 would greatly improve the conservation of blue whales in the northern Indian Ocean. As requested, the full text of the statement by the observer from IWC is set out in annex 30.

16.11 The observer from WSC, made a statement regarding the two issues arising with the current TSS south of Sri Lanka, as described in document MEPC 80/16/3, and, inter alia, welcomed the opportunity to work cooperatively with the Government of Sri Lanka to address these matters. As requested, the full text of the statement by the observer from WSC is set out in annex 30. The observers from INTERTANKO and BIMCO stated that document MEPC 80/16/3 had been submitted in the spirit of cooperation with the intention of raising the issues that had been identified and experienced by the masters of ships operated by their members, and also welcomed the opportunity to work with the relevant authorities in Sri Lanka.

16.12 The delegation of Canada expressed the view that evaluating the benefits of moving traffic separation schemes to reduce the risks to whales could be an effective approach, while recognizing that such undertakings needed to take due consideration of navigational safety and identify any risks associated with a new traffic separation scheme. The delegation of Canada also expressed its willingness to share its experience of conducting such exercises, in Eastern Canada in the past as well as currently in Western Canada, with any interested parties.

16.13 In light of the above, the Committee agreed to note document MEPC 80/16/3 and the comments made and concerns expressed during this session, and invited interested stakeholders to further consult on this matter.

#### **Increased frequency of ship-to-ship transfers and associated environmental risks and concerns**

16.14 The Committee had for its consideration document MEPC 80/16/4 (Australia et al), raising awareness of the potential environmental risks and the consequences and concerns for the global pollution prevention and liability and compensation regimes that existed because of the increase in ship-to-ship (STS) transfers at sea, including by ships using "dark operations" (i.e. turning off satellite transponders and using other methods of obfuscation such as location tampering, course deviations) to circumvent sanctions and high insurance costs, and setting out in the annex to the document a draft Assembly resolution urging Member States and all relevant stakeholders to promote actions to prevent illicit operations of "dark shipping" in the maritime sector.

16.15 In the ensuing discussion, most delegations who spoke supported or recognized the concerns outlined in document MEPC 80/16/4, supported the measures in paragraphs 13 to 16 of the document, and also supported the referral of the draft Assembly resolution to A 33, along with any comments or potential proposed modifications from other Member States or international organizations, for further consideration by the Assembly with a view to finalization and adoption. In this context, the delegation of Ukraine made a statement which is set out in annex 30.

16.16 The observer from INTERTANKO informed the Committee of INTERTANKO's view that there should be no furtive STS operations, that all operations should be undertaken in full view and in compliance with MARPOL regulations or other industry standards, and its puzzlement as to why mid-ocean STS operations should take place at all. With regard to the

proposals in document MEPC 80/16/4, the observer expressed concern in relation to vague terms such "going dark", "dark shipping" and "shadow fleet", and made the following comments in that regard and on a need to differentiate between legitimate and illicit STS operations:

- .1 any resolution should include a definition of "dark shipping" and "shadow fleet" to make it clear who States should be taking action against;
- .2 for the term "going dark", there were legitimate operational reasons for switching off AIS, with tankers being recommended to reduce their transmission output to 1W during cargo operations and such low-power transmissions might not be picked up by the AIS satellites orbiting at 950 km; similarly, gaps in coastal station chains and the reduced transmission power could result in transmissions not being received by coastal AIS installations; further, AIS signals had been used to target ships in the Gulf of Oman and subsequently some of these ships had been subject to attacks; consequently the lack of receipt of a transmission could not be taken as synonymous with illicit operations; and
- .3 reference should be made to the LRIT system as a means to identify ships, as coastal States retained the right to receive such data for all ships out to 1,000 nautical miles from their coasts.

16.17 The observer from ICS informed the Committee that, in general terms, it supported measures being introduced to address any operations that circumvented sanctions. However, the observer commented that greater clarity was needed in relation to the exact meaning of "dark fleet"; cautioned that a distinction should be made between legitimate STS operations that were conducted outside the jurisdiction of coastal States, with AIS switched off due to operational and security concerns, and illegal operations being undertaken to circumvent sanctions; and supported the recommendation in the draft Assembly resolution that called upon flag Administrations to exercise control over STS operations, especially when such operations were being conducted beyond the jurisdiction specified in chapter 8 of MARPOL Annex I.

16.18 The observer from ITF expressed support for the draft Assembly resolution and proposed the addition of the word "criminalization" alongside "safety and well-being of the crew" in the eleventh preambular paragraph of the draft resolution. The observer informed the Committee that individual concerns were received regularly by ITF from seafarers on board ships in relation to how their instructed actions might result in marine pollution as well as concerns on being criminalized, cautioned that the commitment to protect the environment could be overshadowed by focusing on finding whom to blame, and thanked the co-sponsors of document MEPC 80/16/4 for having raised this matter at LEG. In addition, the observer from ITF:

- .1 supported the recall of resolution A.1142(31) in the third preambular paragraph of the draft Assembly resolution, in particular the registries of ships function in the contact points module in GISIS;
- .2 echoed the comments by INTERTANKO regarding the expression "going dark"; and
- .3 raised questions regarding the reference to "the training and certification of seafarers", which was enclosed in square brackets in the fifth preambular paragraph of the draft Assembly resolution, in particular with regard to how training and certification could be carried out, what to train on, and how it would be reflected in the certification process.

16.19 One delegation underlined that the implementation of any measures should not create barriers to the smooth operation of shipping companies in the cases of legitimate transportation of oil and/or STS transfers of oil cargoes as set out in international conventions and in regional legislation.

16.20 The delegation of the Islamic Republic of Iran made a statement expressing the opinion that the concerns expressed by the co-sponsors of document MEPC 80/16/4 were addressed by relevant UNCLOS articles and regulations in SOLAS and MARPOL, thus rendering the development of an Assembly resolution unnecessary. Furthermore, the delegation of the Islamic Republic of Iran expressed concern with certain wording in document MEPC 80/16/4 and in the proposed Assembly resolution and advised that IMO should not deviate from the internationally accepted terms in its core documents, which would create objectionable precedents. As requested, the full text of the statement by the Islamic Republic of Iran is set out in annex 30.

16.21 Another delegation shared the same concerns as those expressed by the delegation of the Islamic Republic of Iran, especially on some of the terms and expressions used in the draft Assembly resolution, such as "dark shipping", whose specific definition was difficult to understand. This delegation was of the view that IMO should be cautious and use legally valid and defined terms; should not go beyond its mandate; should avoid using or casually creating imprecise expressions that might generate doubts as to the authority of the Organization or risk tainting the image of the Organization; and should avoid potential misunderstandings and stigmatization of the industry. The same delegation also shared the concerns of INTERTANKO and ICS in relation to legitimate STS transfers and proposed that the Committee first clearly define the relevant concepts and specific operations to be addressed and only then embark on considering potential measures.

16.22 Following the discussion, the Committee agreed that there was general support for flag, port and coastal States to address the actions identified in paragraph 13 to 16 of document MEPC 80/16/4 and there was general support for a draft Assembly resolution to urge Member States and all relevant stakeholders to promote actions to prevent illicit operations of dark shipping in the maritime sector.

16.23 In light of the above, the Committee agreed to forward the draft Assembly resolution set out in the annex to document MEPC 80/16/4 to the thirty-third session of the Assembly, together with the comments and views expressed at this session, for further consideration with a view to finalization and adoption by A 33. In this regard, the Committee noted that, should Member States or international organizations have further comments or proposals in connection to this matter, they could submit documents to A 33 accordingly.

#### **Other documents**

16.24 The Committee noted the information in documents:

- .1 MEPC 80/INF.22 (Colombia) regarding the management of the risk of biological contamination by incrustations in the hulls of ships and pleasure craft in Colombian port areas; and
- .2 MEPC 80/INF.38 (FOEI), providing in its annex a report titled "Unfinished Business? Ship Grey Water Disposal – Review of Environmental Risk Factors and Potential Regulatory Remedies".

16.25 The Committee recalled that document MEPC 80/16/1 (IACS) had been considered under agenda item 5 (Air pollution prevention).

## Expressions of condolence

16.26 The Committee noted with great sadness the recent passing of Mr. Verner Wilson, who frequently had attended sessions of the PPR Sub-Committee and MEPC as an observer with FOEI. The Committee expressed its appreciation for Mr. Wilson's contribution to the work of the Organization and also expressed its sincere sympathy to Mr. Wilson's family and colleagues.

## Expression of appreciation

16.27 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties, or were about to do so, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Ms. Sylvia Asgill (IMO Secretariat) (on retirement)
- Mr. Damien Chevallier (France) (on new duties)
- Ms. Petra Doubkova (EC) (on new duties)
- Dr. Cleopatra Doumbia-Henry (WMU) (on retirement)
- Ms. Unni Einemo (IBIA) (on new duties)
- Mr. Frederick Kenney (IMO Secretariat) (on retirement)
- Mr. Sverrir Konrádsson (Iceland) (on retirement)
- Mr. Richard Mason (EC) (on retirement)
- Mr. Hanqiang Tan (Singapore) (on new duties)
- Mme. Geneviève van Rossum (France) (on retirement)

## 17 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS EIGHTIETH SESSION

17.1 The draft report of the session (MEPC 80/WP.1) was prepared by the Secretariat for consideration by the Committee. During the meeting held on Friday, 7 July 2023, delegations were given an opportunity to provide comments on the draft report, and the Secretariat then prepared the revised draft report (MEPC 80/WP.1/Rev.1), incorporating editorial corrections and changes based on the comments made. Member States and international organizations wishing to provide further editorial corrections and improvements, including finalizing individual statements, were given a deadline of 21 July 2023, 23.59 (UTC+1) to do so by correspondence, in accordance with paragraphs 4.37 and 4.38 of the Committees' Method of Work (MSC-MEPC.1/Circ.5/Rev.4).

17.2 By the above-mentioned deadline, no comments had been received, and the report of the Committee was finalized by the Secretariat in consultation with the Chair. The session was closed at 23.59 (UTC+1) on 21 July 2023, pursuant to rule 35 of the Rules of Procedure.

## Action requested of other IMO organs

17.3 The Assembly, at its thirty-third session, is invited to:

- .1 consider, with a view to adoption, the draft Assembly resolution on guidelines on places of refuge for ships in need of assistance, as amended by LEG 110 (paragraph 2.4 and annex 1); and
- .2 consider, with a view to finalization and adoption, the draft Assembly resolution urging Member States and all relevant stakeholders to promote actions to prevent illicit operations of "dark shipping" in the maritime sector, set out in the annex to document MEPC 80/16/4, together with the comments and views expressed at MEPC 80 (paragraph 16.14 to 16.23).

17.4 The Council, at its 129th session, is invited to:

- .1 consider the report of the eightieth session of MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirty-third session of the Assembly;
- .2 note that the entry-into-force conditions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong Convention) were met on 26 June 2023 with the accession of Bangladesh and Liberia, and that the Convention would therefore enter into force on 26 June 2025 (paragraphs 1.9 to 1.12);
- .3 note that the Committee, in concurrence with MSC 106 and LEG 110, approved the draft Assembly resolution on guidelines on places of refuge for ships in need of assistance, as amended by LEG 110 (paragraph 2.4 and annex 1);
- .4 take into account the *2023 IMO Strategy on the Reduction of GHG Emissions from Ships* when finalizing the text of strategic direction 3 (Respond to climate change) (paragraph 2.8);
- .5 note that no objections were expressed to International Pollutants Elimination Network (IPEN) being granted consultative status with IMO (paragraphs 2.9 and 2.10);
- .6 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping, the marine environment and seafarers (paragraphs 2.11 to 2.22);
- .7 note that the Committee adopted amendments to appendix II of the BWM Convention concerning the form of the Ballast Water Record Book (section 3 and annex 2);
- .8 note the action taken by the Committee on issues related to ballast water management, in particular the approval of the *Convention Review Plan under the experience-building phase associated with the BWM Convention*; the adoption of amendments to the *Guidelines for ballast water management and development of Ballast Water Management Plans (G4)* and the *Guidelines for ballast water exchange (G6)*; the approval of the *Guidance on matters relating to ballast water record-keeping and reporting* and *Guidelines for the use of electronic record books under the Ballast Water Management Convention*; and the approval of draft amendments to regulations A-1 and B-2 of the BWM Convention concerning the use of electronic record books, with a view to adoption by MEPC 81 (section 4 and annexes 3 to 7);
- .9 note the action taken by the Committee on issues related to air pollution prevention, in particular the adoption of the *2023 Guidelines for thermal waste treatment devices*; the approval of draft amendments MARPOL Annex VI concerning a marine diesel engine replacing a steam system, low-flashpoint fuels and other fuel oil related issues; and the approval of the *Interim guidance on the use of biofuels under regulations 26, 27 and 28 of MARPOL Annex VI* (section 5 and annexes 8 to 10);



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- .10 note the action taken by the Committee on issues related to the energy efficiency of ships, in particular the adoption of amendments to the *2022 Guidelines on the survey and certification of the Energy Efficiency Design Index (EEDI)* and to the *2021 Guidelines on the shaft/engine power limitation system to comply with the EEXI requirements and use of a power reserve*; the approval of draft amendments to appendix IX of MARPOL Annex VI concerning the inclusion of data on transport work and enhanced level of granularity in the IMO ship fuel oil consumption Data Collection System as well as accessibility of IMO DCS data; and the approval of the *Review plan of the short-term GHG reduction measure* (section 6 and annexes 11 to 13);
- .11 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the landmark decision of adopting the *2023 IMO Strategy on the Reduction of GHG Emissions from Ships*, outlining the Organization's continued and enhanced commitment to reducing GHG emissions from international shipping and, as a matter of urgency, aiming to phase them out as soon as possible, while promoting, in the context of this Strategy, a just and equitable transition; the adoption of the *Guidelines on life cycle GHG intensity of marine fuels (LCA guidelines)*; the approval of intersessional work on the reduction of GHG emissions from ships between MEPC 80 and MEPC 81, including the terms of reference for initiating the comprehensive impact assessment of the basket of mid-term GHG reduction measures, the establishment of the Correspondence Group on the Further Development of the LCA Framework, the terms of reference for the Review of existing practices on sustainability aspects/certification and third-party verification issues, the terms of reference for the expert workshop on the life cycle GHG intensity of marine fuels, and the terms of reference for ISWG-GHG 16; and that the Committee had agreed to be involved as an associated organ in the new output approved by MSC 107 on the "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels" (section 7 and annexes 14 to 16);
- .12 note the consideration of the Committee on issues related to follow-up work emanating from the Action Plan to Address Marine Plastic Litter from Ships (section 8);
- .13 note the action taken by the Committee on the outcome of PPR 10, in particular the approval of the *Operational Guide on the Response to Spills of Hazardous and Noxious Substances (HNS)*; and the adoption of the *2023 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* and the *2023 Guidelines for the development of the Inventory of Hazardous Materials* (paragraphs 9.1 to 9.20 and annexes 17 and 18);
- .14 note the comments that were made at PPR 10 with respect to the experience gained with using the hybrid system (paragraphs 9.21 and 9.22);
- .15 note the action taken by the Committee on the remaining outcome of CCC 8 concerning the approval of the draft amendments to article V of Protocol I of MARPOL (paragraph 10.1 and annex 19);
- .16 note the action taken by the Committee on the outcome of SDC 9, in particular the approval of the *Revised guidelines for the reduction of underwater radiated noise from shipping to address adverse impacts on marine life* (paragraphs 10.2 to 10.9);

- .17 note the action taken by the Committee on issues related to identification and protection of Special Areas, ECAs and PSSAs, in particular, the designation of a PSSA in the north-western Mediterranean Sea to protect cetaceans from international shipping and the establishment of the date of 1 January 2025 as an effective date for the Red Sea and the Gulf of Aden Special Areas under MARPOL Annexes I and V (section 11 and annexes 20 to 22);
- .18 note the action taken by the Committee on issues related to technical cooperation activities for the protection of the marine environment, in particular the approval of the thematic priorities related to the marine environment for the 2024-2025 biennium (section 12);
- .19 note that the Committee, in concurrence with the decision by MSC 107, approved the amendments to the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4), (section 13);
- .20 endorse the new outputs on "Amendments to the 2017 Guidelines addressing additional aspects of the NO<sub>x</sub> Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with Selective Catalytic Reduction (SCR) systems (resolution MEPC.291(71), as amended by resolution MEPC.313(74))" and "Amendments to the NO<sub>x</sub> Technical Code 2008 with regard to re-certification procedures of existing marine diesel engines onboard of ships", for inclusion in the post-biennial agenda of the Committee, assigning the PPR Sub-Committee as the associated organ (paragraphs 14.1 to 14.4);
- .21 endorse the changes made to the titles of outputs 1.21 and 2.15 to read "Development of guidance on matters relating to in-water cleaning" and "Development of amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code on the use of multiple engine operational profiles for a marine diesel engine and on the clarification of test cycles", respectively (paragraph 14.5);
- .22 note the status report of the outputs of MEPC for the 2022-2023 biennium (paragraph 12.8 and annex 25);
- .23 approve the proposed outputs of MEPC for the 2024-2025 biennium and the outputs on the post-biennial agenda of the Committee (paragraphs 14.9 and annexes 26 and 27);
- .24 approve the proposed plan (MEPC 80/14) of meeting weeks for MSC and MEPC and their subsidiary bodies for the 2024-2025 biennium for inclusion in the Secretary-General's relevant budget proposals, noting that, in accordance with the timeline for the development of candidate mid-term measures and associated comprehensive impact assessment (*2023 IMO Strategy on Reduction of GHG Emissions from Ships*, section 7), the proposed meeting weeks for MSC and MEPC and their subsidiary bodies for the 2024-2025 biennium could be extended (i.e. an extraordinary session of MEPC of one or two days in autumn 2025) (paragraphs 14.10 to 14.12);
- .25 note that the Committee approved the items to be included in the provisional agenda of MEPC 81 (paragraph 14.13 and annex 28);

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- .26 endorse the holding of the sixteenth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships from 15 to 19 April 2024 and an intersessional meeting of the ESPH Technical Group in 2024 (paragraph 14.17);
  - .27 note that the Committee elected Dr. Harry Conway (Liberia) as Chair and Mr. Hanqiang Tan (Singapore) as Vice-Chair, both for 2024 (paragraph 15.1); and
  - .28 note that the Committee agreed to forward the draft Assembly resolution urging Member States and all relevant stakeholders to promote actions to prevent illicit operations of "dark shipping" in the maritime sector, set out in the annex to document MEPC 80/16/4 to the thirty-third session of the Assembly, together with the comments and views expressed at MEPC 80, for further consideration with a view to finalization and adoption (paragraph 16.14 to 16.23).

17.5 The Maritime Safety Committee, at its 108th session, is invited to:

- .1 note that the Committee, in concurrence with MSC 106 and LEG 110, approved the draft Assembly resolution on guidelines on places of refuge for ships in need of assistance, as amended by LEG 110 (paragraph 2.4 and annex 1);
- .2 note that the Committee confirmed that application statements of future resolutions concerning new mandatory or non-mandatory instruments, or amendments to existing ones, which used the terms "fitted", "provided", "installed" or "installation", should provide a clear understanding of the intended meaning of such terms for instruments under the purview of MEPC (paragraph 2.2)
- .3 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping, the marine environment and seafarers (paragraphs 2.11 to 2.22);
- .4 note the Committee approved the unified interpretations to regulations 18.5 and 18.6 of MARPOL Annex VI, concerning electronic bunker delivery notes, (paragraph 5.24 and annex 10);
- .5 note that the Committee approved draft amendments MARPOL Annex VI concerning low-flashpoint fuels and other fuel oil related issues (paragraph 5.37 and annex 9);
- .6 note that the Committee agreed to be involved as an associated organ in the new output approved by MSC 107 on the "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels" (paragraph 7.47);
- .7 note that the Committee adopted resolution MEPC.377(80) on *the 2023 IMO Strategy on Reduction of GHG Emissions from Ships*, outlining the Organization's continued and enhanced commitment to reducing GHG emissions from international shipping and, as a matter of urgency, aiming to phase them out as soon as possible, while promoting, in the context of this Strategy, a just and equitable transition (paragraph 7.54 and annex 15);

- .8 note that resolution MEPC.377(80) acknowledges the importance of addressing the human element, including the impact on seafarers and other maritime professionals, in the safe implementation of the 2023 IMO GHG Strategy (paragraph 7.54 and annex 15);
- .9 note that the Committee approved the draft amendments to article V of Protocol I of MARPOL, with a view to adoption at MEPC 81, having noted that MSC 107 had approved the related draft amendments to SOLAS chapter V (paragraph 10.1 and annex 19);
- .10 note that the Committee approved MEPC.1/Circ.906 on *Revised guidelines for the reduction of underwater radiated noise from shipping to address adverse impacts on marine life*; endorsed the updated work plan for the continued work on underwater radiated noise; as set out in annex 2 to document SDC 9/16/Add.1; agreed to extend the target completion year for output 1.16 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) and identification of next steps"; and approved the convening of an expert workshop on the relationship between energy efficiency and underwater noise (paragraphs 10.2 to 10.9);
- .11 note that the Committee took a concurrent decision in agreeing with HTW Sub-Committee's advice that model courses should not generally be converted into e-learning training material (paragraphs 10.10 and 10.11);
- .12 note the Committee adopted resolution MEPC.380(80) on *Designation of the North-Western Mediterranean Sea as a particularly sensitive sea area*, having taken into account the outcome of NCSR 10 and MSC 107 regarding the associated protective measures for the proposed PSSA (paragraphs 11.2, 11.3 and 11.13.1 and annex 20);
- .13 note that the Committee, in concurrence with the decision by MSC 107, approved the amendments to the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4), (section 13);
- .14 note that the Committee approved the biennial agenda of the PPR Sub-Committee for the 2024-2025 biennium and the provisional agenda for PPR 11 (paragraph 14.6 and annexes 23 and 24);
- .15 note that the Committee approved the proposed plan (MEPC 80/14) of meeting weeks for MSC and MEPC and their subsidiary bodies for the 2024-2025 biennium for inclusion in the Secretary-General's relevant budget proposals, noting that, in accordance with the timeline for the development of candidate mid-term measures and associated comprehensive impact assessment (*2023 IMO Strategy on Reduction of GHG Emissions from Ships*, section 7), the proposed meeting weeks could be extended (i.e. an extraordinary session of MEPC of one or two days in autumn 2025) (paragraphs 14.10 to 14.12); and
- .16 note that the Committee agreed to forward the draft Assembly resolution urging Member States and all relevant stakeholders to promote actions to prevent illicit operations of "dark shipping" in the maritime sector, set out in

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the annex to document MEPC 80/16/4 to the thirty-third session of the Assembly, together with the comments and views expressed at MEPC 80, for further consideration with a view to finalization and adoption (paragraph 16.14 to 16.23).

17.6 The Legal Committee, at its 111th session, is invited to:

- .1 note that the Committee, in concurrence with MSC 106 and LEG 110, approved the draft Assembly resolution on guidelines on places of refuge for ships in need of assistance, as amended by LEG 110 (paragraph 2.4 and annex 1);
- .2 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping, the marine environment and seafarers (paragraphs 2.11 to 2.22); and
- .3 note that the Committee agreed to forward the draft Assembly resolution urging Member States and all relevant stakeholders to promote actions to prevent illicit operations of "dark shipping" in the maritime sector, set out in the annex to document MEPC 80/16/4 to the thirty-third session of the Assembly, together with the comments and views expressed at MEPC 80, for further consideration with a view to finalization and adoption (paragraph 16.14 to 16.23).

17.7 The Facilitation Committee, at its forty-eighth session, is invited to:

- .1 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping, the marine environment and seafarers (paragraphs 2.11 to 2.22); and
- .2 note that the Committee approved the *Guidance on ballast water record-keeping and reporting* and adopted the *Guidelines for the use of electronic record books under the BWM Convention*, and consequentially adopted amendments to the *Guidelines for ballast water management and development of Ballast Water Management Plans (G4)* and the *2017 Guidelines for ballast water exchange (G6)* and approved draft amendments to regulations A-1 and B-2 of the BWM Convention with a view to adoption by MEPC 81 (paragraphs 4.28 to 4.32 and annexes 4 to 7).

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

- .1 note the update on the IMO GHG TC-Trust Fund, the Voluntary Multi-Donor Trust Fund to support participation of delegates, GHG projects and other donor contributions supporting the Organization's work in reducing GHG emissions from ships (paragraphs 7.5 to 7.10);
- .2 note the Committee adopted resolution MEPC.377(80) on the *2023 IMO Strategy on Reduction of GHG Emissions from Ships*, outlining the Organization's continued and enhanced commitment to reducing GHG emissions from international shipping and, as a matter of urgency, aiming to phase them out as soon as possible, while promoting, in the context of this Strategy, a just and equitable transition (paragraph 7.54 and annex 15);

- .3 note that resolution MEPC.377(80) invites the Secretary-General to make adequate provisions in the Integrated Technical Cooperation Programme (ITCP), the IMO GHG TC-Trust Fund and any other means of support related to follow-up actions to the 2023 IMO GHG Strategy that may be further decided by the Committee and undertaken by developing countries, in particular LDCs and SIDS (paragraph 7.54 and annex 15);
- .4 note that the Committee invited the Secretary-General to establish the Steering Committee on the comprehensive impact assessment of the basket of candidate mid-term measures, and requested the Steering Committee to conduct the comprehensive impact assessment in accordance with MEPC.1/Circ.885/Rev.1 and its terms of reference, and to submit its interim report to MEPC 81 for consideration (paragraph 7.58 annex 16); and
- .5 note the action taken by the Committee on issues related to technical cooperation activities for the protection of the marine environment, in particular the approval of the thematic priorities related to the marine environment for the 2024-2025 biennium (section 12).

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(The annexes to this report have been issued as document MEPC 80/17/Add.1)

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