

International Regulation News Update

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Marine Environment Protection Committee's 72nd Session (9 to 13 April 2018)

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(All Ships includes all marine craft including barges, drill rigs, submersibles, and floating platforms)

The 72nd session of the Marine Environment Protection Committee met in London from 9 to 13 April 2018. This Update provides additional information to that reported in the MEPC 72 Brief, issued on 13 April 2018.

MARPOL AMENDMENTS ADOPTED

MARPOL Annex VI (EEDI)

Based on the Committee's conclusions that it would be next to impossible for new Ro-Ro Cargo Ships and new Ro-Ro Passenger Ships, particularly larger sizes, to meet the Phase 2 Required EEDI, the Committee adopted amendments to MARPOL Annex VI concerning the required EEDI for new Ro-Ro Cargo Ships and new Ro-Ro Passenger Ships by resolution MEPC.301(72).

Upon entry into force of the amendments on 1 September 2019, a 20% offset to the EEDI baselines will be imposed for new Ro-Ro Cargo Ships and new Ro-Ro Passenger Ships having a:

- contract for construction \geq 1 January 2020; or, in the absence of a contract
- keel laying date \geq 1 July 2020; or, regardless of the contract or keel laying date
- delivery date \geq 1 January 2024.

Also, the amendments introduce a new concept which sets constant threshold values for Ro-Ro Cargo Ships of 17,000 DWT, and above, and for Ro-Ro Passenger Ships of 10,000 DWT, and above. This approach effectively results in an additional 20% margin to account for identified discrepancies in the currently calculated baselines that were developed using overly optimistic presumptions in relation to achievable physical properties for these specific ship types.

Resolution MEPC.301(72) also allows for MARPOL Annex VI signatory States to implement these amendments in advance of the 1 September 2019 entry into force date.

AIR POLLUTION AND ENERGY EFFICIENCY

2020 Global Sulphur Cap

Draft amendments to MARPOL Annex VI, Regulation 14, with regard to the global 0.50% sulphur limit standard for fuel oil by 2020 were approved by the Committee with view to adoption at MEPC 73 in October 2018. The draft amendments prohibit the carriage of non-compliance fuel oil for combustion purposes for propulsion or operation onboard a ship.

Additionally, the amendments contain revisions to the Supplement to the IAPP Certificate which correlate with the 2020 sulphur limit including a specific entry to be used when it has been confirmed that the fuel oil carried for use on board a ship -- which is not fitted with an approved equivalent arrangement -- does not exceed 0.50% m/m as documented by the bunker delivery notes.

In support of the effective implementation of this standard, the Committee also approved new MEPC.1/Circ.875 on *Guidance on best practice for fuel oil purchasers/users for assuring quality of fuel oil used on board ships*. This circular provides guidance on supplier selection, contracting, documentation and sample testing to ensure that fuel oil being purchased will enable vessels to remain compliance with the 0.50% sulphur limit.

BALLAST WATER MANAGEMENT

Adopted Implementation Scheme

The Committee adopted resolutions MEPC.297(72) and MEPC.298(72), which finalized the intended implementation scheme for the Ballast Water Management Convention. The amendments adopted, which are set to enter into force on October 13, 2019, require ships constructed on or after September 8, 2017 to comply with the D-2 biological standard on their delivery. Ships constructed before September 8, 2017, are to comply with the D-2 biological standard at the first MARPOL IOPP renewal survey completed on or after:

- September 8, 2019 (Reg B-3/10.1.1); or
- September 8, 2017, in the event a MARPOL IOPP renewal survey is completed during the period on or after September 8, 2014 and prior to September 8, 2017 (Reg B-3/10.1.2).

If the IOPP survey per Reg B-3/10.1.2 is not completed, then compliance with the D-2 standard is required at the second MARPOL IOPP renewal survey after September 8, 2017, only if the first MARPOL IOPP renewal survey after September 8, 2017 is completed prior to September 8, 2019 and a MARPOL IOPP renewal survey was not completed during the period on or after September 8, 2014 and prior to September 8, 2017 (Reg B-3/10.2).

Additional Amendments Adopted

Further action was taken to finalize the implementation of the BWM Convention. The Committee adopted resolution MEPC.299(72) which amends Regulation E-1 of the Convention to clarify that *Additional surveys* (i.e., surveys carried out after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with the Convention) need not be endorsed on the IBWM certificate. The resolution also amends Regulation E-5 to clarify how the requirements for the schedule of *Annual surveys* under the Convention will also apply to the schedule of *Intermediate surveys*.

Code for Approval of BWM Systems

The Committee adopted a new mandatory Code for Approval of Ballast Water Management Systems (BWMS Code) as contained in resolution MEPC.300(72). This Code is based on the G8 Guidelines for approval of ballast water management systems, as set out in resolutions MEPC.174(58) and MEPC.279(70).

Consequential amendments to regulations A-1 and D-3 of the BWM Convention were also adopted by the Committee in resolution MEPC.296(72), to reflect the mandatory status of this Code.

With the BWMS Code taking effect on 13 October 2019, the Committee agreed that the *2016 Guidelines for approval of ballast water management systems* (G8) -- resolution MEPC.279(70) -- will be revoked upon entry into force of the BWMS Code. Ballast water management systems approved taking into account the 2016 Guidelines (G8) are deemed to be in accordance with the BWMS Code, as the two are deemed to be technically consistent.

Furthermore, it has been decided that ballast water management systems designed under the earlier G8 Guidelines adopted by resolution MEPC.174(58) which are approved by October 28, 2018, may continue to be installed onboard ships until October 28, 2020.

References to the Guidelines (G8) and 2016 Guidelines (G8) in existing IMO instruments should be read to mean references to the BWMS Code, upon its entry into force.

Supporting Circulars

The Committee approved BWM.2/Circ.66 containing a unified interpretation which clarifies the meaning of “*date installed*” for the purpose of establishing the deadline for installing a D-2 compliant ballast water management system. In the context of the Convention, the word “*installed*” means the contractual date of delivery of the ballast water management system to the ship, and in the absence of such a date, the actual date of delivery of the system to the ship.

IMO Member States agreed to consider the current state of the BWM Convention implementation as an experience-building phase. During this period, the Member States have agreed to share data on any difficulties encountered on knowledge gained in the implementation of the BWM Convention on vessels under their respective registries. New BWM.2/Circ.67 was approved and provides guidance on data gathering and analysis for this purpose by Member States.

Amendments to BWM.2/Circ.33 and Circ.43

BWM.2/Circ.33, *Guidance on scaling of ballast water management systems*, and BWM.2/Circ.43, *Guidance for Administrations on the type approval process for ballast water management systems in accordance with the Guidelines (G8)*, were both revised to correlate with the new BWMS Code, and also to provide updated guidance on their respective subject matter.

Additionally, BWM.2/Circ.33/Rev.1 provides enhanced guidelines for the approval of BWM systems based on system scaling. The revised Circular provides a new list of supporting documents to be submitted to facilitate consistent application of approach to type approval utilizing scaled models of BWM systems. Also set forth are a series of testing requirements, including experimental validation (through mathematical modeling), land-based testing, shipboard testing, and environmental testing, which may be utilized to identify and validate the performance of each system.

MISCELLANEOUS**GHG Reduction**

Following extensive discussion at past sessions as well as inter-sessional meetings, the Committee adopted resolution MEPC.304(72), the Initial IMO Strategy on Reduction of GHG Emissions from Ships.

The Initial Strategy is the first milestone set out in the *Roadmap for developing a comprehensive IMO Strategy on reduction of GHG emissions from ships*, and is intended to drive change by providing greater confidence to industry and send a strong signal to stimulate investment in the development of alternative fuels and new technologies. The Initial Strategy provides a list of candidate short-, mid- and long-term measures which may be pursued in a larger programme of follow-up actions. These candidate measures include consideration of speed optimization to reduce vessel emissions, establishment of an Existing Fleet Improvement Programme, and supporting research and development in low-carbon/zero-carbon fuels.

The Initial Strategy also establishes a framework in which to consider the impact on States and industry of any proposed measures. Issues such as cost-effectiveness, socio-economic progress, geographic remoteness, and food security must be assessed when follow-up actions are being considered under the Initial Strategy.

As part of this effort, the Committee has also agreed to keep the Initial Strategy under review, with a view to adopting a Revised IMO Strategy on reduction of GHG emissions from ships in 2023.

MARPOL Annex VI (Fuel Oil Data Collection)

Amendments to Chapter 4 of MARPOL Annex VI have recently come into force, requiring that all ships of 5000 GT and above on international voyages collect and report specific data related to fuel consumption beginning on January 1, 2019. The new regulations require that Flag State (or Recognized Organization) confirm, prior to January 1, 2019, that the Ship Energy Efficiency Management Plan (SEEMP) has been updated to include a new Part II which is to document the methodologies to be used to collect and report the required data to the Flag Administration.

Upon satisfactory review of the updated SEEMP, a Confirmation of Compliance is issued for the ship. In support of this, the Committee approved MEPC.1/Circ.876 which provides a sample format for the Confirmation of Compliance. To facilitate the timely review of the SEEMP Part II prior to the beginning of the first data collection period of January 1, 2019 to December 31, 2019, the Circular also encourages ship operators to submit the new SEEMP Part II to the Flag State (or Recognized Organization) by September 1, 2018.

IBC Code Certificate of Fitness

The Committee adopted resolution MEPC.302(72), which amends the model form of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk. The amendment provides additional text intended to correlate with paragraph 2.2.6 and 2.2.7 of the IBC Code, which requires confirmation that an approved stability instrument is fitted onboard for use in verifying loading conditions, or that an acceptable alternative has been approved by the Administration. Under resolution MEPC. 250(66), new chemical tankers constructed on/after 1 January 2016 need to comply on delivery and existing chemical tankers need to comply at the first scheduled IBC Code renewal survey on/after 1 January 2016 but not later than 1 January 2021 for oil and chemical tankers.

BCH Code Certificate of Fitness

The Committee adopted resolution MEPC.303(72), which amends the model form of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk. The amendment provides additional text intended to correlate with paragraph 2.2.1.2 and 2.2.1.3 of the BCH Code, which requires confirmation that an approved stability instrument is fitted onboard for use in verifying loading conditions, or that an acceptable alternative has been approved by the Administration. Compliance requirements for chemical tankers certified under the BCH Code are the same as chemical tankers certified under the IBC Code, as noted above.