

THE AMERICAN CLUB

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E N V I R O N M E N T A L P R O T E C T I O N
C O M M I T T E E



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The American Club is committed, along with its Members, to safety and protection of the marine environment. As a result, it provides updates on new and amended maritime regulations related to safety and protection of the marine environment, as they are made available. News regarding regulatory updates can be found in "Currents", the American Club publication and are made readily available on our website at: www.american-club.com.



In particular, the American Club will release updates from the International Maritime Organization's (IMO) Marine Environmental Protection Committee (MEPC) and Maritime Safety Committee (MSC) as well as other relevant regulatory bodies as the information becomes available. Please note that there are important Circulars that may be relevant to the specified subject areas mentioned in our reports. These Circulars can be found on the IMO website at www.imo.org.

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Introduction

The Marine Environmental Protection Committee (MEPC) and relevant conferences and sub-committees regularly revise the MARPOL 73/78 Convention and other mandatory and non-mandatory codes and guidance related to the environment. The most important of these recent developments is the new International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) adopted in February 2004. This report provides a summary of important guidelines, amendments and other relevant topics during the 51st session of the MEPC.

Ships will be required to be equipped with either an approved (by the flag State) sewage treatment plant or a sewage comminuting and disinfecting system or a sewage-holding tank. Discharges of sewage will be prohibited with the following exceptions:

- at a distance of no more than 3 nautical miles from the nearest land if it has a sewage treatment plant and is discharging comminuted and disinfected sewage using the approved system; or
- at a distance of more than 12 nautical miles from the nearest land if the discharged sewage is not comminuted or disinfected provided that the sewage that has been stored in the holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is



Amendments to Annex IV of MARPOL 73/78—Prevention of Pollution by Sewage

As mentioned in the November 2003 issue of *Currents*, Annex IV to MARPOL 73/78, Regulations for the Prevention of Pollution by Sewage from Ships, will enter into effect on 1 August 2005. Annex IV addresses application, survey, certification, discharge limitations, reception facilities and standard discharge connection requirements. The amendments to Annex IV agreed to at this session of the MEPC apply as follows:

- *new ships* engaged in international voyages of 400 gross tonnage and above certified to carry more than 15 persons must comply as of 1 August 2005; and
- *existing ships* engaged in international voyages (irrespective of tonnage) certified to carry more than 15 persons must comply as of 1 August 2009.

en route and proceeds at no less than 4 knots. The flag Administration, based on the standards developed by IMO, must approve the rate of discharge.

Entry into force of Annex VI of MARPOL 73/78—Prevention of Air Pollution

To date, 12 Member States representing 54 per cent of the world's tonnage have ratified Annex VI to MARPOL 73/78, Regulations for the Prevention of Air Pollution from Ships. The Annex will come into effect exactly 12 months after 3 additional Member States have ratified the Convention. At least 3 Member States have indicated that they will more than likely ratify the Convention in 2004, which will consequently become law in 2005.

Annex VI was adopted to limit the sulfur oxide and nitrogen oxide emissions from ship exhaust in addition to prohibiting any deliberate emissions of ozone-depleting substances.

Particularly Sensitive Sea Areas (PSSAs)

General

A Particularly Sensitive Sea Area (PSSA) is an area that needs special protection through action by the IMO due to its significance for recognized ecological, socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities. The criteria for the identification of particularly sensitive sea areas and the criteria for the designation of special areas are not mutually exclusive. In many cases, a Particularly Sensitive Sea Area may be identified within a



Special Area and vice versa. The designation of PSSAs under the UN Convention on the Law of the Seas (UNCLOS) allows coastal States to impose routing measures, mandatory ship reporting, VTS and more stringent requirements on waste discharge above and beyond those imposed by MARPOL 73/78¹.

Newly designated PSSAs

At this session of the MEPC, three new PSSAs were designated and approved by the Committee as follows:

1. the Baltic Sea area, except Russian waters;
2. the Galapagos Archipelago (Ecuador); and
3. the waters of the Canary Isles Archipelago (Spain).

There is concern, particularly from the shipping industry and a number of Administrations, about the designation of the Baltic Sea area as a PSSA. There are concerns within the maritime

industry that such a large body of water being designated as a PSSA could have a negative impact on maritime trade in the region.

Although it is difficult to determine the immediate impact on the industry of this PSSA designation, the Club will inform Members of any associated protective measures that are to be considered by coastal States as a result of the PSSA designation for the Baltic Sea. The States involved in the newly designated PSSAs will submit their considerations for protective measures to the next meeting of the Safety of Navigation Sub-Committee in 2005. Thereafter, these protective measures will be evaluated by the MEPC.

There are now 9 designated PSSAs around the world that include: the Great Barrier Reef (Australia), the Sabana-Camagüey Archipelago (Cuba), Malpelo Island (Colombia), the Florida Keys (United States), the Wadden Sea (Denmark, Germany, Netherlands), and the Paracas National Reserve (Peru).

BWM Conference

General

In light of the adoption of the BWM Convention at the BWM Conference in February 2004, the Committee is directing its efforts to developing guidelines for the implementation of the

Conference. These Guidelines are to be implemented as follows in Table 1. Although there may be some time before the Convention comes into effect, Members are advised to familiarize themselves with the requirements in that they can have a substantial effect upon vessel operations. A brief overview of the BWM Convention is provided in May 2004 issue of the Club's Currents magazine. In addition, the Club will update Members on BWM developments as they arise.



Recycling of Ships

General

In recent years, there has been a growing concern regarding ship recycling (breaking). These concerns include the transport of hazardous wastes and materials that can result in environmental damage, and concerns for worker health and safety in ship recycling countries. Consequently, in November 2003 the IMO Assembly adopted Resolution A.962(23): *IMO Guidelines on Ship Recycling*. The Guidelines are currently non-mandatory. However, it is strongly suggested that Members familiarize themselves with the Guidelines and use every effort to comply before sending ships to the breaker's yard. The Club will inform Members of future developments related to ship recycling as they become available.

Table 1: BWM Conference guidelines under development (and projected delivery date)

■ Guidelines for approval of Ballast Water Management Systems (July 2005)	■ Guidelines for sediment reception facilities (July 2005)
■ Procedures for approval of active substances (July 2005)	■ Guidelines for risk assessment (July 2005)
■ Guidelines for sampling of ballast water and analysis for Port State Control (March 2006)	■ Guidelines for additional measures including emergency situations (October 2006)
■ Ballast Water Management Plan Guidelines (July 2005)	■ Guidelines for sediment reception facilities (July 2005)
■ Guidelines for Ballast Water Exchange [Operational] (July 2005)	■ Guidelines for ballast water management equivalent compliance (July 2005)
■ Guidelines for Ballast Water Exchange Design and Construction Standards (July 2005)	■ Guidelines for ballast water reception facilities (July 2005)
■ Procedures for approval of prototype ballast water treatment technologies (October 2006)	■ Review of ballast management technologies set by the BWM Convention (July 2005)

Interagency cooperation on ship recycling

The issue of ship recycling is not only in the interest of the shipping community via IMO, but also the International Labour Organization (ILO) for worker health and safety matters, and the Basel Convention² for transport of hazardous materials between countries. An interagency working group of the IMO, ILO and Basel Convention has been established: to coordinate matters of mutual concern between agencies and recycling guidelines³; to establish means to avoid duplication of work; to facilitate the exchange of views between agencies; to consider mechanisms to jointly promoting implementation of relevant Guidelines on ship recycling, and to monitor progress of any jointly organized technical cooperation.

Development of a Ship Recycling Plan

The Working Group addressed the issue of the development of a Ship Recycling Plan and the technical considerations of preparing a ship for recycling. In principle, was agreed that such plans should include both the shipowner and recycling facility. As a result, the Working Group produced an initial outline of a ship-recycling plan. This work will be progressed at the upcoming session of the MEPC in October 2004. The Club will inform Members on these future developments.

Oil Spill Preparedness Response and Co-operation (OPRC)

Guidance on bioremediation

A new guidance document, *Guidelines Document for Decision Making and Implementation of Bioremediation in Marine Oil*

Spills, was adopted at this session of the MEPC.

Bioremediation is the act of treating waste or pollutants by the use of micro-organisms (as bacteria) to break down contaminants in an environmentally-friendly way. The Guidelines in the document provide clear criteria as to whether bioremediation is suitable for shoreline spill clean up. The Guidelines also provide information on bioremediation processes and decision-making criteria.

In addition, the revised *Manual on Chemical Pollution: Section 2: Search and Recovery of Packaged Goods Lost at Sea* was also adopted at this session of the MEPC.

1 Article 216(6)(a) of the UN Convention on Law of the Seas (UNCLOS) states, "...the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for special areas."

Article 216(6)(c) of UNCLOS states that the coastal State can "...adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels...[that] may relate to discharges or navigational practices."

2 The Basel Convention was developed to set up a framework for controlling the movement of hazardous wastes across international frontiers (particularly between OEDC and non-OEDC countries). For more information on the Basel Convention, please refer to their website at www.basel.int.

3 In addition to the IMO Guidelines on Ship Recycling, the ILO has developed the *Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey* and the Basel Convention has developed the *Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships*.

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