

8. International Maritime Organisation (IMO)

(1) General

Botswana was the latest new member to join the IMO in 2021 with its instrument of acceptance to the IMO Convention deposited on 22 October 2021. This brings the number of Member States of the IMO to 175.

Argentina became the 100th State Party to MARPOL Annex VI regulation for the prevention of air pollution from Ships bringing the coverage of these provisions to 96.65% of world merchant shipping. Argentina's instrument of accession was deposited with the IMO on 8 June 2021.

The 32nd Assembly of the IMO met at the IMO's headquarters in London from 6th to 15th December 2021. At this meeting the IMO Assembly adopted amendments to the IMO Convention to expand the size of the IMO Council. Amendments to Articles 16, 17 18, 19(b) and 81 of the IMO Convention were approved expanding the size of the IMO Council. This will involve an extra 12 seats being allocated to Category (A) members (i.e. States with the largest interest in providing international shipping services); and Category (B) members (States with the largest interest in international seaborne trade). A further 28 seats were also allocated for Category (C) members (i.e. States not in either Category (A) or (B) which have special interests in maritime transport or navigation and whose election to the Council will ensure the representation of all major geographic regions of the world). These amendments have also included consequential amendments to the term of Council members for a transitional period which will mean existing Council members will serve a four year term rather than the usual two year term to take account of the two yearly cycle of Assembly meetings. All of these changes will enter into force upon acceptance by two thirds of IMO Member States. The Assembly adopted a resolution urging members to accept the amendments as soon as possible with the goal of the entry into force by 2025.

At the same meeting the Assembly also adopted an amendment to the IMO Convention to provide that Arabic, Chinese and Russian texts of the IMO Convention be regarded as authentic texts of the treaty. This is in addition to the English, French and Spanish versions.

During this meeting, the Assembly elected the following States to be Members of its Council for the 2022-2023 Biennium:

- Category (A) 10 States with the largest interest in providing international shipping services: China, Greece, Italy, Japan, Norway, Panama, the Republic of Korea, Russian Federation, United Kingdom, and the United States;
- Category (B) 10 States with the largest interest in international seaborne trade: Australia, Brazil, Canada, France, Germany, India, The Netherlands, Spain, Sweden and the United Arab Emirates;
- Category (C) 20 States not elected under (A) or (B) above, which have a special interest in maritime transport or navigation and whose election to the Council will ensure the representation of all major geographic areas of the world: Bahamas, Belgium, Chile, Cyprus, Denmark, Egypt, Indonesia, Jamaica, Kenya, Malaysia, Malta, Mexico, Morocco, the Philippines, Qatar, Saudi Arabia, Singapore, Thailand, Turkey and Vanuatu.

An extraordinary session of the IMO Council was held from 8-12 and 22 November 2021. At this meeting the following non-governmental organisations were granted consultative status: Ballastwater Equipment Manufacturers' Association; Global TestNet; International Windship Association and the Grain and Feed Trade Association. In addition the Council decided to grant consultative status to the Inuit Circumpolar Council on a provisional basis for a period of two year after which a review would be conducted. (see <<http://www.imo.org/>>).

(2) New Instruments and Developments

The 43rd Consultative Meeting of Contracting Parties to the London Convention and the 16th Meeting of Contracting Parties to the London Protocol was held from 25-29 October 2021. One key issue considered by this meeting was a possible future ban on sewerage sludge dumping at sea which is currently permitted under both the London Convention and the London Protocol. After considering a world-wide review of current practice of managing or dumping sewerage at sea, the meeting agreed that there was sufficient evidence and justification for a further amendment to Annex 1 of the London Protocol to remove sewerage sludge from the list of permissible wastes. Any future change of the London Protocol awaits a specific future proposal from a Member State. (For further information see <http://www.imo.org/>)

(3) Marine Environment Protection Committee (MEPC)

The MEPC held its 76th session from 10 to 17 June 2021. Climate change was a major focus of this meeting. The MEPC adopted amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI that will require ships to reduce greenhouse gas emission with a particular focus on technical and operational approaches aimed at improving energy efficiency. These measures are aimed at cutting carbon intensity of all ships by at least 40% by 2030 consistent with the IMO Initial Strategy in relation to greenhouse gas emissions. These amendments establish annual operational carbon intensity indicator (CII) and CII rating for vessels. These measures will include the creation of an Energy Efficiency Existing Ship Index (EEXI) which will mandate the creation of a corrective action plan to improve energy efficiency for low rated vessels (i.e. vessels rated E on the scale A-E with E being the lowest ranking). Administrations, port authorities and stakeholders are encouraged to provide, as yet unspecified market and financial incentives to ships rated in the higher A and B categories. The amendments to MARPOL Annex VI will likely enter into force on 1 November 2022 with the requirements for energy efficiency rating and certification to come into effect from 1 January 2023. The first cycle of annual reporting is likely to be complete in 2023 with the first vessel ratings to be issued in 2024.

The MEPC also examined a number of ideas on how to progress the next stage of the IMO's work to cut greenhouse gas emissions including the revision of the IMO's initial greenhouse gas strategy in 2023.

Similarly, the MEPC adopted amendments to MARPOL Annex 1 to introduce a prohibition on the use and carriage for use as fuel of heavy fuel by ships in Arctic waters on and after 1 July 2024 with some exemptions for ships engaged in securing the safety of ships, or in search and rescue operations, and ships dedicated to oil spill preparedness and response. Ships meeting certain construction standards with regard to oil fuel tank protection will need to comply on or after 1 July 2029. A Party to MARPOL with a coastline bordering Arctic waters may temporarily waive the requirements for ships flying its flag while operating in waters subject to the party's sovereignty or jurisdiction, up until 1 July 2029

The MEPC also adopted amendments to the IMO Convention for the Control of Harmful Ant-fouling Systems on Ships, to include controls on the biocide cybutrene. A resolution was also adopted by the MEPC urging Member States and ship operators to voluntarily initiate measures including introduction of cleaner alternative fuels or methods for propulsion that are safe for ships and could contribute to the reduction of Black Carbon

emissions from ships when operating in or near the Arctic. (For further information see <<http://www.imo.org/>>).

(4) Maritime Safety Committee (MSC)

The MSC held its 103rd session from 5 to 14 May 2021 considering a wide range of issues including: COVID 19; completion of a regulatory scoping exercise on Maritime Autonomous Surface Ships; further measures to enhance the safety of ships relation to the use of oil fuel; measures to enhance maritime security; piracy and robbery against ships; domestic ferry safety; containers lost at seas and container ships fires. A similar range of issues were canvassed at the MSC 104th session held from 4-8 October 2021. There were no new initiatives specifically related to the link between maritime safety and environmental protection. For further information see <<http://www.imo.org/>>).

(5) Legal Committee

The Legal Committee held its 108th session from 26-30 July 2021. A range of issues were considered by the Legal Committee during these meetings including concerns about the increase in abandonment of seafarers during the COVID 19 pandemic; fraudulent ship registration; completion of a regulatory scoping exercise on conventions applicable to maritime autonomous surface ships; the status of ratification of the 2010 HNS Protocol and development of guidance to claimants under the International Convention on Civil Liability for Bunker Oil Pollution damage, 2001.

In relation to the regulatory scoping exercise of conventions applicable to maritime autonomous surface ships the Legal Committee endorsed the studies main conclusions that regulation of such vessels can be accommodated within existing treaties.

David Leary