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Circular Letter No.3635
22 April 2016

To: All IMO Members
Parties to the MARPOL Convention which are not Members of IMO

Subject: **Amendments to MARPOL**

1 MEPC 69 (18 to 22 April 2016) considered and approved the draft amendments to the following instruments, with a view to adoption at MEPC 70 (24 to 28 October 2016):

- .1 MARPOL Annex I, appendix II (Form B of the Supplement to the International Oil Pollution Prevention Certificate), set out in annex 1;
- .2 MARPOL Annex V (HME substances and Form of Garbage Record Book), set out in annex 2; and
- .3 MARPOL Annex VI (Data collection system for fuel consumption), set out in annex 3.

2 The Secretary-General has the honour to transmit herewith, in accordance with article 16(2)(a) of the MARPOL Convention, the text of the draft amendments referred to above, given in the annexes, with a view to their consideration for adoption at MEPC 70 in accordance with article 16(2)(b), (c) and (d) of the said Convention.

ANNEX 1

**DRAFT AMENDMENTS TO MARPOL ANNEX I, APPENDIX II
(Form B of the Supplement to the International Oil Pollution Prevention Certificate)**

**ANNEX I
REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL**

**Appendix II
Form of IOPP Certificate and Supplements**

Form B of the Supplement to the International Oil Pollution Prevention Certificate

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

Section 1 – Particulars of ship

1 Paragraphs 1.11.8 and 1.11.9 are deleted.

Section 5 – Construction (regulations 18, 19, 20, 23, 26, 27 and 28)

2 Paragraph 5.1 is replaced with the following:

"5.1 In accordance with the requirements of regulation 18, the ship is qualified as a segregated ballast tanker in compliance with regulation 18.9□"

3 Existing paragraphs 5.1.1 to 5.1.6 are deleted.

4 Paragraph 5.2 is replaced with the following:

"5.2 Segregated ballast tanks (SBT) in compliance with regulation 18 are distributed as follows:

Tank	Volume (m ³)	Tank	Volume (m ³)
		Total volume.....m³	

"

5 Existing paragraphs 5.2.1 to 5.2.3, 5.3 and 5.3.1 to 5.3.5 are deleted.

6 Existing paragraphs 5.4 and 5.4.1 to 5.4.4 are renumbered as 5.3 and 5.3.1 to 5.3.4.

7 Existing paragraphs 5.5 and 5.5.1 to 5.5.2 are deleted.

8 All subsequent paragraphs in section 5 are renumbered accordingly.

ANNEX 2

DRAFT AMENDMENTS TO MARPOL ANNEX V

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 4

Discharge of garbage outside special areas

1 In the second sentence of paragraph 1.3, the words "taking into account guidelines developed by the Organization" are replaced with "in accordance with the criteria set out in appendix I of this Annex".

2 A new paragraph 3 is added as follows:

"3 Solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea, 1974 , as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared by the shipper as to whether or not they are harmful to the marine environment*."

3 The existing paragraph 3 is renumbered as paragraph 4.

Regulation 6

Discharge of garbage within special areas

4 Paragraph 1.2.1 is replaced with the following:

"1.2.1 Cargo residues contained in hold washing water do not include any substances classified as harmful to the marine environment according to the criteria set out in appendix I of this Annex."

5 A new paragraph 1.2.2 is added as follows:

"1.2.2 Solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea, 1974 , as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared by the shipper as to whether or not they are harmful to the marine environment*."

6 A new paragraph 1.2.3 is added as follows:

"1.2.3 Cleaning agents or additives, contained in hold washing water do not include any substances classified as harmful to the marine environment taking into account guidelines developed by the Organization."

7 The existing paragraphs 1.2.2 to 1.2.4 are renumbered as paragraphs 1.2.4 to 1.2.6. The renumbered paragraph 1.2.6 is amended to read as follows:

* For ships engaged in international voyages, refer to section 4.2.3 of the International Maritime Solid Bulk Cargoes (IMSBC) Code; for ships not engaged in international voyages, other means of declaration may be used, as determined by the Administration.

"1.2.6 Where the conditions of subparagraphs .2.1 to 2.5 of this paragraph have been fulfilled, discharge of cargo hold washing water containing residues shall be made as far as practicable from the nearest land or the nearest ice shelf and not less than 12 nautical miles from the nearest land or the nearest ice shelf."

Regulation 10

Placards, garbage management plans and garbage record-keeping

8 In the chapeau of paragraph 3, the word to "appendix" is replaced with the word "appendix II".

9 Paragraph 3.2 is replaced with the following:

".2 The entry for each discharge into the sea under regulations 4, 5, 6 or section 5.2 of chapter 5 of part II-A of the Polar Code shall include date and time, position of the ship (latitude and longitude), category of the garbage and the estimated amount (in cubic metres) discharged. For discharge of cargo residues the discharge start and stop positions shall be recorded in addition to the foregoing;

10 After the existing paragraph 3.2, new paragraphs 3.3 and 3.4 are inserted as follows:

".3 The entry for each completed incineration shall include date and time and position of the ship (latitude and longitude) at the start and stop of incineration, categories of garbage incinerated and the estimated amount incinerated for each category in cubic metres;

".4 The entry for each discharge to a port reception facility or another ship shall include date and time of discharge, port or facility or name of ship, categories of garbage discharged, and the estimated amount discharged for each category in cubic metres;"

11 The existing paragraph 3.3 is renumbered as 3.5 and between the words "Book" and "shall", the words "along with receipts obtained from reception facilities" are inserted.

12 The existing paragraph 3.4 is renumbered as 3.6 and is replaced with the following:

".6 In the event of any discharge or accidental loss referred to in regulation 7 of this Annex an entry shall be made in the Garbage Record Book, or in the case of any ship of less than 400 gross tonnage, an entry shall be made in the ship's official log-book of the date and time of occurrence, port or position of the ship at time of occurrence (latitude, longitude and water depth if known, the reason for the discharge or loss, details of the items discharged or lost, categories of garbage discharged or lost, estimated amount for each category in cubic metres, reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks."

13 A new appendix I is added as follows and the existing appendix is renumbered as appendix II:

"APPENDIX I

Criteria for the classification of solid bulk cargoes as harmful to the marine environment

1 For the purpose of this Annex, cargo residues are considered to be harmful to the marine environment, if they are residues of solid bulk cargoes which are classified according to the criteria of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) meeting the following parameters¹:

- .1 Acute Aquatic Toxicity Category 1; and/or
- .2 Chronic Aquatic Toxicity Category 1 or 2; and/or
- .3 Carcinogenicity² Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .4 Mutagenicity² Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .5 Reproductive Toxicity² Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .6 Specific Target Organ Toxicity Repeated Exposure² Category 1 combined with not being rapidly degradable and having high bioaccumulation; and/or
- .7 Solid bulk cargoes containing or consisting of synthetic polymers, rubber, plastics, or plastic feedstock pellets (this includes materials that are shredded, milled, chopped or macerated or similar materials)."

14 Section 3 of the renumbered appendix II is replaced with the following:

"3 Description of the garbage

Garbage is to be grouped into categories for the purposes of recording in parts I and II of the Garbage Record Book (or ship's official log-book) as follows:

Part I

- | | |
|---|-----------------|
| A | Plastics |
| B | Food wastes |
| C | Domestic wastes |

¹ The criteria are based on UN GHS. For specific products (e.g. metals and inorganic metal compounds) guidance available in UN GHS, annexes 9 and 10 are essential for proper interpretation of the criteria and classification and should be followed.

² Products that are classified for Carcinogenicity, Mutagenicity, Reproductive toxicity or Specific Target Organ Toxicity Repeated Exposure for oral and dermal hazards or without specification of the exposure route in the hazard statement.

- D Cooking oil
- E Incinerator ashes
- F Operational wastes
- G Animal carcass(es)
- H Fishing gear
- I Electronic waste

Part II

Cargo residues"

15 The Record of Garbage Discharges in the renumbered appendix II is replaced with the following:

"RECORD OF GARBAGE DISCHARGES

PART I

For all garbage other than cargo residues as defined in regulation 1.2 (definitions)

Ship's name	Distinctive number or letters	IMO number
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Garbage Categories

A-Plastics	B-Food waste	C-Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery etc.)			
D-Cooking oil	E-Incinerator ashes	F-Operational wastes	G-Animal carcasses	H-Fishing gear	
I-Electronic waste					

Operational discharges under MARPOL Annex V regulations 4 (outside special areas), 5 (fixed and floating platforms) or 6 (special areas) or chapter 5 of part II-A of the Polar Code

Date/ Time	Position of the ship (latitude/ longitude) or port if disposed of ashore or name of ship if discharged to another ship	Category	Estimated amount discharged		Estimated amount incinerated (m ³)	Remarks:(e.g. start/stop time and position of incineration; general remarks)	Certification/ Signature
			Into sea (m ³)	To reception facilities or to another ship (m ³)			
/							
:							
/							
:							
/							
:							

Exceptional discharge or loss of garbage under regulation 7

Date/ Time	Port or position of the ship (latitude/ longitude and water depth if known)	Category	Estimated amount lost or discharged (m ³)	Remarks on the reason for the discharge or loss and general remarks (e.g. reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks)	Certification/ Signature
/ :					
/ :					

Master's signature: _____ Date: _____

PART II

For all cargo residues as defined in regulation 1.2 (definitions)

Ship's name	Distinctive number or letters	IMO number
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Operational discharges under regulations 4 and 6

Date/ Time	Position of the ship (latitude/ longitude) or port if disposed of ashore	HME Yes/No	Estimated amount discharged		Start and stop positions of the ship for discharges into the sea	Certification/ Signature
			Into sea (m ³)	To reception facilities or to another ship (m ³)		
/ :						
/ :						
/ :						
/ :						

Master's signature: _____ Date: _____ "

ANNEX 3

DRAFT AMENDMENTS TO MARPOL ANNEX VI (Data collection system for fuel consumption)

Regulation 1

Application

1 The reference to "regulations 3, 5, 6, 13, 15, 16, 18, 19, 20, 21 and 22" is replaced with "regulations 3, 5, 6, 13, 15, 16, 18, 19, 20, 21, 22 and 22A".

Regulation 2

Definitions

2 After existing paragraph 47, new paragraphs 48 and 49 are added as follows:

"48 *Calendar year* means the period from 1 January until 31 December."

"49 *Registered owner* means the owner specified on a ship's certificate of registry issued by the Administration."

Regulation 3

Exceptions and exemptions

3 In chapeau of paragraph 2, between existing sentences 2 and 3, a new sentence is added as follows:

"A permit under this regulation 3.2 shall not exempt a ship from the reporting requirement under regulation 22A and shall not alter the type and scope of data that is required to be reported under regulation 22A."

Regulation 5

Surveys

4 At the end of paragraph 4.3, new text is added as follows:

"and has been revised appropriately to reflect the major conversion in those cases where the major conversion affects data collection methodology and/or reporting processes;"

5 A new paragraph 4.5 is inserted as follows:

".5 The Administration shall ensure that for each ship the SEEMP complies with regulation 22.2 of this Annex. This shall be done prior to collecting data under regulation 22A of this Annex in order to ensure the process is in place prior to the beginning of the ship's first reporting period. Confirmation of compliance shall be provided to the ship".

Regulation 6

Issue or endorsement of Certificates

6 After existing paragraph 5, new paragraphs 6 and 7 are added as follows:

"Statement of Compliance

6 Upon receipt of reported data pursuant to regulation 22A.3 of this Annex, the Administration or any organization duly authorized by it shall determine whether the data has been reported in accordance with regulation 22A of this Annex and, if so, issue a Statement of Compliance to the ship no later than five months from the beginning of the calendar year. In every case, the Administration assumes full responsibility for the Statement of Compliance.

"7 Upon receipt of reported data pursuant to regulations 22A.4, 22A.5 or 22A.6 of this Annex, the Administration or any organization duly authorized by it shall promptly determine whether the data has been reported in accordance with regulation 22A and, if so, issue a Statement of Compliance to the ship at that time. In every case, the Administration assumes full responsibility for the Statement of Compliance."

Regulation 8

Form of Certificates

7 After existing paragraph 2, new paragraph 3 is added as follows:

"Statement of Compliance

3 The Statement of Compliance pursuant to regulations 6.6.1 and 6.6.2 of this Annex shall be drawn up in a form corresponding to the model given in appendix X to this Annex and shall be at least in English, French, or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy."

Regulation 9

Duration and validity of Certificates

8 After existing paragraph 11, new paragraph 12 is added as follows:

"Statement of Compliance

12 The Statement of Compliance pursuant to regulation 6.6.1 of this Annex shall be valid for the calendar year in which the Statement of Compliance is issued and for the first five months of the following calendar year. The Statement of Compliance pursuant to regulation 6.6.2 of this Annex shall be valid for the calendar year in which the statement of compliance is issued, for the following calendar year, and for the first five months of the subsequent calendar year. All Statements of Compliance shall be kept on board for at least the period of their validity."

Regulation 10

Port State control on operational requirements

9 In paragraph 5, the words "Statement of Compliance and" are inserted before the words "International Energy Efficiency Certificate".

Regulation 22

Ship Energy Efficiency Management Plan (SEEMP)

10 After existing paragraph 1, new paragraph 2 is inserted as follows and existing paragraph 2 is renumbered as paragraph 3:

"2 Beginning [DATE], the SEEMP shall include a description of the methodology that will be used to collect the data required by regulation 22A.1 of this Annex and the processes that will be used to report the data to the ship's Administration."

11 After existing regulation 22, new regulation 22A is inserted as follows:

"Regulation 22A

Collection and reporting of ship fuel consumption data

1 Beginning with calendar year [20XX] each ship of 5,000 GT and above shall collect the data specified in appendix IX to this Annex, according to the methodology included in the SEEMP.

2 Except as provided for in paragraphs 4, 5 and 6 of this regulation, at the end of each calendar year the ship shall aggregate the data collected in that calendar year.

3 Except as provided for in paragraphs 4, 5 and 6 of this regulation, within three months after the end of each calendar year, the ship shall report to its Administration or any organization duly authorized by it the aggregated value for each datum specified in appendix IX to this Annex, via electronic communication and using a standardized format developed by the Organization.

4 Prior to transfer of a ship from one Administration to another, the ship shall report to its Administration the aggregated data for the period of the calendar year corresponding to that Administration, as specified in appendix IX to this Annex and, upon request of its Administration, the disaggregated data.

5 Prior to change from one registered owner to another, the ship shall report to its Administration the aggregated data for the period of the calendar year corresponding to the owner, as specified in appendix IX to this Annex and, upon request of its Administration, the disaggregated data.

6 In the event of change from one Administration to another and from one registered owner to another concurrently, paragraph 4 of this regulation shall apply.

7 The data shall be verified according to procedures established by the Administration, taking into account guidelines developed by the Organization.

8 Except as provided for in paragraphs 4, 5 and 6 of this regulation, the disaggregated data that underlies the reported data noted in appendix IX to this Annex for the previous calendar year shall be readily accessible for a period of not less than 12 months from the end of the most recent calendar year and be made available to the Administration upon request.

9 Administrations shall ensure that the reported data noted in appendix IX to this Annex by its registered ships of 5,000 GT and above are transferred to the IMO Ship Fuel Consumption Database via electronic communication and using a standardized format developed by the Organization no later than one month after issuing the Statements of Compliance of these ships.

10 On the basis of the reported data submitted to the IMO Ship Fuel Consumption Database, the Secretary-General of the Organization shall produce an annual report to the Marine Environment Protection Committee summarizing the data

collected, the status of missing data, and such other relevant information as requested by the Committee.

11 The Secretary-General of the Organization shall maintain an anonymized database such that identification of a specific ship will not be possible; Parties shall have access to the anonymized data strictly for their analysis and consideration.

12 The IMO Ship Fuel Consumption Database shall be undertaken and managed by the Secretary-General of the Organization, pursuant to guidelines developed by the Organization."

12 New appendices IX and X are inserted after existing appendix VIII as follows:

"Appendix IX

Information to be submitted to the IMO Ship Fuel Consumption Database

Identity of the ship

IMO number

Technical characteristics of the ship

Ship type

GT²

NT³

DWT⁴

Power output (rated power) of main and auxiliary engines (kW)

EEDI (if applicable)

Ice class (if applicable)⁵

Fuel consumption, by fuel type, in metric tonnes and methods used for collecting fuel consumption data

Distance travelled⁶ from berth to berth, hours not at berth

Appendix X

Form of Statement of Compliance – Fuel Consumption Reporting

STATEMENT OF COMPLIANCE – FUEL CONSUMPTION REPORTING

Issued under the provisions of the Protocol of 1997, as amended by resolution MEPC.XXX(XX), to amend the International Convention for the Prevention of Pollution by Ships, 1973, as

² GT should be calculated in accordance with the International Convention on Tonnage Measurement of Ships (ITC 1969). If not applicable, note "N/A".

³ NT should be calculated in accordance with the International Convention on Tonnage Measurement of Ships (ITC 1969). If not applicable, note "N/A".

⁴ DWT means the difference in tonnes between the displacement of a ship in water of relative density of 1,025 kg/m³ at the summer load draught and the lightweight of the ship. The summer load draught should be taken as the maximum summer draught as certified in the stability booklet approved by the Administration or an organization recognized by it. If not applicable, note "N/A".

⁵ Ice class should be consistent with the definition set out in the *International Code for Ships Operating in Polar Waters (Polar Code)*, resolution MSC.385(94).

⁶ Distance travelled should be defined as distance travelled through the water in accordance with SOLAS chapter V.

modified by the Protocol of 1978 related thereto (hereinafter referred to as "the Convention")
under the authority of the Government of:

.....
(full designation of the Party)

by
*(full designation of the competent person or
organization authorized under the provisions of
the Convention)*

Particulars of ship⁷

Name of ship

Distinctive number or letters.

IMO Number⁸

Port of registry

Gross tonnage.

THIS IS TO CERTIFY:

1. That the ship has submitted to this Administration the data required by regulation 22A of the Convention, covering ship operations from DD/MM 20XX through DD/MM 20XX; and
2. The data was collected and reported in accordance with the methodology and process set out in the ship's SEEMP that was in effect over the period from DD/MM 20XX through DD/MM 20XX.

Issued at:
(place of issue of Statement)

Date (dd/mm/yyyy)

(date of issue)

*(signature of duly authorized office
issuing the Statement)*

(seal or stamp of the authority, as appropriate)"

⁷ Alternatively, the particulars of the ship may be placed horizontally, in boxes.

⁸ In accordance with the *IMO ship identification number scheme*, adopted by the Organization by resolution A.600(15).