

MARINE ENVIRONMENT PROTECTION
COMMITTEE
2nd extraordinary session
Agenda item 2

MEPC/ES.2/2/13
25 August 2025
Original: ENGLISH
Pre-session public release:

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

**Proposed additions to the text of the draft MEPC resolution for the adoption of the
amendments to MARPOL Annex VI**

Submitted by Marshall Islands, Mexico, Palau, Solomon Islands, Tuvalu, and Vanuatu

SUMMARY

Executive summary: This submission provides comments on document MEPC/ES.2/2 (Secretariat), and proposes additions to the draft MEPC resolution contained in the annex, providing comments and proposals to ensure consistency and alignment with commitments already made by IMO and its Member States, taking into account current developments in global efforts to address climate change and environmental degradation.

*Strategic direction,
if applicable:* 3

Output: 3.2

Action to be taken: Paragraph 13

Related documents: MEPC/ES.2/2, MEPC/ES.2/2/10; MEPC 83/7; ISWG-GHG 18/2/6, ISWG-GHG 18/2/20; resolutions MEPC.203(62), MEPC.304(72), MEPC.328(76) and MEPC.377(80) and Circular Letter No.5005

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of 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.6) and provides comments on document MEPC/ES.2/2 (Secretariat).

2 At MEPC/ES.2, IMO Member States will consider the draft Revised MARPOL Annex VI 2025 which the Committee has worked on for the past several years. The short-term (STM) and mid-term measures (MTM) are critical for the world, but especially the most vulnerable, whose vulnerabilities lie at the intersection of maritime transport dependency and the impacts of climate change. These vulnerable Member States, in particular small island developing States (SIDS) and least developed countries (LDCs), have long called for a just and equitable transition, leaving no country behind. In recognition of this, the need to contribute to a just and equitable transition is contained both within the *2023 IMO Strategy on Reduction*

of *GHG Emissions from Ships* (resolution MEPC.377(80)), and the goal of the new chapter 5 in regulation 31 of the draft amendments to MARPOL Annex VI (Circular Letter No.5005).

3 Document MEPC/ES.2/2, contains in its annex a draft MEPC resolution for adopting the proposed amendments, as well as the text of MARPOL Annex VI as it will appear following amendments. This commenting document focuses on the draft MEPC resolution and provides comments and proposals to ensure consistency and alignment with commitments already made by IMO and its Member States. This does not exclude any other appropriate addition.

Discussion

Preambular clauses

4 The co-sponsors recall the previous resolutions connected to the development of the STM and MTM, in particular: *Inclusion of regulations on energy efficiency for ships in MARPOL Annex VI* (resolution MEPC.203(62)), the *Initial IMO Strategy on reduction of GHG emissions from ships* (resolution MEPC.304(72)), the *2021 Revised MARPOL Annex VI* (resolution MEPC.328(76)), and the adoption of the *2023 IMO Strategy on Reduction of GHG Emissions from Ships* (resolution MEPC.377(80)).

5 These resolutions offer valuable insights on the type of pertinent preambular clauses which the Committee has developed to date. In these, and other similar resolutions, the Committee has recalled and made reference to the most pertinent MEPC and IMO documents, as well as other international frameworks and conventions which are directly related to the work undertaken. For example, resolutions MEPC.328(76) and MEPC.377(80) both recalled the adoption of the then *Initial IMO strategy on reduction of GHG emissions from ships*. In order to place the adoption of the IMO Net-Zero Framework in the appropriate context, reference to the *2023 IMO Strategy on Reduction of GHG Emissions from Ships* is required.

6 Resolutions MEPC.203(62), MEPC.304(72) and MEPC.377(80) contain references to relevant concurrent commitments in international frameworks such as the 2030 Agenda for Sustainable Development, the United Nations Framework Convention on Climate Change (UNFCCC), and the Paris Agreement adopted at the UN Climate Change Conference (COP 21). The current draft MEPC resolution should note several recent developments in the international environmental and climate change fora. For example, the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ) has been finalized and adopted. Furthermore, the International Court of Justice (ICJ) recently delivered its Advisory Opinion on the Obligations of States in respect of Climate Change, which characterised climate obligations as obligations "*erga omnes*" arising from customary international law. The ICJ noted that these obligations require climate change prevention, international cooperation and equity. The STM and MTM are IMO's contribution to the overall effort to tackle anthropogenic GHG emissions, and the environmental and climate degradation that they cause. As such, IMO must be aligned with these broader international norms and parallel efforts to address climate change.

7 Lastly, the International Tribunal for the Law of the Sea (ITLOS) also delivered its advisory opinion clarifying that anthropogenic GHG emissions amounted to "pollution of the marine environment under UNCLOS". It also made clear that a due diligence obligation existed under Article 194(1) of UNCLOS for States to "take all necessary measures" to prevent, reduce, and control marine pollution from anthropogenic emissions. It further emphasized the general obligation to safeguard and conserve the marine environment (Article 192) and the specific commitments to monitor risks (Article 204), carry out environmental impact

assessments (Article 206) and cooperate globally (Article 197) in combating pollution of the marine environment.

Operative clauses

8 IMO Member States agreed to levels of ambition, including indicative checkpoints, to reduce the total annual GHG emissions from international shipping by at least 20%, striving for 30%, by 2030, and at least 70%, striving for 80%, by 2040. In addition, IMO Member States agreed that the MTM "should effectively promote the energy transition of shipping and provide the world fleet with a needed incentive while contributing to a level playing field and a just and equitable transition."

9 Furthermore, given the far-reaching consequences of the MTM on the maritime workforce, and their impacts (especially disproportionately negative impacts) on developing countries, in particular SIDS and LDCs, an acknowledgement similar to that made in resolution MEPC.377(80), must be included here. It would be consistent to make such an acknowledgement in the Revised MARPOL Annex VI 2025 adopting resolution, especially in light of the recent ICJ Advisory Opinion which indicates the particular obligations of all States towards the most vulnerable ones.

10 Finally, in view of the need for timely action by IMO in ensuring that impacts on the most vulnerable are addressed from the outset of the implementation of the measures, it is appropriate for MEPC to request the Secretary General, and invite Member States and other international organizations and relevant bodies, to support preparation for the implementation of the measures.

Proposal

11 In the view of the foregoing, the co-sponsors propose that the following additions be made to the draft Revised MARPOL Annex VI 2025 cover resolution. In the preambular clauses, the following are proposed for addition after the second preambular clause:

"RECALLING FURTHER that the Committee, at its eightieth session (MEPC 80) in July 2023, adopted by resolution MEPC.377(80) the 2023 IMO Strategy on Reduction of GHG Emissions from Ships,

NOTING that under the 2023 IMO Strategy on Reduction of GHG Emissions from Ships IMO remains committed to reducing GHG emissions from international shipping and, as a matter of urgency, aims to phase them out as soon as possible, while promoting, in the context of this Strategy, a level playing field and a just and equitable transition,

NOTING ALSO that the 2023 IMO Strategy on Reduction of GHG Emissions from Ships includes levels of ambition related to the carbon intensity of international shipping, the uptake of zero or near-zero GHG emission technologies, fuels and/or energy sources, and reducing total annual GHG emissions from international shipping, by at least 20%, striving for 30%, by 2030, and at least 70%, striving for 80%, by 2040,

RECOGNIZING that the adoption of the amendments to MARPOL Annex VI and the inclusion of a new chapter 5 intend to deliver on the reduction targets set out in the 2023 IMO Strategy on Reduction of GHG Emissions from Ships, effectively promoting the energy transition of shipping and providing the world fleet with a needed incentive while contributing to a level playing field and a just and equitable transition,

ACKNOWLEDGING the recent Advisory Opinion of the International Tribunal for the Law of the Sea, which clarified that anthropogenic GHG emissions constitute pollution of the marine environment and that States Parties must take all necessary measures to prevent, reduce and control pollution of the marine environment from any source, and the recent Advisory Opinion of the International Court of Justice on Obligations of States in respect of Climate Change, which recognized, inter alia, the customary international legal status of climate change obligations and the particular legal duties of all states towards the most vulnerable,

ACKNOWLEDGING ALSO the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction,"

12 It is further proposed that the following paragraphs be added under the operative clauses after the currently proposed clause 3:

"3bis ACKNOWLEDGES the challenges that developing countries, in particular least developed countries (LDCs) and small island developing States (SIDS), may face in the implementation of the said 2025 Revised MARPOL Annex VI;

3ter ALSO ACKNOWLEDGES the importance of addressing the human element, including the impact on seafarers and other maritime professionals, in the safe implementation of the said 2025 Revised MARPOL Annex VI;

3quater AGREES that upon its acceptance in accordance with paragraph 2 above, the said Revised MARPOL Annex VI 2025 shall be implemented to deliver on the reduction targets set out in the 2023 IMO Strategy on Reduction of GHG Emissions from Ships, effectively promoting the energy transition of shipping and providing the world fleet with a needed incentive while contributing to a level playing field and a just and equitable transition;

3quinquies INVITES Member States, international organizations and other relevant bodies to cooperate to support and prepare for timely and effective implementation of the Revised MARPOL Annex VI 2025, including through support to Member States and REQUESTS the Secretary General to facilitate this cooperation.

Action requested of the Committee

13 The Committee is invited to consider the information and proposals set out in this document, in particular the proposed additions in paragraphs 11 and 12, and take action as appropriate.