

MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 4

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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Draft MEPC resolution on implementation of the BWM Convention

Note by the Secretariat

1 The Committee approved draft amendments to regulation B-3, for circulation in accordance with article 19 of the BWM Convention immediately after the entry into force of the Convention, with a view to their adoption at MEPC 72. The text of the draft amendments, together with the associated draft MEPC resolution on determination of the date referred to in regulation B-3 is set out in annex 1.

2 As requested, the Secretariat has also prepared a draft MEPC resolution on the implementation of the BWM Convention, with the view to facilitating the smooth and uniform implementation of the above-mentioned amendments, as set out in annex 2.

Action requested of the Committee

3 The Committee is invited to consider, with a view to adoption, the draft MEPC resolution on the implementation of the BWM Convention, set out in annex 2.

ANNEX 1

DRAFT AMENDMENTS TO REGULATION B-3 OF THE BWM CONVENTION AND ASSOCIATED DRAFT MEPC RESOLUTION

Regulation B-3 is replaced with the following:

"Regulation B-3

Ballast Water Management for Ships

- 1 A ship constructed before 2009:
 - .1 with a ballast water capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10, after which time it shall at least meet the standard described in regulation D-2;
 - .2 with a ballast water capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10 after which time it shall at least meet the standard described in regulation D-2.
- 2 A ship constructed in or after 2009 and before 8 September 2017 with a ballast water capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.
- 3 A ship constructed in or after 2009, but before 2012, with a ballast water capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.
- 4 A ship constructed in or after 2012 and before 8 September 2017 with a ballast water capacity of 5,000 cubic metres or more shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.
- 5 A ship constructed on or after 8 September 2017 shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.
- 6 The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.
- 7 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

- 8 A ship constructed before 8 September 2017 to which the renewal survey described in paragraph 10 does not apply, shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date decided by the Administration, but not later than **8 September 2024**.
- 9 A ship subject to paragraphs 2, 4 or 8 will be required to comply with either regulation D-1 or regulation D-2, until such time as it is required to comply with regulation D-2.
- 10 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 or 4 is:
- .1 the first renewal survey as determined by the Committee following the date of entry into force of the Convention if:
 - .1 this survey is completed on or after 8 September 2019; or
 - .2 this survey is completed on or after 8 September 2014 but prior to 8 September 2017;
 - .2 the second renewal survey as determined by the Committee following the date of entry into force of the Convention if the first renewal survey following the date of entry into force of the Convention is completed prior to 8 September 2019, provided that the conditions of paragraph 10.1.2 are not met."

**DRAFT MEPC RESOLUTION ON DETERMINATION OF THE DATE REFERRED
TO IN REGULATION B-3, AS AMENDED, OF THE BWM CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING resolution MEPC.[...()], by which it adopted, inter alia, amendments to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the BWM Convention),

NOTING ALSO that regulation B-3.10 of the BWM Convention, as amended, states that the Committee shall determine the date of the renewal survey for which paragraphs 1.1, 1.2, 2 and 4 of regulation B-3 of the BWM Convention shall apply,

DETERMINES that the renewal survey in regulation B-3.10 of the BWM Convention is the renewal survey for the ship associated with the International Oil Pollution Prevention Certificate pursuant to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL), Annex I, after the date of entry into force of the BWM Convention.

ANNEX 2

RESOLUTION MEPC.[...](71) Adopted on 7 July 2017

IMPLEMENTATION OF THE BWM CONVENTION

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the function of the Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Convention) together with four conference resolutions,

NOTING that the entry-into-force conditions of the Convention were met on 8 September 2016 and that it will consequently enter into force on 8 September 2017,

BEING COGNIZANT of the fact that by the date of its entry into force more than 13 years will have elapsed since the adoption of the Convention,

NOTING that [60] States, the combined merchants fleets of which constitute approximately [68]% of the gross tonnage of the world's merchant shipping, have acceded to the Convention as of [7 July 2017],

BEING CONSCIOUS of the need to provide certainty and confidence in the application of the Convention, thereby assisting shipping companies, shipowners, managers and operators, as well as the shipbuilding and equipment manufacturing industries, in the timely planning of their operations, and to encourage the early installation of ballast water management systems,

BEARING IN MIND that the International Conference on Ballast Water Management for Ships adopted regulation B-3 (Ballast Water Management for Ships) of the Convention to ensure a smooth transition to the ballast water performance standard described in regulation D-2 between the years 2009 and 2019,

RECOGNIZING that time has elapsed since adoption of the Convention, which has resulted in uncertainty for ships regarding the application of regulation B-3 and that such uncertainty can be mitigated through the application of an appropriate timeline for implementing regulations D-1 (Ballast Water Exchange Standard) and D-2 (Ballast Water Performance Standard), upon entry into force of the Convention,

RECALLING that the Assembly, at its twenty-eighth session, adopted resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, and requested it to keep the resolution under review and report back to the Assembly as appropriate,

HAVING APPROVED, at its seventy-first session, draft amendments to regulation B-3 of the Convention (MEPC 71/17, annex [...]) with a view to adoption at its seventy-second session,

1 REQUESTS the Secretary-General to circulate the draft amendments to regulation B-3, in accordance with article 19 of the Convention, to all Parties to the Convention and to all Members of the Organization immediately after the entry into force of the Convention;

2 RESOLVES that, in lieu of the implementation schedule recommended in resolution A.1088(28) and notwithstanding the schedule set forth in regulation B-3 of the Convention, the Parties should implement the draft amended regulation B-3 (MEPC 71/17, annex [...]) immediately after entry into force of the Convention, with a view to avoiding the creation of a dual treaty regime during the time period between the entry into force of the Convention and the entry into force of the amended regulation B-3;

3 URGES States which have not yet acceded to the Convention to do so as soon as possible, in the understanding that the requirements of the amended regulation B-3 will be implemented upon the entry into force of the Convention;

[4 REAFFIRMS the agreement reached at its sixty-eighth session, as contained in the Roadmap for the implementation of the Convention, regarding the provisions for non-penalization of early movers that have installed ballast water management systems approved in accordance with the *Guidelines for approval of ballast water management systems* (G8) (resolution MEPC.174(58), subsequently superseded by resolution MEPC.279(70)).]

5 AGREES that this resolution supersedes resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
