



TECHNICAL CIRCULAR No. 188 of 3RD April 2014

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	BALAST WATER CONVENTION –Problems to be addressed to IMO MEPC
Reference	BWC , IMO MEPC

In advance of next week's meeting of the IMO Marine Environment Protection Committee (MEPC), the International Chamber of Shipping (ICS) has suggested a number of steps by which IMO Member States might address implementation problems associated with the Ballast Water Management Convention, which has yet to enter into force.

As previously highlighted in a submission to the MEPC (made by ICS in conjunction with other international shipowners' organizations), the implementation problems which ICS urgently seeks to address include the lack of robustness of the current IMO type-approval process for new treatment equipment, and the criteria to be used for sampling ballast water during Port State Control inspections. ICS believes that the legal changes needed to make the ballast regime fit for purpose are relatively straight forward and could be agreed in principle quickly by IMO Member States. ICS has therefore suggested that the MEPC might agree a 'road map' using the mechanism of an MEPC Resolution which - if agreed - could make it easier for additional IMO Member States to decide to ratify the Convention.

ICS suggests that the proposed MEPC Resolution might take into account the following provisions and understandings:

Before the Convention enters into force

1. Agreement should be sought amongst Parties so that the G8 Guidelines will be given a mandatory status, as soon as possible after the Convention enters into force and amendments can be adopted;
2. A comprehensive and exhaustive review of the G8 type-approval Guidelines should be undertaken and that this review of the G8 Guidelines should commence before the Convention enters into force; and
3. In the interim, the existing G8 guidelines would apply, on the understanding that they will be fully adhered to pending any change to mandatory status as soon as possible after the Convention enters into force.

After the Convention enters into force

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4. 'First generation' type-approved equipment, installed in good faith prior to the Convention entering into force and before the G8 Guidelines have been reviewed and amended, should be grandfathered for the life of the ship, and a new category of 'gross non-compliance' be defined and applied to these systems to allow for some variation in treatment efficacy during normal operation;

5. Agreement should be sought amongst Parties so that, as soon as the Convention has entered into force, the agreed fixed period moratorium on non-compliance penalties during the sampling and analysis 'test period' will be viewed as an experience-building phase, not as a vehicle to ban type approved equipment already fitted;

6. During the fixed period moratorium as has been agreed, penalties should be limited to deliberate attempts at non-compliance;

7. It should be recognized that many perceived problems would be avoided if, as soon as the Convention enters into force:

- Convention Article 9 'Inspection of Ships' was amended by repositioning 1.c 'sampling of ships ballast water' to paragraph 2 which determines actions following 'clear grounds'.
- This is to show that inspection for compliance should start with the type- approval of the equipment and records of its correct operation. Only after clean grounds for non- compliance have been established should sampling of ballast water by port State Control be necessary or appropriate. This would bring PSC inspection criteria in line with all other regulations; and
- That clarification is needed that the port State control regime is intended to monitor for diligent application of the BWM Convention provisions. It is not intended to penalize owners who in good faith have fitted and conscientiously operate type-approved equipment correctly.

ICS fervently hopes that MEPC 66 will consider the adoption of a resolution along the lines described above. Following the adoption at MEPC of such a resolution then the ICS Board will be invited to review its position on recommending ratification.

REFERENCES:

- BWC , IMO MEPC

ATTACHMENTS: No.

Kindest Regards,

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