

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
77th session  
Agenda item 4

MEPC 77/4/7  
14 September 2021  
Original: ENGLISH  
Pre-session public release:

## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

### Proposal to extend the experience-building phase (EBP)

Submitted by ICS, BIMCO, IACS, INTERTANKO and INTERCARGO

#### SUMMARY

*Executive summary:* This document provides information on the status of the experience-building phase (EBP) associated with the Ballast Water Management (BWM) Convention, and proposes to extend the EBP in order to provide sufficient time for the various stages of the EBP to be effective and ensure follow-up decisions relating to a review of the BWM Convention are meaningful and based on sufficient feedback and data

*Strategic direction, if applicable:* 1

*Output:* 1.24

*Action to be taken:* Paragraph 14

*Related documents:* Resolution MEPC.290(71); BWM.2/Circ.67; Circular Letter No.3913 and MEPC 76/4/3

#### Background

1 The Marine Environment Protection Committee (MEPC), at its seventy-first session (3 to 7 July 2017), adopted resolution MEPC.290(71), establishing the experience-building phase (EBP) associated with the BWM Convention, to allow MEPC to monitor and improve the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* (BWM Convention).

2 MEPC 72 (9 to 13 April 2018) considered and approved the data gathering and analysis plan (DGAP) for the EBP associated with the BWM Convention (BWM.2/Circ.67) and requested the Secretariat to initiate the necessary actions for the implementation of the EBP. MEPC 74 (13 to 17 May 2019) approved the revised data gathering and analysis plan (DGAP) for the EBP associated with the BWM Convention (BWM.2/Circ.67/Rev.1). Member States and international organizations were encouraged to use the plan to gather, prepare and submit data as part of the EBP.

3 The Secretariat developed a new tab to accommodate the EBP in the Ballast Water Management module in the Global Integrated Shipping Information System (GISIS), structured in accordance with the interfaces in the approved DGAP. The new tab was launched in December 2018, allowing Member States to start providing data, as advised through Circular Letter No.3913.

### **Structure of the EBP**

4 The EBP is divided into three stages: data gathering, data analysis and convention review stages. It is intended that at the end of the EBP, based on the feedback and data gathered, any necessary amendments would be identified, and proposals made to modify the BWM Convention.

5 There are certain non-penalization measures that are in place during the EBP. These measures are intended to recognize and address concerns expressed by the shipping industry regarding the potential penalization of shipowners and operators during the implementation of the Convention due to non-compliance with the ballast water performance standard described in regulation D-2 of the Convention despite the use of an approved ballast water management system (BWMS). The measures also recognize the need to protect the environment, human health, property and resources in port States from the discharge of non-compliant ballast water. These non-penalization measures will come to end with the completion of the EBP.

### **Status of the various phases of EBP**

6 As per the initial timeline for the EBP as described in BWM.2/Circ.67 and BWM.2/Circ.67/Rev.1, three years of data should have been gathered and a draft analysis report of the gathered data should have been completed. BWM.2/Circ.67/Rev.1 contains a timeline for planned activities.

7 At the time of MEPC 76 taking place, three and a half years after the start of the EBP, only four Member States in total had submitted data to the GISIS platform. This dataset represents a very limited number of ships. Moreover, when it comes to the specific reports to date, not all the required information seems to have been submitted. For example, the requested flag State, port State, trial period and stakeholder reports have all been submitted by one Member State only. Supplementary reports represent a very small sample size. The table in the annex to this submission provides the information contained in document MEPC 76/4/3 detailing the reports made and held in the GISIS database at the time of MEPC 76.

8 It was envisaged at the time of MEPC 71 in 2017 that during the period of the EBP Member States and port State control (PSC) organizations would have been gathering significant levels of feedback and data in relation to the implementation of the BWM Convention which could be fed back to IMO as part of the EBP including feedback on compliance with regulation D-2 which would provide important feedback on the biological efficacy of approved BWMS. The levels of feedback and data have not materialized as described in paragraph 7 above. Noting the annual reports from the PSC MOUs contained in submissions to the seventh session of the Implementation of IMO Instruments Sub-Committee (III 7) (12 to 16 July 2021), it can be seen that inspection levels have dropped globally due to the COVID-19 pandemic and the restrictions it has imposed on access to ships. A number of onboard inspections have also been replaced by remote inspections. In conclusion it is reasonable to assume that the COVID-19 pandemic may have significantly impacted on planned numbers of onboard inspections and their scope relating to the BWM Convention over the last two years since the pandemic began.

9 The co-sponsors are concerned that the data received, due to the limited information provided, will be insufficient to use as a basis for decision-making and concluding specifically on whether or not amendments are needed to be made to the BWM Convention, BWMS Code and/or any associated guidelines. It is believed that the limited quantity of submitted data cannot form a solid basis for a preliminary analysis to be carried out by the IMO Secretariat.

10 To support and complement the above-mentioned work, the IMO Secretariat has entered into an agreement with the World Maritime University (WMU) to gather data, analyse the gathered data, and develop an analysis report to be submitted to MEPC 78.

### **Proposal**

11 The co-sponsors find, based on the EBP timeline table in BWM.2/Circ. 67/Rev.1 and information obtained in the GISIS platform (as set out in the annex), that the EBP has been effectively delayed by approximately three years which may in part be due to the impact of the ongoing COVID-19 pandemic on the numbers and scope of inspections onboard ships over the last two years. It is envisaged it will be extremely challenging to meaningfully complete the EBP within the present timeline and for sufficient data to be gathered and reported. The co-sponsors are concerned that, with the limited amount of data received so far, the data analysis stage cannot reasonably be initiated as the review would not be meaningful. It is also important to note that in 2025 major PSC organizations are planning concentrated inspection campaigns (CICs) relating to the BWM Convention assuming that the transitional period for the BWM Convention would have been successfully completed.

12 The co-sponsors therefore propose to extend the EBP timeline by two years as a minimum, i.e. until autumn of 2024. Such an extension will benefit the IMO Secretariat, WMU and all other stakeholders involved and allow sufficient time for the different EBP stages to be finalized in a robust way as intended in BWM.2/Circ.67/Rev.1. It should be noted that the number and variety of approved ballast water management systems has increased lately, and that operational data availability is better now than in the past. This data needs to be gathered and analysed for the outcome of the EBP to be realistic. In particular, by extending the EBP timeline, it would enable more important data to be gathered relating to the efficacy of systems installed on board ships that have been approved in accordance with the BWMS Code, noting that only BWMS installed on or after 28 October 2020 must be approved in accordance with the BWMS Code.

13 Furthermore, those ships whose International Oil Pollution Prevention Certificate (IOPPC) renewal survey was conducted between 8 September 2017 and 8 September 2019 will be due to comply with the D-2 standard prescribed in the BWM Convention by 8 September 2024 at the latest. Therefore, the requested extension to the period of the EBP would help provide clarity as well as consistency in application of the EBP in line with the implementation schedule of the BWM Convention.

### **Action required of the Committee**

14 The Committee is invited to consider the information provided in this document and proposals made in paragraphs 11 and 12, and take action as deemed appropriate.

\*\*\*



**ANNEX**

**SUMMARY OF DATA RECEIVED IN THE GISIS PLATFORM**

Information source: MEPC 76/4/3 (Secretariat)

<b>Type of report</b>	<b>Part of the report</b>	<b>Number of Member States submitting data</b>
Flag State Reports	Part 1: Fleet and its ballast water management plans	One
	Part 2: Outcome of ballast water surveys	One
	Part 3: Reported accidents and defects	None
Port State Reports	Part 1: PSC inspection outcomes	One
	Part 2: Actions arising from unsatisfactory inspections	One
	Part 3: Implications of unsatisfactory inspections for ballast water exchange	None
Supplementary Reports	Part 1: Identification	Four
	Part 2: Summary of ballast water sampling and biological analysis	Four (data represents 134 ships)
	Part 3: Summary of ballast water sampling and chemical analysis	Two (data represents 20 ships)
	Part 4: Information to be submitted concerning each ballast water sample analysed	Four (data represent 199 ships)
Trial Period Reports	Part 1: Identification	One
	Part 2: Sampling	One
	Part 3: Analysis	One
Stakeholder Reports	Part 1: Identification	One
	Part 2: Sampling	One