

MARINE ENVIRONMENT PROTECTION  
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Agenda item 4

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## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

### Proposed unified interpretation of regulation B-3.10 of the BWM Convention

Submitted by IACS

#### SUMMARY

*Executive summary:* This document proposes a unified interpretation of regulation B-3.10 of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* (the BWM Convention) concerning the deadline for compliance with the D-2 standard for ships constructed before 8 September 2017 but which do not have an initial survey associated with the IOPPC until after 8 September 2019

*Strategic direction, if applicable:* 6

*Output:* 6.1

*Action to be taken:* Paragraph 13

*Related documents:* None

#### Introduction

1 Regulation B-3.10.1.1 of the BWM Convention states:

"Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 and 4 is:

.1 the first renewal survey, as determined by the Committee, on or after 8 September 2017 if:

.1 this survey is completed on or after 8 September 2019; or..."

\* The processing of this document has been delayed due to IT problems encountered by the Secretariat.

2 In resolution MEPC.298(72), the Committee determined that the renewal survey referred to in regulation B-3.10 should be the renewal survey associated with the International Oil Pollution Prevention Certificate (IOPPC) pursuant to MARPOL Annex I.

3 Regulation B-3.5 of the BWM Convention states:

"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."

4 Regulation B-3.8 of the BWM Convention states:

"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."

## Discussion

5 The determination in resolution MEPC.298(72) refers explicitly to the renewal survey for the IOPPC. This is the survey required by regulation 6.1.2 of MARPOL Annex I. In general, renewal surveys associated with the IOPPC occur at intervals of not more than five years from the date of the initial survey associated with the IOPPC required by regulation 6.1.1 of MARPOL Annex I. The initial survey associated with the IOPPC occurs before a ship is put into service for the first time.

6 The application of the BWM Convention is determined by the date of construction of a ship. Construction is defined in regulation A-1.4 of the BWM Convention. The definition of construction means that it is expected that there will be a delay before a BWMS is installed and before all surveys necessary for the ship to enter service for the first time are completed. Consequently, a ship may be constructed before 8 September 2017 but may not have the initial survey required by regulation 6.1.1 of MARPOL Annex I until a later date, which may be after 8 September 2019.

7 A ship is only required to comply with the D-2 standard at the initial survey (i.e. at delivery) if the ship is constructed (e.g. keel laid) on or after 8 September 2017, as per regulation B-3.5 of the BWM Convention.

8 In the case of a ship to which regulations B-3.2 or B-3.4 of the BWM Convention, and MARPOL Annex I, apply, the ship may be constructed before 8 September 2017 but the initial survey required by regulation 6.1.1 of MARPOL Annex I may not take place until after 8 September 2019. Consequently, the first renewal survey associated with the IOPPC may not take place until a date after 8 September 2024.

9 Regulation B-3.8 of the BWM Convention is the only instance of a fixed compliance date, which is not linked to the renewal survey associated with the IOPPC. This fixed compliance deadline is only applicable to ships which are not required to undergo MARPOL Annex I surveys (i.e. every oil tanker below 150 gross tonnage and every other ship below 400 gross tonnage).

10 Notwithstanding the above, IACS notes instances where the fixed deadline of 8 September 2024 is attributed to ships to which regulations B-3.2 or B-3.4 of the BWM Convention, and MARPOL Annex I, apply.

**Proposal**

11 IACS considers it necessary to seek the Committee's confirmation, or otherwise, that for ships:

- .1 constructed before 8 September 2017, to which regulations B-3.2 or B-3.4 of the BWM Convention, and MARPOL Annex I, apply, and which have an initial survey associated with the IOPPC completed after 8 September 2019, the deadline for compliance with regulation D-2 of the BWM Convention is the first renewal survey required by regulation 6.1.2 of MARPOL Annex I after the initial survey required by regulation 6.1.1 of MARPOL Annex I; and
- .2 the renewal survey required by regulation 6.1.2 of MARPOL Annex I may be completed after 8 September 2024.

12 If the Committee agrees with the understanding outlined in paragraph 11 of this document, IACS has developed a draft unified interpretation of regulation B-3.10 of the BWM Convention, presented in the annex to this document for the consideration of the Committee.

**Action requested of the Committee**

13 The Committee is invited to consider:

- .1 the discussion in paragraphs 5 to 10;
- .2 the request for the confirmation in paragraph 11; and
- .3 the draft unified interpretation provided in the annex to this document and take action as appropriate.

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## ANNEX

### DRAFT UNIFIED INTERPRETATION OF REGULATION B-3.10.1 OF THE BWM CONVENTION

#### Regulation B-3.10 of the BWM Convention reads as follows:

- "10 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 and 4 is:
- .1 the first renewal survey, as determined by the Committee,\* on or after 8 September 2017 if:
    - .1 this survey is completed on or after 8 September 2019; or
    - .2 a renewal survey is completed on or after 8 September 2014 but prior to 8 September 2017; and
  - .2 the second renewal survey, as determined by the Committee, on or after 8 September 2017 if the first renewal survey on or after 8 September 2017 is completed prior to 8 September 2019, provided that the conditions of paragraph 10.1.2 are not met."

#### Interpretation

1 The renewal survey referred to in regulation B-3.10 of the BWM Convention and determined as the renewal survey for the ship associated with the IOPPC pursuant to MARPOL Annex I is the renewal survey required by regulation 6.1.2 of MARPOL Annex I.

2 For a ship to which regulation B-3.10.1.1 of the BWM Convention applies and which is constructed before 8 September 2017 and which completes the initial survey required by regulation 6.1.1 of MARPOL Annex I after 8 September 2019, compliance with regulation D-2 remains determined by the completion of the first subsequent renewal survey required by regulation 6.1.2 of MARPOL Annex I after 8 September 2019. This may be completed after 8 September 2024.

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\* Determination of the survey referred to in regulation B-3, as amended, of the BWM Convention (resolution MEPC.298(72))