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UNIFIED INTERPRETATION OF PROVISIONS OF IMO ENVIRONMENT-RELATED CONVENTIONS

Proposed unified interpretation of appendix I to the BWM Convention

Submitted by IACS

SUMMARY

Executive summary: This document comments on document MEPC 75/3/5 and proposes a unified interpretation of appendix I "Form of International Ballast Water Management Certificate" to the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* (the BWM Convention), concerning the principal ballast water management method(s) employed on the ship in order to issue a certificate in a consistent manner

Strategic direction, 7 if applicable:

Output: 7.1

Action to be taken: Paragraph 16

Related documents: MEPC 73/4/7; MEPC 74/4/14; MEPC 75/3/5, MEPC 75/4/7, MEPC 75/18 and MEPC 76/15

Background

1 By resolution MEPC.325(75), the Marine Environment Protection Committee (MEPC) adopted the amendments to the BWM Convention regarding, inter alia, the form of the International Ballast Water Management Certificate (IBWMC) (MEPC 75/18/Add.1, annex 2), as follows:

- "...The principal ballast water management method(s) employed on this ship is/are:
- in accordance with regulation D-1
 - in accordance with regulation D-2
(describe)
 - the ship is subject to regulation D-4
 - other approach in accordance with regulation"

2 Document MEPC 75/3/5 (China) commented on the revised form of the IBWMC seeking clarification from the Committee on the newly added tick-box item "other approach in accordance with regulation". The Committee agreed to defer the consideration of document MEPC 75/3/5 to MEPC 76 under agenda item 4 on "Harmful aquatic organisms in ballast water" (MEPC 75/18, paragraph 3.20). At MEPC 76, the Committee instructed the PPR Sub-Committee to consider this document, under agenda item 16 (Unified interpretation of provisions of IMO environment-related conventions), and to advise the Committee accordingly (MEPC 76/15, paragraph 4.5).

Discussion

3 The revised principal ballast water management method(s) employed on a ship as shown in the form of the IBWMC, quoted in paragraph 1 above, covered almost all options of ballast water management methods which ships have already applied. However, for some of the cases mentioned in document MEPC 75/3/5, IACS has received divergent views from different stakeholders, including port State control officers, regarding completion of the IBWMC.

Barges, which are carried on semi-submersibles for international voyages

4 With regard to a barge, which is carried on a semi-submersible engaged in international voyages with no ballast water and sediments in its ballast tanks, IACS is of the view that the transported barge should be considered as a cargo and, therefore, is not subject to the regulations of the BWM Convention.

Ships on single voyages handled under BWM.2/Circ.52/Rev.1

5 For a ship such as a semi-submersible engineering ship occasionally engaged on an international voyage, which is not intended to discharge ballast water back to the original location and is granted an exemption by its Administration, taking into account BWM.2/Circ.52/Rev.1, on the condition that the ship implements the D-1 standard in lieu of the D-2 standard, there are different opinions about issuing the IBWMC:

- .1 opinion 1: a short-term certificate with a ticked D-1 item of the IBWMC may be sufficient;
- .2 opinion 2: the IBWMC is not needed; an exemption certificate or statement may be sufficient; and
- .3 opinion 3: the following two items on the IBWMC should be ticked and the item for other approaches should be specified, unless otherwise expressly provided by the flag Administration of the ship:
 - .1 in accordance with D-1; and
 - .2 other approach in accordance with regulation A-4.1.4, taking into account BWM.2/Circ.52/Rev.1.

6 IACS is of the view that opinion 3, in the above paragraph 5.3, is more appropriate because there is no requirement in the BWM Convention regarding a short-term certificate or an exemption certificate or a statement.

Exemptions granted in accordance with regulation A-4 of the BWM Convention

7 In accordance with regulation A-4 of the BWM Convention, exemptions may be granted to a ship on voyage(s) between specified ports or locations, or to a ship which operates exclusively between specified ports or locations. There are also different views about issuing the IBWMC for such a ship:

- .1 opinion 1: the IBWMC is not needed, provided that the exemption is recorded in the Ballast Water Record Book (BWRB) and the ballast water operation is conducted in accordance with the conditions of the granted exemption; and
- .2 opinion 2: the IBWMC should be issued for the ship, because regulation A-4 of the BWM Convention stipulates that exemptions may be granted to any requirement to apply regulations B-3 (ballast water management) or C-1 (additional measures) of the BWM Convention; however that stipulation does not include the requirement of the certification.

8 IACS is of the view that opinion 2, as in paragraph 7.2 above, is appropriate because the last item in the form of the IBWMC, as quoted in paragraph 1 above, of the revised principal ballast water management method(s) employed on the ship illustrates this point.

Other approaches

9 If a ship is fitted with a BWMS on board and is issued the IBWMC with the D-2 standard, and the ship will also use other ballast water management approaches as contingency measures, the item "other approach" in the form of the IBWMC should not be ticked as a principal method on the IBWMC. In this case, as the D-2 standard shall be recorded, IACS considers that there is no need to record "other" possible options already defined in the BWM Convention on the IBWMC.

10 If regulations A-3.5, A-5, B-3.6 or B-3.7 of the BWM Convention should be entered in the ship's IBWMC as "other approach", the Ballast Water Management Plan (BWMP) should describe the "other method" that has been approved for the ship. The methods recorded for the ship in its IBWMC shall be endorsed by periodical surveys (e.g. check during the survey if at least the BWMP, BWRB, etc. are on board).

11 IACS notes the view that "no ballast water carried on board during international voyages" could be accepted as an approach for ballast water management and could be interpreted as compliance with regulation D-2. However, IACS considers that there is insufficient legal basis for this argument, as this approach is not clearly defined in the BWM Convention and, therefore, may not be regarded as a compliance method.

Proposal

12 Based on the discussion in paragraphs 3 to 11, IACS believes a unified interpretation regarding the completion of the form of the IBWMC would provide a better consistency in issuing IBWMCs, considering that frequent amendments to the BWM Convention are not encouraged during the experience-building phase.

13 IACS would appreciate receiving the confirmation from the Sub-Committee on the understanding of IACS, which is provided in paragraphs 4, 6, 8, 9 and 10 above.

14 With regard to the approach "no ballast water carried on board", which is mentioned in paragraph 11 above, IACS recommends that this issue be further discussed at MEPC 78, together with the consideration of document MEPC 75/4/7 (Australia et al.) regarding other options for compliance with the BWM Convention.

15 To assist the Sub-Committee's deliberations on paragraph 13 above, the annex to this document contains a draft unified interpretation of appendix I "Form of International Ballast Water Management Certificate" to the BWM Convention for its consideration.

Action requested of the Sub-Committee

16 The Sub-Committee is invited to consider:

- .1 the discussion in paragraphs 3 to 11;
- .2 the request for the confirmation in paragraph 13;
- .3 the recommendation in paragraph 14; and
- .4 the draft unified interpretation provided in the annex to this document, and take action as appropriate.

ANNEX

DRAFT UNIFIED INTERPRETATION OF APPENDIX I "FORM OF INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE" OF THE BWM CONVENTION

Appendix 1 of the BWM Convention reads as follows:

"...Method of ballast water management used
Date installed (if applicable) (dd/mm/yyyy)
Name of manufacturer (if applicable)"

The principal ballast water management method(s) employed on this ship is/are:

- in accordance with regulation D-1
- in accordance with regulation D-2
(describe)
- the ship is subject to regulation D-4
- other approach in accordance with regulation....."

Interpretation

1 For a ship which is occasionally engaged in an international voyage and is not intended to discharge ballast water back to the original location, having been granted an exemption by its Administration taking into account BWM.2/Circ.52/Rev.1, on the condition that the ship implements the D-1 standard in lieu of the D-2 standard, the principal ballast water management method(s) employed is:

" in accordance with regulation D-1;

other approach in accordance with regulation A-4.1.4 taking into account BWM.2/Circ.52/Rev.1."

2 For a ship granted an exemption by its Administration in accordance with regulation A-4 of the BWM Convention, the principal ballast water management method employed on the ship is:

" other approach in accordance with regulation A-4."

3 For a ship which is fitted with a BWMS on board and is certified with the D-2 standard, even if the ship will also use other ballast water management methods as contingency measures, the principal ballast water management method employed on this ship is:

" in accordance with regulation D-2
(describe)"

4 For a ship which has employed an "other approach" in accordance with regulation A-3.5, A-5, B-3.6 or B-3.7 of the BWM Convention, the Ballast Water Management Plan should describe the "other method" that has been approved for the ship. The method certified for the ship in its International Ballast Water Management Certificate shall be endorsed at periodical surveys (e.g. check at survey if as a minimum the Ballast Water Management Plan, Ballast Water Record Book, etc. are on board).
