

MARINE ENVIRONMENT PROTECTION
COMMITTEE
69th session
Agenda item 4

MEPC 69/4/9
12 February 2016
Original: ENGLISH

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Proposals related to the non-penalization of first movers

Submitted by CESA

SUMMARY

Executive summary: Updating requirements after the review of Guidelines (G8) should not penalize the first movers who have developed ballast water management systems, those who have installed and operated them nor those administrations who have certified these systems. This document suggests how to achieve this.

Strategic direction: 7

High-level action: 7.1.2

Output: 7.1.2.1

Action to be taken: Paragraph 11

Related documents: MEPC 68/2/14, MEPC 68/2/16, MEPC 68/2/17, MEPC 68/2/20 and MEPC 68/21

Introduction

1 MEPC 67 agreed that the *Guidelines for approval of ballast water management systems* (G8) (resolution MEPC.174(58)) should be reviewed and that the revision should commence as soon as possible. In this regard, the Committee recognized the need to avoid disadvantages for proactive shipowners who have already installed ballast water management systems (BWMS) and for manufacturers producing such systems and agreed that early movers should not be penalized.

Decisions taken at MEPC 68

2 MEPC 68 agreed to the Roadmap for the implementation of the BWM Convention set out in annex 2 to document MEPC 68/WP.8. The Committee agreed to use the Roadmap in the development of measures to facilitate the implementation of the Convention and invited submissions to MEPC 69 on any outstanding issues identified in it, for further consideration,

with a view to finalizing any further guidance by MEPC 70. Documents MEPC 68/2/14, MEPC 68/2/16, MEPC 68/2/17, MEPC 68/2/20, the outcome of the Study on the implementation of regulation D-2 of the BWM Convention and any other relevant documents such as MEPC 67/2/11, should be considered in conjunction with the Roadmap.

Purpose of the Convention

3 Several observers at MEPC meetings have previously expressed concern with regard to the ability of BWMS to reliably meet the ballast water performance standard described in regulation D-2 of the BWM Convention. Although it must be assumed that approved systems do meet the standard, it seems clear that a renewed approval procedure should lead to the elimination of any equipment that does not meet the standard. The continued use of systems which may not exactly meet the new requirements should depend on the extent of the danger of introduction of foreign species.

4 According to the analysis performed by the Secretariat, it is legally possible to have more than one set of guidelines in force at the same time for different ships and/or BWMS so that some ships and/or systems could continue to be bound by the current Guidelines (G8) even after a second set of guidelines is adopted. However, regardless of which type approval guidelines are considered in effect for a given ship or system, all ships and systems are required to meet the same performance standard in regulation D-2 of the Convention. If any systems approved under the current Guidelines (G8) systematically do not meet the standard, they should no longer be accepted, but upgraded or replaced.

5 The intention to allow "occasional" lack of efficiency for existing systems should be limited to systems that do not systematically fail, but show only minor problems or variations, and that have been installed before any problems have been identified. If a problem is identified and solved the corresponding adjustments must naturally be made. The Convention does not allow for partial compliance. The fact that any port State control will of necessity be different from the type approval may lead to apparent deviations from the requirements, and this must be taken into account when deciding whether a deviation should be considered non-compliance.

Lifetime of the systems

6 The Roadmap includes as cut-off: "for the life of the ship or the system whichever comes first". The "lifetime" of the system could be longer for the constructional parts (pipes and pumps) than for the replaceable parts (biocidal parts or filters), which may be improved when they are replaced during maintenance. As the systems are improved it may be reasonable to require that any systems that do not consistently comply with the D-2 standard be upgraded or replaced with systems tested to the revised Guidelines (G8). This aspect may, however, be considered covered by a requirement that the systems are operated and maintained in accordance with the manufacturer's instructions, but if the shortcomings of the system are not recognized by the manufacturer, this may be of little value. A review of the systems by the approving authority seems to be required in those cases.

7 In any event the manufacturer's instructions to be followed must be the current version, not an earlier, possibly outdated, version.

8 A more detailed approach might be to limit the use of systems to those conditions for which testing of the system has been done. Any existing installed systems that have not been tested in waters of the relevant salinity and temperature, and which subsequently have been found not to function sufficiently well in these salinities and temperatures, should not be accepted in such waters.

Proposal

9 After the completion of the review of Guidelines (G8), each of the previously type approved systems should be matched to the new requirements and any discrepancies or limitations in the use of the systems conveyed to the type approving authority. Subsequent type approvals should be made under the new Guidelines (G8) and new installations of previously type approved equipment should either be phased out or a new type approval certificate issued if the system is shown to be compliant with the new Guidelines (G8).

10 Manufacturers of BWMS should be required to inform users of any available upgrades or changes in operational requirements. Any ship with an installed BWMS should receive from the type approving authority an updated indication of any limitations in use or any upgrade considered necessary. If nothing is required a document to this effect should be supplied. If a port State inspection demonstrates that BWMS on ships do not comply with the Convention this information must be made available to the manufacturer in order to ensure that remedial action can be taken if necessary.

Action requested of the Committee

11 The Committee is invited to consider the content of this document in its deliberations on how to ensure that first movers are not penalized, and to take action as appropriate.
