

SUB-COMMITTEE ON IMPLEMENTATION  
OF IMO INSTRUMENTS  
1st session  
Agenda item 8

III 1/8/2  
23 May 2014  
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**DEVELOPMENT OF GUIDELINES ON PORT STATE CONTROL  
UNDER THE 2004 BWM CONVENTION**

**Comments on the report of the Correspondence Group**

**Submitted by the International Chamber of Shipping (ICS)**

**SUMMARY**

*Executive summary:* This document comments on the report of the Correspondence Group on the Guidelines for port State control inspection for compliance with the BWM Convention. ICS brings to the attention of the Sub-Committee that it intends to make a substantive submission to MEPC 67 discussing the shipping industry's main concerns with the implementation of the BWM Convention and make corresponding proposals to achieve a fair and effective implementation. This will most likely have an impact on the current work with the development of the PSC Guidelines.

*Strategic direction:* 2

*High-level action:* 2.0.1

*Planned output:* 2.0.1.2

*Action to be taken:* Paragraph 6

*Related documents:* III 1/8 and III 1/8/1

**Introduction**

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) and comments on document III 1/8, the report of the Correspondence Group on the Guidelines for port State control inspection for compliance with the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention).

2 The Sub-Committee is invited to note that ICS, together with a number of shipping industry co-sponsors, intends to make a substantive submission to MEPC 67 in which the serious concerns they have with regard to the implementation of the BWM Convention are described. The main concerns are described as the lack of robustness of the current type-approval process for ballast water management systems, the criteria to be used for sampling ballast water during port State control inspections and the subsequent actions that may be taken by inspectors. These genuine concerns, which are considered to be in need of urgent attention, have affected the confidence of stakeholders, including IMO Member States and shipowners alike. It is likely that they have acted to inhibit ratification of the BWM Convention by some Governments and as a major disincentive to shipowners considering early installation of ballast water management systems type approved (TA) under the current *Guidelines for approval of ballast water management systems (G8)*. The submission will propose that stakeholders are provided with a clear signal from the Committee of the Organization's intention to implement the BWM Convention that achieves its original objectives in a way that is fair and effective for all. The submission will provide a draft MEPC resolution which we believe, if adopted, will deliver the necessary assurances to allow all stakeholders to move forward with confidence in the BWM Convention. Should proposals made in the shipping industry submission be accepted, then there will no doubt be consequences for the provisions of the PSC Guidelines under development in this Sub-Committee.

3 ICS did not contribute to the work of the correspondence group and wishes to express its appreciation for the valuable work done so far. ICS is a co-sponsor to document III 1/8/1 (Japan et al.) on the report of the correspondence group and wishes to further stress the importance to the shipping industry of adopting the pragmatic approach that Option 1, described in paragraph 10 of the report, offers, together with the need to accept the proposals made in document III 1/8/1.

4 ICS notes that the agreement of MEPC 65 to adopt a trial period for PSC sampling and analysis, following the entry into force of the BWM Convention, is referenced in paragraph 1.12 of the draft Guidelines, but this agreement is not otherwise incorporated in the draft. ICS suggests that this important aspect is further considered and clarified in the Guidelines.

5 ICS considers it important that the serious concerns of industry with regard to the implementation of the BWM Convention are brought to the attention of the Sub-Committee and noted during the development of the PSC Guidelines. The submission to the MEPC will include clear proposals concerning the treatment of "first generation" type-approved equipment, appropriate actions during the "trial period" and the review and possible amendment of article 9 of the BWM Convention, which may have impact on the PSC required procedures. ICS believes that it will only be when these concerns have been addressed by the Organization that fair and effective implementation can be achieved.

#### **Action requested of the Sub-Committee**

6 The Sub-Committee is invited to consider the comments above and take action as appropriate.

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