

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
64th session  
Agenda item 2

MEPC 64/2/16  
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## **HARMFUL AQUATIC ORGANISMS IN BALLAST WATER**

### **Considerations for a practical implementation of the BWM Convention**

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

##### **SUMMARY**

*Executive summary:* This document presents and discusses issues that will affect the practical implementation of the BWM Convention

*Strategic direction:* 7.1

*High-level action:* 7.1.2

*Planned output:* 7.1.2.5

*Action to be taken:* Paragraph 9

*Related documents:* MEPC 63/23, MEPC 63/2/17; MEPC 62/2/17, MEPC 62/INF.31 and BLG 16/16

### **Introduction**

1 The International Chamber of Shipping (ICS) remains committed to supporting the Ballast Water Management Convention, 2004 (BWMC) and continues to positively encourage the fitting of suitable, approved, ballast water treatment systems to ships. IMO Member States continue to deposit their ratification giving rise to anticipation that the ratification criteria will soon be met. However, it must be recognized that the delay with ratification of the Convention, although understandable for the very sound reasons given by Governments, has raised additional practical issues that could have been avoided if entry into force had been prior to the first application date of the standard contained in regulation D-2 as required under regulation B-3. This would have allowed the stipulated provisions and timelines to be reviewed and possibly amended. Such issues need to be pragmatically considered and addressed if world trade is not to be severely affected by the implementation of the ballast water (BW) regulations.

### **Installation of Type Approved management systems**

2 It is easy to understand why so few ballast water management systems (BWMS) have so far been installed on ships; coupled with uncertainty over the entry into force of the Convention have been concerns regarding operational performance of available management systems and regarding how these initial systems will be treated by port States.

The fact that shipping is experiencing severely depressed markets and survival for many companies is a continuous struggle is also relevant. To outlay the high capital expenditure needed for the installation of BWMS (often quoted as \$1 million – \$5 million per ship) with no direct financial return for such a substantial investment in the present market conditions before this additional equipment becomes mandatory can be a difficult decision for companies to justify financially. No matter what the reason for the tardiness in fitting ballast water treatment equipment to ships, the fact remains very few BWMS have been fitted on the world fleet to date.

3 Both the Japanese submission (MEPC 63/2/17) and the IMarEST submission (MEPC 62/INF.31) identified that some 70,000 ships will be required to fit ballast water treatment systems within this decade, with the greatest numbers required in 2017, 2018 and 2019. With the delay in ratification of the BWMC, the timeline for fitting compliant treatment systems is continuously being shortened. It is now likely that the 2014 date for retrofitting existing pre-2009 ships will already be in force when the Convention itself enters into force and this must be coupled with approximately 9,000 ships that will be required to have BWMS fitted as "new" ships from 2009. The challenges inherent in the fitting of the numbers of BWMS to meet the requirements must not be underestimated. It will be a huge undertaking, made more serious by the need for additional repair yard capacity to undertake this work. When the Convention was agreed in 2004, it was acknowledged that the regulations were "aspirational"; there was no idea how treatment systems to meet the biological demands would be developed, or even if treatment equipment would be available to enable compliance with the stipulated regulation B-3 timelines.

4 ICS believes it is now appropriate to reconsider the regulation B-3 timelines in a pragmatic way to enable a smooth implementation of the BWMC. One possible approach would be to treat all ships constructed prior to actual entry into force as "existing ships". This would alleviate concerns for ships constructed after the 2009 and 2012 treatment installation dates and provide a more natural application of the new regulatory requirements. One other appropriate measure could be to stipulate compliance for "existing ships" to be required at the first *renewal* survey rather than the first *intermediate or renewal* survey after the anniversary date of the ship in the year of compliance; this would effectively "smooth out" the demand over five years and provide additional time for fitting facilities to meet the already identified very heavy demand.

5 The unanticipated high capital cost of fitting a Type Approved BWMS is now known and therefore the Committee is requested to consider the rationale for requiring ships approaching the end of their service life to fit a BWMS. It could be appropriate to permit ships over a certain age, [18 years] [20 years], to continue with deep water ballast exchange as a means of management and control of ballast water. This course of action would also have the added benefit of releasing additional yard capacity for fitting BWMS to the remainder of the worldwide fleet.

### **Ships with larger ballast water capacities**

6 The concern that ICS raised at MEPC 61 with the availability of BWMS suitable for ships with a ballast capacity larger than 5,000 m<sup>3</sup> remains valid. This is of increasing concern as the 1 January 2012 application date to apply the Convention D-2 standard to all new ships has now passed. This matter remains of particular concern for those ships that require large capacity ballast systems to operate effectively. The Committee is requested to instruct the Review Group that is scheduled to be convened at this session, to determine how this issue may be appropriately addressed.

**Specialist ship types**

7 It has previously been brought to the Committee's attention that a number of challenges remain to be addressed in relation to ballast water management in accordance with the treatment requirements of the BWMC for a number of specialist ship types. These include seagoing unmanned barges, semi-submersibles and heavy lift crane vessels. ICS appreciates that some of the challenges identified were considered and addressed during MEPC 63. However, other such challenges remain to be considered and satisfactorily addressed. ICS suggests these matters are in need of urgent practical solution.

8 ICS acknowledges that there is no means to amend the requirements of the Convention until the Convention enters into force and, therefore, ICS will continue to urge Member States to ratify this important instrument at the earliest opportunity. However, an undertaking by Parties to amend the BWMC provisions as soon as possible after entry into force, and the adoption of an Assembly resolution agreeing that all Parties should apply alternate provisions until the Convention itself can be amended, could provide an acceptable solution if the practical approach this paper advocates for BWMC implementation is accepted, either in whole or part.

**Action requested of the Committee**

9 The Committee is invited to consider the above suggested course of action and to decide as appropriate.

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