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## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

### Comments on the report of the Correspondence Group on Review of the BWM Convention

Submitted by ICS, BIMCO, INTERTANKO, INTERCARGO and NI

#### SUMMARY

*Executive summary:* This document provides comments on the report of the Correspondence Group on Review of the BWM Convention as provided in document MEPC 80/4/4.

*Strategic direction, 1  
if applicable:*

*Output:* 1.24

*Action to be taken:* Paragraph 16

*Related documents:* MEPC 80/4/4, MEPC 80/4/6 and MEPC 80/4/16

#### Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of 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.5/Rev.4) and provides comments on the report of the Correspondence Group on Review of the BWM Convention (MEPC 80/4/4) and in particular on the issues table and issue prioritization.

#### Background

2 The seventy-eighth session of the Marine Environment Protection Committee established the Correspondence Group on Review of the BWM Convention with terms of reference as specified in paragraph 4.33 of document MEPC 78/17. The Correspondence Group submitted its report to the Committee in document MEPC 80/4/4.

3 The co-sponsors participated in the work of the Correspondence Group and would like to extend their appreciation for the hard work of the Coordinator and participants of the Group. The co-sponsors' comments on document MEPC 80/4/4 are discussed below.

## Discussion

### *Table of issues*

4 During the second round of discussions in the Correspondence Group, Canada and New Zealand suggested a new approach to frame the issues at hand. Instead of presenting the issues as statements that simply identify the problem, they recommended that the issues be framed around a problem that needs to be solved. This alternative approach was proposed to help drive the discussion forward and provide a more useful way to present the information. The proposed approach was discussed in an informal group during MEPC 79 and many of those present agreed that it could be a more productive way to present the information.

5 To reflect this development, the Coordinator created an alternate table of issues that presented the issues in terms of the problems that need to be solved. This new table of issues (MEPC 80/4/4, annex 3) provides a more comprehensive and solution-focused approach to the issues at hand. However, challenging water quality (CWQ) was not included as a separate row in the new list, as it was assumed that the issue of CWQ had been captured under one of the other issues, that is: "how to improve the performance and reliability of BWMS to increase compliance to the D-2 standard." The reference to this can be found in the round 2 summary document of the Correspondence Group.

6 The decision to take a more holistic view of the issues can, in most cases, lead to more sustainable solutions. However, as illustrated in document MEPC 80/4/6 (India et al.), it is necessary to take into account the unique needs of both new and existing ships in order to address the challenges associated with CWQ. Point no.16 of the issues table indicates that BWMS are bypassed due to very low flow rates and appears to represent existing ships' issues when faced with CWQ. As discussed in paragraph 14 of document MEPC 80/4/6, existing ships also encounter problems such as dissolved iron concentrations, which reduce UV transmissivity. In order to keep track of all the problems existing ships face, the existing ship issues related to CWQ need a separate row in the table of issues.

7 There is an existing gap between the technology available to treat challenging water quality and the ability to meet BWM Convention requirements. Document MEPC 80/4/6 (India et al.) discusses in detail the challenges associated with complying with BWM Convention requirements for existing ships operating in CWQ. The co-sponsors of document MEPC 80/4/6 recommend that existing ships fitted with type-approved BWMS should not be required to replace or undergo structural and system modifications to address CWQ issues and be allowed alternative operational measures for meeting BWM Convention requirements when encountering these situations.

8 To ensure that new ships meet the necessary D-2 standards, rigorous type approval procedures may be necessary to develop a more robust BWMS. This objective will be achieved if work is progressed to resolve the issue "how to improve the performance and reliability of BWMS to increase compliance to the D-2 standard". However, this will not address CWQ issue for existing ships, which is why there is the need for a separate row in the issues table for existing ships with type-approved BWMS that cannot meet the BWM Convention requirements in certain ports.

### *Prioritization of issues*

9 The issues table identifies several key issues as priority issues. It is anticipated that, in the future, the priority issues listed in the issues table will be of key focus in the understanding that they will contribute significantly to completing the package of priority amendments. The co-sponsors highlight that, as mentioned in paragraph 19 of document

MEPC 80/4/4, the Correspondence Group was unable to fully assess all information presented in the issues table. There are some issues that need to be further discussed and evaluated, such as point 21 in the issues table mentioning "preventable BWMS failures that occur through lack of crew training (e.g. following crew changes) and the application of wrong BWMS for the environment."

### ***Crew training***

10 It is noted that regulation B-6 of the Ballast Water Management Convention requires that officers and crew shall be familiar with their duties in the implementation of the Ballast Water Management Plan particular to the ship on which they serve. Additionally, the *Guidelines for ballast water management and development of Ballast Water Management Plans (G4)* specifies that training for ships' masters and crews as appropriate should include instructions on the requirements of the Convention, the ballast water and sediment management procedures and the Ballast Water Record Book particularly having regard to matters of ship safety, and maintenance of records in accordance with the information contained in the Guidelines (G4).

11 There has been limited data provided to date to link instances where the BWMS has been bypassed due to a lack of crew training. These instances are high in ports with CWQ, as challenging water conditions and their interaction with the BWMS fitted on board can pose operational challenges for ship crews even with adequate training. The crew relies on the OEMM for clear information on operating under CWQ conditions. In the absence of such information in the OEMM, ship crews are forced to improvise and resolve.

12 Further training requirements may therefore not resolve the problem. Notwithstanding, the benefits of a ship-specific familiarization regime during crew changeovers aided by accurate and up-to-date information in the OEMM is recognized. Rather than holding only the crew accountable, collective responsibility is therefore needed. Document MEPC 80/4/6 explains in paragraphs 21 to 25 that there are also certain circumstances, for example a port with high sediment levels in which the technology available to treat water cannot comply with the BWM Convention requirements. These considerations further justify the need for a dedicated row in the issues table for existing ships with type-approved BWMS that cannot meet the BWM Convention requirements in certain ports.

### ***Application of wrong BWMS for the environment***

13 In point 21 of the issues table, the phrase "application of the wrong BWMS for the environment" can be understood as some BWMS work in only certain conditions. All ships are required to fit BWMS that meet the D-2 discharge criteria. IMO type approval procedures strive to develop BWMS that are capable of operating in all environments. The intention was never to restrict ships to trade only in environments where the BWMS could operate and shipowners rely on type approval certification in selecting systems suitable for their trades. However, shipowners may not always have their choice of system, either because of availability issues or decisions by shipyards. It is possible that the above-mentioned phrase is just the tip of the iceberg, and there are underlying issues as well. The IMO type approval process needs to be revised if any of those issues need to be addressed in order to make BWMS suitable for a wide range of environments. Notwithstanding, existing ships that have fitted D-2 compliant systems should not be required to change their installations every time the type approval process is revised.

14 To ensure the best outcome, it is essential to consider the specific requirements of both new and existing ships when tackling CWQ issues. Despite supporting alternative operational measures for existing ships to meet BWM Convention requirements, the

co-sponsors emphasize that there is a need for the development of a robust BWMS suitable for challenging conditions in worldwide operations, and document MEPC 80/4/16 reiterates this call, and it is imperative that the Convention and its instruments promote the development of suitable methods for developing such robust BWMS.

### **Proposal**

15 When allocating priorities to the issues listed within the issues table the Committee is requested to:

- .1 take into account the discussions in paragraphs 4 to 8 and consider including compliance challenges that existing ships are experiencing with BWM Convention requirements as a priority issue and include a separate row (1bis) for existing ships in the table of issues, annex 3 to document MEPC 80/4/4; and
- .2 consider the discussions in paragraph 10 to 13, and agree that, in order to resolve the CWQ issue, the existing technology gap will have to be addressed before supplementing the generic training requirements already required by the Convention with a focus on including standard procedures for all operating scenarios in the OEMM.

### **Action requested of the Committee**

16 The Committee is invited to consider the proposals made in paragraph 15 and take action as appropriate.

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