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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Challenges encountered by ships in implementing resolution MEPC.387(81) on Interim guidance on the application of the BWM Convention to ships operating in challenging water quality conditions

Submitted by Liberia, Marshall Islands, ICS, BIMCO, INTERTANKO and INTERCARGO

SUMMARY

Executive summary:	This document aims to highlight potential drawbacks of relying solely on BWMS for determining water quality challenges and draw attention to the difficulties ships and flag States face acquiring pre-emptive bypass agreements with coastal States receiving ballast water. Consequently, the co-sponsors request the Committee to facilitate public access to the contact information of the person in the coastal State authority responsible for granting pre-emptive bypass agreements.
Strategic direction, if applicable:	1
Output:	1.25
Action to be taken:	Paragraph 8
Related documents:	MEPC 80/4/6; MEPC 81/4/8, MEPC 81/16; MEPC 82/INF.33 and resolution MEPC.387(81)

Introduction and background

1 The Committee adopted resolution MEPC.387(81) on the *Interim guidance on the application of the BWM Convention to ships operating in challenging water quality conditions* (Interim CWQ guidance) (MEPC 81/16, paragraph 4.19). The Interim CWQ guidance generally discourages pre-emptive bypass but, in situations where pre-emptive bypass may be warranted such as in the case of regular visits to a port or location with known and recurring CWQ, then it allows agreement in advance bilaterally between the Administration of the ship (flag State) and the port State receiving the ballast water (resolution MEPC.387(81), paragraph 30).

2 The co-sponsors highlight a few relevant documents here:

.1 MEPC 80/4/6 (India et al.), paragraphs 16 to 19, illustrate with the help of live satellite image that CWQ conditions are known in advance to the ship by past experiences and CWQ could also be based on location;

.2 MEPC 81/4/8 (Japan), paragraph 7, proposing that information be gathered on the experience of ships that would have implemented the interim CWQ guidance in resolution MEPC.387(81); and

.3 MEPC 82/INF.33 (Japan), paragraph 15, highlighting the importance of assessing the intake water quality.

Discussion

3 The interim CWQ guidance primarily recommends reactive bypass over pre-emptive bypass and the BWMS is considered as the most suitable and technically sound method to precisely determine water quality challenges at any moment, thus relieving the ship crew of determining the water quality challenges (resolution MEPC.387(81), paragraph 29). However, in the opinion of the co-sponsors, there are potential drawbacks to using BWMS as the only option for determining water quality challenges.

4 One potential drawback is when operating the BWMS in river ports with high currents where sediment levels tend to be very high irrespective of the time of day, tide, weather or seasonality, BWMS parts may be damaged in an effort to prove water quality challenges and the BWMS could become non-operational for extended periods of time due to the long-term non-availability of some spares, which increases the risk of spreading invasive aquatic species. In order to avoid extended periods of non-operation of the BWMS and maintain operational continuity of the BWMS, the co-sponsors urge flag State Administrations and port States to consider allowing pre-emptive bypass in conditions where the BWMS may suffer damage in recurring CWQ conditions.

5 In line with the Interim CWQ guidance, when a pre-emptive bypass is planned both the Administration of the ship (flag State) and the port State receiving the ballast water must have an agreement in advance (resolution MEPC.387(81), paragraph 30). The co-sponsors would like to highlight that ships, together with their flag State Administrations, are facing challenges in obtaining agreement from the port State receiving the ballast water for pre-emptive bypass, as, in practice, in the case of recurring CWQ conditions in which the BWMS may suffer damage, it is difficult to identify who should be contacted in order to obtain a pre-emptive bypass agreement within the port State.

Proposal

6 The Committee is requested to consider resolving the difficulties faced by ships together with their flag State Administrations in obtaining agreement for pre-emptive bypass by facilitating public access through the GISIS platform to the contact information of the person responsible for granting such agreements for pre-emptive bypass in the coastal State authority.

7 The co-sponsors note that GISIS already provides a module for "Contact Point by function" with information on the contact point for receiving applications for exemptions in accordance with regulation A-4 of the BWM Convention and propose to establish a similar list of authorities or persons within port States to be contacted in order to obtain agreement for pre-emptive BWMS bypasses.

Action requested of the Committee

8 The Committee is invited to consider the discussion in paragraphs 3 to 5 of this document, taking into account the proposals in paragraphs 6 and 7, and take action as appropriate.