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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

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

Submitted by Marshall Islands, ICS, INTERTANKO, CLIA and ITF

SUMMARY

Executive summary: This document aims to highlight that the STCW Convention and Code should remain the sole instrument for addressing mandatory training requirements. In order to avoid potential duplication of training requirements resulting from separate training requirements under both the BWM Convention as well as the STCW Convention, the co-sponsors suggest that the draft amendment to regulation B-6 of the BWM Convention should refer to the STCW Convention and Code. As a result, an alternate draft amendment to regulation B-6 of the BWM Convention is proposed by the co-sponsors.

*Strategic direction,
if applicable:* 1

Output: 1.24

Action to be taken: Paragraph 8

Related documents: MSC 107/20; MEPC 83/4/4; HTW 9/15 and HTW 11/6

Introduction

1 This document is submitted in accordance with 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.5), comments on document MEPC 83/4/4 (Australia), aims to highlight that the STCW Convention and Code remains the sole instrument for addressing mandatory training requirements, and proposes an alternate draft amendment to regulation B-6 of the BWM Convention.

Background

2 In annex 1 to document MEPC 83/4/4, paragraphs 4.1 to 4.1.5 and 10.1 to 10.1.3 summarize the discussion related to the agreed objective 11 of the BWM Convention review, which is to add a new requirement for crew familiarization/training with regard to the ballast water management system (BWMS) and how it should be documented/verified. In round 1A, the majority in the Correspondence Group supported the revised Coordinator proposal, and the draft amendments to regulation B-6 (Duties of officers and crew) are provided in paragraph 10.1 of annex 1 to document MEPC 83/4/4.

Discussion

Training requirements

3 While the co-sponsors agree with objective 11, which is to introduce a reference to mandatory training requirements into the BWM Convention itself, the Committee should further consider the following points:

- .1 The co-sponsors would want to highlight that the STCW Convention and Code remains the sole instrument for addressing mandatory training requirements. This was an aim (HTW 9/15, annex 8, aim .2) and principle (HTW 9/15, annex 9, principle .12) that was approved by the HTW Sub-Committee (HTW 9/15, paragraph 7.18) and endorsed by the Maritime Safety Committee (MSC 107/20, paragraph 13.10).
- .2 The co-sponsors believe that any required training relating to the operation and maintenance of the ballast water management systems should be in accordance with what will be specified in the STCW Code.
- .3 In this regard, the Committee is requested to note the report of the Intersessional Working Group on a Comprehensive Review of the STCW Convention and Code (HTW 11/6, paragraph 91), where it was agreed that the addition of training requirements to address the implementation of the Ballast Water Management Convention at a generic level is necessary for all officers in chapters II and III, and agreed to include all the gaps in the list of identified areas to be addressed in the future, as set out in annex 1, appendix 12, to document HTW 11/6.

Familiarization requirements

4 The co-sponsors would like to draw attention to the fact that regulation B-6 of the Ballast Water Management Convention already requires officers and crew to be familiar with their duties in the implementation of ballast water management particular to the ship on which they serve, and regulation B-3 of the BWM Convention ultimately encompasses the use of a BWMS. Furthermore, in accordance with regulation I/14 of the STCW Convention, the Company is also required to provide familiarization to the crew with the systems and equipment installed on the ship on which they serve. In this regard, the co-sponsors request the Committee to note that compliance with the above requirements is also further ensured under the Company's obligations as well as the flag State's audit oversight specified within the ISM Code.

Implementation issues

5 The co-sponsors believe that generic training requirements for shipboard systems within the BWM Convention as required by the proposed draft amendments to regulation B-6 of the BWM Convention (MEPC 83/4/4, annex 1, paragraph 10.1) would result in duplication of a training requirement since it has been already agreed to be addressed within the STCW Convention. Furthermore, in the co-sponsors' opinion, placing duplicate requirements in another instrument, i.e. the BWM Convention, is unnecessary and will have the unintended consequence of requiring certification under the BWM Convention in addition to the provisions under the STCW Convention.

6 As a result, the co-sponsors believe that the reference to the STCW Convention and Code within the draft amendments to regulation B-6 of the BWM Convention adequately resolves the above concerns in paragraph 5 with regard to the proposed inclusion of provisions for training officers and crew in regulation B-6 of the BWM Convention.

7 Based on the discussion in paragraphs 3 to 6, the co-sponsors propose the following alternate draft amendments for further consideration by the Committee. (The proposed new text is underlined).

"Regulation B-6
Duties of officers and crew

- .1 _____ Officers and crew shall be familiar with their duties in the implementation of ballast water management particular to the ship on which they serve and shall, appropriate to their duties, be familiar with the ship's Ballast Water Management Plan.
- .2 _____ Officers and crew shall, appropriate to their duties, be trained in the operation and maintenance of ballast water management system in accordance with the STCW Convention and Code, as may be amended."

Action requested of the Committee

8 The Committee is invited to consider the discussion in paragraphs 3 to 6 and the proposed alternate draft amendment to regulation B-6 of the BWM Convention in paragraph 7 and take action as appropriate.
