

MARINE ENVIRONMENT PROTECTION
COMMITTEE
84th session
Agenda item 4

MEPC 84/4/16
20 February 2026
Original: ENGLISH
Pre-session public release: ☑

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Proposal for a unified interpretation for implementing regulation D-3 of the BWM Convention

Submitted by India, Republic of Korea, United Arab Emirates, ICS, BIMCO, INTERTANKO and WSC

SUMMARY

Executive summary: This document provides a proposal for a unified interpretation to clarify the installation date provisions applicable to ballast water management systems (BWMS) approved taking into account the 2016 Guidelines (G8) (resolution MEPC.279(70)), with a view to ensuring consistent implementation under the Convention. This proposal is based on the identified inconsistencies and interpretational difficulties between regulation D-3 and the BWMS Code regarding permitted installation dates, as well as recent port State control (PSC) observations under the Paris and Tokyo MOU concentrated inspection campaigns (CIC), which indicate that these inconsistencies have resulted in confusion within the industry.

*Strategic direction, 7
if applicable:*

Output: 7.1

Action to be taken: Paragraph 8

Related documents: Resolutions MEPC.125(53), MEPC.174(58), MEPC.279(70) and
MEPC.300(72); MSC-MEPC.1/Circ.5/Rev.6 and
BWM.2/Circ.66/Rev.5

Introduction

1 In accordance with regulation D-3.1 of the BWM Convention, ballast water management systems (BWMS) installed on board ships before 28 October 2020 shall be approved by the Administration taking into account the Guidelines (G8) (resolutions MEPC.125(53) and MEPC.174(58), hereinafter referred to as "Old G8"), the 2016 Guidelines (G8) (resolution MEPC.279(70), hereinafter referred to as "2016 G8") or the BWMS Code (resolution MEPC.300(72)), while BWMS installed on or after 28 October 2020 shall be approved by the Administration in accordance with the BWMS Code.

2 In accordance with operative paragraph 4 of the BWMS Code, a BWMS that obtained type approval not later than 28 October 2018 taking into account the Old G8 may be installed on board ships only before 28 October 2020; thereafter, only BWMS holding type approval in accordance with the BWMS Code may be installed. Furthermore, paragraph 1.13 of the BWMS Code describes that BWMS approved taking into account the 2016 G8 shall be deemed to be in accordance with the BWMS Code.

Discussion

3 Differences between the installation dates permitted under regulation D-3 of the BWM Convention and those under the BWMS Code for BWMS approved taking into account the 2016 G8 (see table below) have resulted in confusion and interpretational difficulties within the industry. In particular, questions have arisen as to whether BWMS approved taking into account the 2016 G8 and installed before 28 October 2020 are required to have their Type Approval Certificates replaced with BWMS Code-compliant certificates as of 28 October 2020.

Table 1: Permitted installation dates for BWMS under regulation D-3 and the BWMS Code

Regulation / Instrument	Basis of approval	Permitted installation date*
Regulation D-3	Old G8	Before 28 October 2020
	<u>2016 G8</u>	<u>Before 28 October 2020</u>
	BWMS Code	Before, on or after 28 October 2020
BWMS Code	Old G8	Before 28 October 2020
	<u>2016 G8</u>	<u>Before, on or after 28 October 2020</u>
	BWMS Code	Before, on or after 28 October 2020

* Based on the established IMO practice with regard to the validity of type approval certification for marine products (MSC.1/Circ.1221), the expiry of a Type Approval Certificate does not affect the operational validity of existing BWMS that were approved and installed on board a ship and manufactured during the period of validity of the relevant Type Approval Certificate; therefore, such systems are not required to be renewed or replaced due to the expiration of the certificate.

4 Furthermore, the Paris and Tokyo MOUs recently conducted concentrated inspection campaigns (CICs) on the implementation of the BWM Convention between September and November 2025. During these inspections, several cases were reported in which ships fitted with BWMS approved taking into account the 2016 G8 were subject to observations or questions by PSC officers regarding the applicability of the BWMS Code, due to interpretational inconsistencies related to the installation date requirements described above. In particular, there were cases reported during PSC inspections where BWMS approved under the 2016 G8 but installed on or after 28 October 2020 were viewed as not complying with regulation D-3, resulting in related observations or requests for clarification.

5 In light of the above, it is considered necessary to clarify and resolve inconsistencies and interpretational difficulties regarding the installation date provisions applicable to BWMS approved taking into account the 2016 G8. Therefore, on the basis of paragraph 1.13 of the BWMS Code, it would be appropriate to clarify that BWMS approved taking into account the 2016 G8 are to be regarded as BWMS approved in accordance with the BWMS Code and are therefore permitted to be installed on board ships on or after 28 October 2020.

Proposal

6 The co-sponsors would like to propose the development of a unified interpretation, as set forth in the annex to this document, to clarify the installation date provisions applicable to BWMS approved taking into account the 2016 Guidelines (G8) (resolution MEPC.279(70)).

7 The co-sponsors are of the view that the proposed unified interpretation is in line with the safeguards to be followed during the consideration and approval of unified interpretations, as set out in the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.6), which reads as follows:

"4.44 Unified interpretations (UIs) shall not be used as a means to circumvent the development process of mandatory requirements. In this context, when considering proposals for UIs concerning requirements of mandatory instruments, the following safeguards shall be observed:

- .1 UIs should not amend mandatory requirements in conventions and associated instruments;
- .2 UIs should not go beyond the interpretation of mandatory requirements; and
- .3 UIs should not contradict mandatory requirements".

Action requested of the Committee

8 The Committee is invited to consider the discussion in paragraphs 3 to 5 and the proposal in paragraph 6 and take action as appropriate.

ANNEX**DRAFT UNIFIED INTERPRETATION OF REGULATION D-3 OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004****Regulation D-3***Approval requirements for ballast water management systems*

Regulation D-3.1 reads as follows:

"1 Except as specified in paragraph 2, ballast water management systems used to comply with this Convention shall be approved by the Administration as follows:

- .1 ballast water management systems installed¹ on or after 28 October 2020 shall be approved in accordance with the BWMS Code, as may be amended; and
- .2 ballast water management systems installed¹ before 28 October 2020 shall be approved taking into account the guidelines² developed by the Organization or the BWMS Code, as may be amended.

¹ Refer to paragraph 2 of the unified interpretation of appendix I (Form of the International Ballast Water Management Certificate) of the BMW Convention related to "date installed" contained in BWM.2/Circ.66.

² Refer to resolutions MEPC.125(53), MEPC.174(58) or MEPC.279(70), as appropriate".

Interpretation

1.1 In accordance with paragraph 1.13 of the BWMS Code (resolution MEPC.300(72)), BWMS approved taking into account the 2016 Guidelines (G8), adopted by resolution MEPC.279(70), shall be deemed to be in accordance with the BWMS Code. In light of this, BWMS approved taking into account the 2016 Guidelines (G8) may be installed on board ships on or after 28 October 2020.