

### ANNEX 3

#### RESOLUTION MEPC.253(67)

Adopted on 17 October 2014

#### MEASURES TO BE TAKEN TO FACILITATE ENTRY INTO FORCE OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Convention) together with four conference resolutions,

NOTING that regulation D-3 of the Annex to the Convention provides that ballast water management systems used to comply with the Convention must be approved by the Administration, taking into account guidelines developed by the Organization, and that regulation D-2 of the same Annex defines the performance standard for ships' ballast water management,

NOTING ALSO resolution MEPC.174(58) by which the Committee adopted the *Guidelines for approval of ballast water management systems (G8)* (Guidelines (G8)),

NOTING IN PARTICULAR that, by resolution MEPC.174(58), the Committee agreed to keep the Guidelines (G8) under review in the light of experience gained with their application,

NOTING FURTHER resolution MEPC.252(67), by which the Committee adopted the *Guidelines for port State control under the BWM Convention*,

RECOGNIZING the concerns of the shipping industry regarding the potential penalization of those owners and operators that have installed and operate ballast water management systems that have been type approved in accordance with Guidelines (G8),

BEING CONSCIOUS of the need to provide certainty and confidence in the application of the Convention, thereby assisting shipping companies, shipowners, managers, ships' crews and operators, as well as the shipbuilding and equipment manufacturing industries, in the timely planning of their operations; and the need to encourage the early installation of ballast water management systems,

HAVING CONSIDERED, at its sixty-seventh session, the recommendation made by the Ballast Water Review Group,

1 AGREES to immediately begin a comprehensive review of Guidelines (G8), which should, at a minimum, address the issues contained in the annex to this resolution;

2 AGREES that the existing Guidelines (G8) should continue to be applied until the application of revised Guidelines (G8) following completion of the review, and that Parties to the Convention should ensure the Guidelines are fully adhered to in any approval application;

3 AGREES that shipowners that have installed type-approved ballast water management systems prior to the application of the revised Guidelines (G8), should not be penalized;

4 AGREES that port States should refrain from applying criminal sanctions or detaining a ship, based on sampling during the trial period described in the report of BLG 17 (BLG 17/18, annex 6) associated with the *Guidance for sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42). This does not prevent the port State from taking preventive measures to protect its environment, human health, property or resources.

## ANNEX

### **ELEMENTS TO BE INCLUDED IN THE REVIEW OF GUIDELINES (G8)**

The following elements will be included, as a minimum, as a part of the review of Guidelines (G8), taking into account the associated guidance (resolution MEPC.228(65), BWM.2/Circ.43, BWM.2/Circ.33 and BWM.2/Circ.28):

- .1 testing being performed using fresh, brackish and marine waters;
- .2 testing considering the effect of temperature in cold and tropical waters on operational effectiveness and environmental acceptability;
- .3 specification of standard test organisms for use in testing;
- .4 challenge levels set with respect to suspended solids in test water;
- .5 type approval testing discounting test runs in the full-scale testing that do not meet the D-2 standard and the results of test runs being "averaged";
- .6 type approval testing realistically representing the flow rates the system is approved for;
- .7 any differences between type approval protocols of Member States; and
- .8 any items raised by, and any data arising from, the Study on the Implementation of the ballast water performance standard described in regulation D-2 of the Convention and any other relevant information provided within the timeline for the review of Guidelines (G8).

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