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Marine Advisory: 14/2016

SUBJECT: Entry-into-force of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)

Ref: a. BWM Convention
b. BWM.2/Circ.40
c. MEPC 64/2/18, MEPC 67/2/15, MEPC 68/2/18, MEPC 69/4/13, MEPC 70/4/17

Dear Shipowner/Operator/Master:

The entry-into-force criteria for the BWM Convention were met on 8 September 2016 and consequently the Convention will enter into force on 8 September 2017.

From 8 September 2017, ships to which the BWM Convention applies are required to carry on board an approved ballast water management plan, ballast water record book and conduct ballast water management in accordance with regulation B-3, as amended. Ships to which the BWM Convention applies, excluding floating platforms, FSUs and FPSOs, are also required to be surveyed and issued a certificate.

Conducting ballast water management under regulation B-3, as amended

Ships to which the BWM Convention applies shall conduct ballast water management in any one of the following ways:

1. Carry out ballast water exchange as described in regulation D-1 until the date of the renewal survey determined by the Committee at MEPC 70 to be held from 24 to 28 October 2016; after which time it shall at least meet the ballast water performance standard described in regulation D-2;
2. Discharge ballast water to a reception facility;
3. Be exempted by a Party or Parties under regulation A-4 of the BWMC when operating in a same risk area;
4. Under an exception in regulation B-3.5 of the BWM Convention, discharge ballast water and sediments at the same location where the whole of that ballast water and those sediments originated and provided that no mixing with unmanaged ballast water and sediments from other areas has occurred; or

5. Other methods of ballast water management may also be accepted as alternatives, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

Concerns with smooth implementation of the BWM Convention remain

Most ocean-going ships engaged in world-wide operations would be required to install a BWMS that is approved in accordance with IMO guidelines as meeting the discharge performance standard in the BWM Convention. It was anticipated that all BWMS approved in accordance with IMO guidelines could meet the discharge performance standard, regardless of where a ship may operate globally.

However, it has since been agreed that the current IMO Guidelines (G8) were not sufficiently detailed to ensure BWMS were adequately challenged during the process to provide the required confidence that BWMS will meet required discharge standard in all physical and environmental conditions, such as temperature, salinity ranges and sediment loads, ships normally encounter in worldwide trade. The Liberian Administration began conducting additional assessments of IMO type approved BWMS intended for installation on Liberian flagged ships in order to identify if there were any limitations during previous testing. Potential operational limitations are identified and listed on the Liberian Type Approval Certificate issued to the manufacturer. This additional information assists shipowners in their decisions on BWMS.

Procedures for submitting Type Approval of BWMS evaluated under the current IMO Guidelines including a list of BWMS assessed by Liberia can be found on its website.

<https://www.liscr.com/maritime/regulations-and-standards/ballast-water-management>

Liberia actively promoted the revision of IMO BWMS approval guidelines and is participating in the revision to make them more transparent, robust and fit for purpose with full confidence that discharges of ballast using the systems comply with the Convention standard.

The revised BWMS approval guidelines may be adopted by MEPC 70 next week and are expected to be nearly aligned with the robust type approval regime of the United States, thus establishing a rigorous global standard for BWMS type approval. There are no BWMS currently approved by the US and it could take several years for equipment approved under the new IMO guidelines to be readily available for installation. In the meantime, due to predetermined compliance dates, tens of thousands of ships may be required to install existing systems that may not fully comply with the convention standards.

The compliance dates for ships are linked to the date the ships IOPP certificate is renewed after 8 September 2017. In order to allow more time for new systems to become available and for ship owners to decide on which system to invest and install, Liberia has agreed shipowners may decide if they wish to renew a ships IOPP certificate earlier than scheduled in order to have an additional 4 to 5 years to see if new equipment becomes available.

There is also the uncertainty whether adequate new systems will be commercially available in sufficient quantities at the renewal of the IOPP certificate after 8 September 2017. Based on a study by Liberia, the dockyard capacity to fit systems on board ships will fall well short of a peak demand expected to occur in 2020-2021. After carrying out ship-board tests on the actual efficacy of extended ballast water exchanges in meeting the ballast water performance standard,

Liberia submitted MEPC 70/4/17 proposing a revision of the draft MEPC resolution on determination of the date referred to in regulation B-3, as amended. The paper proposes until that date, ships should be allowed to conduct ballast water management taking into account additional requirements in the approved ballast water management plan:

1. an efficiency of at least 99% volumetric exchange of ballast water;
2. additional management for ballast water sediment and cleaning ballast piping;
3. a voyage plan, to which the requirement in regulation B-4.3 of the BWM Convention does not apply; and
4. confirms compliance with regulation D-2 prior to discharge by the use of the methodology for indicative sampling and analysis specified in Guidelines (G2).

Issuance of the International Ballast Water Management Certificate (IBWMC)

In accordance with BWM.2/Circ.40, reference (c), the Administration has provided instructions to the Classification Societies on issuance of the IBWMC prior to entry into force of the BWM Convention along with annotation of the Certificate to state that validity begins from the entry-into-force date, combined with a Statement issued to the Company by the Administration or the Classification Society when the BWM Plan was received thereby allowing the vessel to trade for three months with an unapproved BWM Plan on board.

Upon installation of BWMS, the Classification Society is also authorized to carry out the installation survey, and approve the operations and technical manual for the BWMS specific to the ship.

United States ballast water management regulations

Liberia has been assisting shipowners in obtaining an extension for installation of approved BWMS on their ships until the next scheduled dry-docking. The U.S. Coast Guard has issued a revised policy letter for owners and operators seeking to extend compliance dates for installing approved BWMS.

Further details on requesting an extension and a copy of the recommended format for the application spreadsheet is available for download on the Coast Guard's Internet portal at <http://homeport.uscg.mil/ballastwater>, in the "Regulations and Policy Documents" folder where the policy letter is located.

Point of Contact

For further information regarding the issuance of this Advisory and the outcome at MEPC 70, please contact the Technical Department at +1 (703) 790 3434 or technical@liscr.com.

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