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COMMITTEE  
73rd session  
Agenda item 15

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## WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

### New work outputs to address issues arising during the experience-building phase of the Ballast Water Management Convention

Submitted by Australia, Brazil, Canada, Netherlands, New Zealand,  
Republic of Korea and IMarEST

#### SUMMARY

*Executive summary:* This document comments on the proposals included in document MEPC 73/15 and builds on those proposals, providing alternate text for consideration by the Committee to ensure issues arising during the experience-building phase of the Ballast Water Management Convention can be considered by the Committee in a timely manner

*Strategic direction, if applicable:* 1 and 6

*Output:* Proposal for new output

*Action to be taken:* Paragraph 12

*Related documents:* MEPC 73/15, MEPC 73/15/2, MEPC 73/15/3; resolutions A.1111(30) and MEPC.290(71)

#### Introduction

1 This document comments on the proposals submitted by Denmark, Ireland, Singapore and ICS in document MEPC 73/15, in accordance with the provisions of paragraph 6.12.5 of the document on *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.1).

2 As recognized by the co-sponsors in document MEPC 73/15, new work outputs are required to address operational, safety and technical issues arising from the implementation of the Ballast Water Management Convention. Document MEPC 73/15 proposes such an output, covering the "Efficient identification and enhancement of safety, technical, operational and documentation review for the improvement and consistent implementation of the BWM Convention" with a target completion date of end of 2023.

3 While the co-sponsors support consideration of the proposed output set out in document MEPC 73/15, it is suggested that breaking the proposal down into two separate outputs may allow the scope of each to be more accurately described. As a result these outputs may align more closely with the requirements for new outputs to be SMART (specific, measurable, achievable, realistic, time-bound) under the Organization's Strategic Plan (resolution A.1111(30), paragraph 6.2.6).

4 The Committee previously agreed to establish an experience-building phase (EBP) associated with the Convention so that data gathered by Member States and other stakeholders may be analysed by the Committee to develop a package of amendments to the Convention as appropriate (resolution MEPC.290(71)). Revised outputs, based on that proposed in document MEPC 73/15, that provide for the long-term improvement of the Convention as well as timely consideration of urgent issues, will ensure work on implementation remains coordinated and that any actions taken are evidence based.

### **Discussion**

5 The co-sponsors acknowledge the need for work outputs that allow operational, safety, technical and documentary issues to be raised and discussed by the Committee, as noted by document MEPC 73/15 (paragraphs 5 and 6). The co-sponsors also acknowledge that some of these issues may be time sensitive whilst others will benefit from a comprehensive policy discussion in the context of overall implementation of the Convention. As a result, the co-sponsors suggest that the output proposed in MEPC 73/15 (paragraph 3) be revised to two outputs, which would read:

- .1 "Review of the Ballast Water Management Convention based on data gathered in the experience-building phase"; and
- .2 "Urgent interim guidance emanating from issues identified during the experience-building phase of the Ballast Water Management Convention".

6 The scope of the revised output: "Review of the Ballast Water Management Convention based on data gathered in the experience-building phase" would be guided by resolution MEPC.290(71) and the contents of the data gathering and analysis plan (DGAP) for the EBP associated with the Ballast Water Management Convention (BWM.2/Circ.67). Implementation of the Ballast Water Management Convention by Member States will produce data and show trends through the EBP that will allow the Committee to consider opportunities to improve the Convention. The revised output addresses the need for this review and discussion and would allow the Committee to take stock of the Convention in line with resolution MEPC.290(71), where the Committee resolved to undertake an analysis of the data gathered and a systematic and evidence-based review of the text of the Convention and develop a package of amendments to the Convention as appropriate. The benefits of this revised output align with the benefits identified in document MEPC 73/15 (paragraph 15), in particular "best practices can be shared among Member States and the shipping industry helping to improve and align efforts for better consistent implementation".

7 As noted in document MEPC 73/15 (paragraph 5), issues and challenges will emerge prior to the end of the EBP that should be addressed in a timely manner. The need for time-sensitive issues, such as those proposed in document MEPC 73/15 (paragraph 17), to be considered during the EBP is acknowledged and the co-sponsors propose that such discussions could occur within the scope of the revised output: "Urgent interim guidance emanating from issues identified during the experience-building phase of the Ballast Water Management Convention". The scope of this output would allow for the consideration of critical issues that may require interim guidance during the EBP, consistent with the urgency of the issue. Urgent issues would include those that must be considered prior to the completion of the EBP to ensure crew and ship safety and the protection of the marine environment.

8 It should be noted that the co-sponsors propose that the revised output: "Urgent interim guidance emanating from issues identified during the experience-building phase of the Ballast Water Management Convention" be limited to issues requiring interim measures, such as guidance. The co-sponsors note that making amendments to the Convention during the EBP, as proposed in document MEPC 73/15 (paragraph 17.3), risks pre-empting the results of the EBP and may lead to implementation issues being addressed in an uncoordinated manner. Doing this may result in inadequate or ineffective long-term changes being made to the Ballast Water Management Convention.

9 Document MEPC 73/15 (paragraphs 6 and 17.3) proposes alignment of article 9 of the Ballast Water Management Convention and the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)). The co-sponsors are of the view that revised outputs proposed above adequately address the need to provide for port State control discussions during the EBP, recognizing that:

- .1 article 9 currently provides the basis for the proposed four-stage inspection approach and does not currently impede either ships or Administrations from implementing the Ballast Water Management Convention effectively;
- .2 resolution MEPC.290(71) and the DGAP include data gathering and analysis specific to port State control matters in order to inform the development of evidence-based Ballast Water Management Convention amendments should these be required. In the meantime, paragraphs 6 and 7 of resolution MEPC.290(71) provide certain non-penalization measures to protect the shipping industry until any package of urgent amendments is adopted. Therefore, should amendments to article 9 be required, these can be developed within the context of the revised output on the EBP; and
- .3 should further guidance relating to port State control be urgently required to address arising issues during the EBP, the co-sponsors are of the view that this can be addressed within the scope of the revised output on urgent interim guidance.

10 The adoption of these revised work outputs, that seek to share information, address urgent issues and allow all Member States to consider experience gained during the EBP, will ensure that lessons learnt in the EBP can be utilized to improve the Ballast Water Management Convention. The proposed outputs meet the same IMO objectives and provide the same benefits as those identified in document MEPC 73/15 (paragraphs 4 and 15).

11 The co-sponsors acknowledge the need for the Council to endorse any new work outputs to be added to the biennium agenda and that work outputs expected to take more than one biennium to complete shall be reviewed at the end of each biennium. As per the reasons presented in document MEPC 73/15 (paragraph 21), the co-sponsors agree that the target completion date for these revised work outputs should be the end of 2023, pending review at the end of the current biennium. The proposed timeframe for the work outputs would allow for completion of the five year EBP (2017 to 2022) and the schedule for implementation of the Ballast Water Management Convention.

**Action requested of the Committee**

12 The Committee is invited to consider these comments and revised outputs, and in particular, to:

- .1 approve the revised work outputs "Review of the Ballast Water Management Convention based on data gathered in the experience-building phase" and "Urgent interim guidance emanating from issues identified during the experience-building phase of the Ballast Water Management Convention"; and
  - .2 seek endorsement from Council to include the proposed outputs in the biennial agenda and work programme of MEPC beginning in 2019.
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