INTERNATIONAL MARITIME ORGANIZATION

E

MARINE ENVIRONMENT PROTECTION COMMITTEE
85th session
Agenda item 3

MEPC 85/3/12
14 September 2026
Original: ENGLISH
Pre-session public release: ☒

CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Clarification of the implementation of amendments to the Ballast Water Management Convention

Submitted by China and IACS

SUMMARY

Executive summary:	This document highlights implementation aspects associated with the draft amendments to the Ballast Water Management Convention contained in document MEPC 85/3 and proposes additional operative paragraphs in the draft MEPC resolution adopting the amendments to the BWM Convention, to include a phase-in period to update Ballast Water Management Plans (BWMPs) and International Ballast Water Management Certificates (IBWMCs). This would minimize burden and ensure ships' consistent compliance as quickly as practically possible.
Strategic direction, if applicable:	1
Output:	1.24
Action to be taken:	Paragraph 17
Related document:	MEPC 85/3

Background

1 The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention) has been under review in line with the Convention Review Plan (BWM.2/Circ.79). As that review reaches conclusion, amendments to the BWM Convention were found to be necessary.

2 Consequently, MEPC 84 considered and approved draft amendments to the BWM Convention. The draft amendments, consolidated as a draft revised annex to the BWM Convention, are included in the annex to document MEPC 85/3 with a view to adoption at MEPC 85.

3 The Ballast Water Review Group at MEPC 83 had concluded that amendments to the BWM Convention should be finalized simultaneously with amendments to the Code for Approval of Ballast Water Management Systems (BWMS Code) with a view to entry into force

of the revised BWMS Code at the same time as the entry into force of the BWM Convention amendments (MEPC 85/3, paragraph 4).

Discussion

Ballast Water Management Plans

4 Regulation B-1 of the BWM Convention requires ships to have a Ballast Water Management Plan (BWMP) on board and to implement it. BWMPs are to be approved by the Administration. Each BWMP is to be specific to the ship and to contain specific information listed in regulation B-1.1.

5 Regulation B-1.2 requires any changes to the mandatory provisions of the BWMP to be approved by the Administration.

6 The draft amendments to regulation B-1 introduce several new requirements which are to be included in BWMPs. These requirements are contained within draft new paragraphs B-1.1.3, B-1.1.4, B-1.1.7 and B-1.1.9, and, being mandatory, will be required to be included in approved BWMPs for new ships delivered on or after the date of entry into force of the amendments. They will also need to be included as changes to the approved BWMPs for existing ships delivered before the date of entry into force of the amendments.

7 The Committee may wish to recall that a similar matter arose ahead of the entry into force of the BWM Convention itself. On that occasion, recalling the conclusions of MEPC 63, MEPC 64 had approved BWM.2/Circ.40, addressing the same absence of a phase-in period and endorsing an approach permitting Administrations to issue International Ballast Water Management Certificates prior to entry into force, duly annotated, and allowing ships to trade temporarily with an unapproved BWMP on board.

8 In the present case, the co-sponsors note that the draft amendments under consideration at MEPC 85 similarly do not provide a phase-in timetable to allow the existing BWMPs to be updated to include the new requirements and for those amendments to be approved by the Administration, or by recognized organizations on their behalf, in an achievable and practical way.

International Ballast Water Management Certificates

9 Appendix I of the BWM Convention provides the form of the International Ballast Water Management Certificate (IBWMC). The draft amendments circulated with a view to adoption at MEPC 85 include changes to the form of the IBWMC.

10 The draft amendments require new information to be recorded including information on the type approval of the ballast water management system and confirmation that the BWMP has been approved.

11 A new ship entering service on or after the date of entry into force of the amendments would normally be expected to be issued with an IBWMC in the revised form. However, a ship which has been issued with a IBWMC before the date of entry into force of the amendments will need its existing IBWMC replaced by a new IBWMC in the revised format.

12 The draft amendments do not provide a phase-in timetable to allow an existing IBWMC issued to a ship before the date of entry into force of the amendments to be replaced by a new certificate in the revised format in the most practical way by its Administration or its recognized organization on its behalf. However, paragraph 3.2 of MSC-MEPC.5/Circ.6 states

that, in cases where the ship has to comply with new requirements, the certificate (and its supplement, if any) is re-issued at the opportunity of the survey specified with the new requirement occurring after the date of entry into force of the amendments.

Proposal

13 In considering the points raised in the discussion above, the co-sponsors propose that new provisions be made by the Committee for the changes to be implemented globally in a consistent, pragmatic and achievable manner, minimizing the burden to the industry whilst ensuring that all ships are compliant within a short period.

14 For a ship issued with its first IBWMC on or after the date of entry into force of the amendments to the BWM Convention, the approved BWMP should be in accordance with the amended requirements at the initial survey conducted in accordance with regulation E-1. The IBWMC should be issued in accordance with the new format at the initial survey.

15 For a ship issued with an IBWMC before the date of entry into force of the amendments to the BWM Convention, an approved BWMP, in accordance with the amended requirements, should be on board the ship by the first survey (annual/intermediate/renewal) conducted in accordance with regulation E-1 on or after the date of entry into force of the amendments to the BWM Convention. The IBWMC in the new format should be issued and be on board the ship at completion of the first survey (annual/intermediate/renewal) conducted on or after the date of entry into force of the amendments to the BWM Convention.

16 The above suggestions are presented as operative paragraphs to be included in the draft MEPC resolution adopting the amendments to the BWM Convention, as set out in the annex to this document.

Action requested of the Committee

17 The Committee is invited to consider the foregoing, the proposal in paragraphs 13 to 16, and the draft in the annex, and take action as appropriate.

***

ANNEX*

DRAFT MEPC RESOLUTION

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004

(Revised annex to the Convention)

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 international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 19 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the BWM Convention), which specifies the amendment procedure and confers upon the Marine Environment Protection Committee of the Organization the function of considering amendments thereto for adoption by the Parties,

HAVING CONSIDERED, at its eighty-fifth session, the proposed revised annex to the BWM Convention, based on the package of draft amendments to the BWM Convention duly circulated in accordance with article 19(2)(a) of the BWM Convention,

1 ADOPTS, in accordance with article 19(2)(c) of the BWM Convention, the revised annex to the BWM Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 19(2)(e)(ii) of the BWM Convention, that the revised annex to the BWM Convention shall be deemed to have been accepted on [1 January 2028] [1 November 2028] unless, prior to that date, more than one third of the Parties have notified the Secretary-General that they object to it;

3 INVITES the Parties to note that, in accordance with article 19(2)(f)(ii) of the BWM Convention, the said revised annex shall enter into force on [1 July 2028] [1 May 2029] upon its acceptance in accordance with paragraph 2 above;

4 DECIDES that, for a ship issued with its first International Ballast Water Management Certificate (IBWMC) on or after the date of entry into force of the amendments to the Convention, the approved Ballast Water Management Plan (BWMP), in accordance with the amended requirements, should be on board the ship at the initial survey conducted in accordance with regulation E-1, and that the IBWMC should be issued in the new format at that initial survey.

5 DECIDES that, for a ship issued with an IBWMC before the date of entry into force of the amendments to the Convention that update the requirements for BWMPs, an approved BWMP, in accordance with the amended requirements, should be on board the ship by the first survey (annual/intermediate/renewal) conducted in accordance with regulation E-1 on or after the date of entry into force of the amendments to the Convention.

* Proposed modifications compared to the draft MEPC resolution contained in the annex to document MEPC 85/3 are presented in grey shading.

6 REAFFIRMS that, in accordance with the guidance in paragraph 3.2 of MSC-MEPC.5/Circ.6, an IBWMC in the new format should be issued and be on board the ship no later than the completion of the first survey (annual/intermediate/renewal) conducted on or after the date of entry into force of the amendments to the Convention.

7~~4~~ REQUESTS the Secretary-General, for the purposes of article 19(2)(d) of the BWM Convention, to transmit certified copies of the present resolution and the text of the revised annex contained in the annex to all Parties to the BWM Convention;

8~~5~~ ALSO REQUESTS the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to the BWM Convention;

9~~6~~ FURTHER REQUESTS the Secretary-General to prepare a consolidated certified text of the BWM Convention.