

## BW Management System Compliance for Existing Vessels under IMO and USCG BWM Regulations

- 1 The accompanying chart illustrates, for existing ships, compliance dates for:
- IMO's implementation schemes under the D-2 biological standard under the BWM Convention, which is scheduled to enter into force on September 8, 2017; and
  - the USCG Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters, in force.

MEPC 70 agreed that two Schemes should go forward for a decision of a single scheme at MEPC 71 in July 2017. While both IMO Schemes hinge on the MARPOL Annex I IOPP Renewal Survey Implementation date, USCG compliance is linked to the first out-of-water drydocking on/after January 1, 2016.

The dates used to define existing vessels are different. Under USCG requirements, existing vessels have a keel laying date before 1 Dec 2013. The dates are used to define existing vessels under IMO's Schemes differ:

1. **Scheme 1** - existing ships have a keel laying date prior to September 8, 2017 and are required to comply with D-2 by the first IOPP Renewal Survey completed on/after September 8, 2017. It reflects resolution A.1088(28).
2. **Scheme 2** - existing ships have a keel laying date prior to September 8, 2019 and are required to comply with D-2 by the first IOPP Renewal Survey completed on/after September 8, 2019.

Ship compliance with the D-2 standard between September 8, 2017 and the expected entry into force date of the amendments to the BWM Convention (September 2019) is, based on ABS' understanding, as follows:

- If MEPC 71 approves in July 2017 and circulates Scheme 1 (this is the same as resolution A.1088(28)) on September 8, 2017 for adoption at MEPC 72 in March 2018, then Scheme 1 would apply during that period<sup>[1]</sup>.
- If MEPC 71 approves in July 2017 and circulates Scheme 2 (or something different than Scheme 1) on September 8, 2017 for adoption at MEPC 72 in March 2018, then MEPC 71 will also need to revoke A.1088(28) and issue a resolution calling for implementation of Scheme 2 (or something different than Scheme 1, as the case may be) until such time as the amendments enter into force. The PSC BWM Guidelines would also need to be revised.

Taking into account that the implementation scheme will only be known with certainty after MEPC 72 adopts amendments to the Convention in March 2018, it is recommended that ships complete an IOPP Renewal Survey prior to the September 8, 2017 entry into force date of the Convention. While this recommendation does not provide for more extended period of compliance with the D-2 standard under Scheme 2, it does provide for an extended period of compliance under Scheme 1.

[1] PSC BWM Guidelines (MEPC.252(67): *"Resolution A.1088(28) on Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 should be used by the PSCO instead of the schedules of regulation B-3 for the purpose of enforcing compliance with the ballast water performance standard"*

2 **Scenario A** shows a **harmonized** IOPP Renewal Survey that is completed on 1 July 2019.

- Under IMO **Scheme 1**, D-2 compliance would be required by 1 July 2019.
- Under IMO **Scheme 2**, D-2 compliance would be required by 1 July 2024.
- If the vessel is drydocked during the 1 July 2019 survey, then compliance with USCG standards is required for vessels operating in US waters unless an extension has been granted by the USCG under the provisions.

3 **Scenario B** shows a **de-harmonized** IOPP Renewal Survey that is completed on 1 July 2017.

- D-2 compliance would be required by 1 July 2022 under either **Scheme 1 or Scheme 2**.
- If the vessel is drydocked during the 1 July 2017 survey, then compliance with USCG standards would also be required for vessels which will operate in US waters unless an extension has been granted by the USCG under the provisions as so noted.

4 The G8 Type Approval Guidelines, revised at MEPC 70 and issued as resolution MEPC.279(70), recommend that BWT systems *"installed"* on board ships:

- on or after October 28, 2020 be approved based on resolution MEPC.279(70); and
- prior to October 28, 2020 be approved based on resolution MEPC.174(58), or preferably MEPC.279(70).

The revised G8 Guidelines specify that *"installed"* means the contractual date of delivery of the BWT system to the ship or, in the absence of such a date, the actual date of delivery of the BWT system to the ship. Documents to this effect should be retained onboard the vessel.