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Circular Letter No.3771
8 September 2017

To: All IMO Members
Parties to the BWM Convention which are not Members of IMO

Subject: **Amendments to the Ballast Water Management Convention**

1 MEPC 71 (3 to 7 July 2017) considered and approved draft amendments to the Ballast Water Management Convention (BWM Convention) concerning the implementation schedule of ballast water management for ships, the establishment of the *Code for approval of ballast water management systems*, and aspects of survey and certification, with a view to adoption at MEPC 72 (9 to 13 April 2018).

2 The Secretary-General has the honour to transmit herewith, in accordance with article 19(2)(a) of the BWM Convention, the text of the draft amendments referred to above and set out in the annex, with a view to their consideration for adoption at MEPC 72 in accordance with article 19(2)(b) and (c) of the said Convention.

ANNEX**DRAFT AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS****Annex****Regulations for the control and management of ships' ballast water and sediments****Section A – General provisions****Regulation A-1 – Definitions**

1 A new paragraph 8 is added as follows:

"8 *BWMS Code* means the *Code for approval of ballast water management systems* adopted by resolution MEPC[...] (72), as may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with Article 19 of the present Convention relating to amendment procedures applicable to the annex."

Section B – Management and control requirements for ships**Regulation B-3 – Ballast water management for ships**

2 The text of regulation B-3 is replaced with the following:

"1 A ship constructed before 2009:

- .1 with a ballast water capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct ballast water management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10, after which time it shall at least meet the standard described in regulation D-2;
- .2 with a ballast water capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct ballast water management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10 after which time it shall at least meet the standard described in regulation D-2.

2 A ship constructed in or after 2009 and before 8 September 2017 with a ballast water capacity of less than 5,000 cubic metres shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.

3 A ship constructed in or after 2009, but before 2012, with a ballast water capacity of 5,000 cubic metres or more shall conduct ballast water management in accordance with paragraph 1.2.

4 A ship constructed in or after 2012 and before 8 September 2017 with a ballast water capacity of 5,000 cubic metres or more shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.

5 A ship constructed on or after 8 September 2017 shall conduct ballast water management that at least meets the standard described in regulation D-2.

6 The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.

7 Other methods of ballast water management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5 and paragraph 8, 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.

8 A ship constructed before 8 September 2017 to which the renewal survey described in paragraph 10 does not apply, shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date decided by the Administration, but not later than 8 September 2024.

9 A ship subject to paragraphs 2, 4 or 8 will be required to comply with either regulation D-1 or regulation D-2, until such time as it is required to comply with regulation D-2.

10 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 or 4 is:

- .1 the first renewal survey as determined by the Committee following the date of entry into force of the Convention if:
 - .1 this survey is completed on or after 8 September 2019; or
 - .2 a renewal survey is completed on or after 8 September 2014 but prior to 8 September 2017; and
- .2 the second renewal survey as determined by the Committee following the date of entry into force of the Convention if the first renewal survey following the date of entry into force of the Convention is completed prior to 8 September 2019, provided that the conditions of paragraph 10.1.2 are not met."

Section D – Standards for ballast water management

Regulation D-3 – Approval requirements for ballast water management systems

3 In paragraph 1, the words "taking into account Guidelines developed by the Organization" are replaced by "in accordance with the BWMS Code".

Section E – Survey and certification requirements for ballast water management

Regulation E-1 – Surveys

4 In paragraph 1.5, the last sentence "Such survey shall be endorsed on the Certificate issued under regulation E-2 and E-3" is deleted.

Regulation E-5 – Duration and validity of the Certificate

5 In the chapeau of paragraph 8, the words "annual survey" are replaced by "annual or intermediate survey".

6 In paragraph 8.3, the words "annual surveys" are replaced by "annual or intermediate surveys".

7 The existing paragraph 9.1 is deleted and the existing paragraphs 9.2 to 9.4 are renumbered as paragraphs 9.1 to 9.3, respectively.
