
4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

BWM.2/Circ.40
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**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT
OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

**Issuance of Ballast Water Management Certificates prior to entry into force
of the BWM Convention and Ballast Water Management Plans approved
according to resolution A.868(20)**

1 The Marine Environment Protection Committee, at its sixty-fourth session (1 to 5 October 2012), recalling the conclusions of MEPC 63, approved the dissemination of a circular on issuance of Ballast Water Management Certificates prior to entry into force of the BWM Convention (MEPC 64/23, paragraph 2.38.8).

2 Member Governments are invited to advise the Organization on the progress made after the conditions for entry into force of the BWM Convention have been met and prior to the actual entry into force of the Convention.

3 Flag States, port States and international organizations are invited to bring the annexed Guidance to the attention of all parties concerned.

ANNEX

ISSUANCE OF BALLAST WATER MANAGEMENT CERTIFICATES PRIOR TO ENTRY INTO FORCE OF THE BWM CONVENTION AND BALLAST WATER MANAGEMENT PLANS APPROVED ACCORDING TO RESOLUTION A.868(20)

1 With regard to the issuance of International Ballast Water Management Certificates prior to entry into force of the BWM Convention, the Committee noted the concern that the Convention allows no phase-in period for ships constructed prior to the entry into force of the Convention to comply with its provisions. This would result in all ships of 400 gross tonnage and above to have on board an approved Ballast Water Management (BWM) Plan and be surveyed and certificated immediately on the entry into force of the Convention.

2 The Committee agreed that it would be impracticable, for those responsible, to prepare, review and approve BWM Plans and survey and certify all ships of 400 gross tonnage and above within the 12-month period between the date when the conditions for entry into force have been satisfied and the actual entry-into-force date of the Convention.

3 To address this impracticality, MEPC 63 endorsed the conclusion of the Ballast Water Review Group with regard to Contracting Governments to the BWM Convention issuing International Ballast Water Management Certificates prior to entry into force of the Convention, provided it is annotated to state that validity begins from the entry-into-force date, combined with a statement issued to the Company when the BWM Plan was received, thereby allowing the vessel to trade for three months with an unapproved BWM Plan on board.

4 Recognizing that regulation B-1 requires the Ballast Water Management Plan to only take into account guidelines developed by the Organization and does not mandate compliance with resolution MEPC.127(53) or resolution A.868(20), and that resolution MEPC.127(53) does not revoke resolution A.868(20), the Committee agreed that whilst the Guidelines adopted after 2004 for the uniform implementation of the BWM Convention have effectively superseded the Guidelines adopted by resolution A.868(20), for practical reasons, the Ballast Water Management Plans, approved in accordance with resolution A.868(20), should remain valid until the plan requires revision due to the installation of a ballast water management system.
