

ANNEX 4

**RESOLUTION MEPC.287(71)
(adopted on 7 July 2017)**

IMPLEMENTATION OF THE BWM 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 that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Convention) together with four conference resolutions,

NOTING that the entry-into-force conditions of the Convention were met on 8 September 2016 and that it will consequently enter into force on 8 September 2017,

BEING COGNIZANT of the fact that by the date of its entry into force more than 13 years will have elapsed since the adoption of the Convention,

NOTING that 60 States, the combined merchants fleets of which constitute approximately 68% of the gross tonnage of the world's merchant shipping, have acceded to the Convention as of 7 July 2017,

BEING CONSCIOUS of the need to provide certainty and confidence in the application of the Convention, thereby assisting shipping companies, shipowners, managers and operators, as well as the shipbuilding and equipment manufacturing industries, in the timely planning of their operations, and to encourage the early installation of ballast water management systems,

BEARING IN MIND that the International Conference on Ballast Water Management for Ships adopted regulation B-3 (Ballast water management for ships) of the Convention to ensure a smooth transition to the ballast water performance standard described in regulation D-2 between the years 2009 and 2019,

RECOGNIZING that time has elapsed since adoption of the Convention, which has resulted in uncertainty for ships regarding the application of regulation B-3 and that such uncertainty can be mitigated through the application of an appropriate timeline for implementing regulations D-1 (Ballast water exchange standard) and D-2 (Ballast water performance standard), upon entry into force of the Convention,

RECALLING that the Assembly, at its twenty-eighth session, adopted resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, and requested it to keep the resolution under review and report back to the Assembly as appropriate,

HAVING APPROVED, at its seventy-first session, draft amendments to regulation B-3 of the Convention (MEPC 71/17, annex 2) with a view to adoption at its seventy-second session,

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- 1 REQUESTS the Secretary-General to circulate the draft amendments to regulation B-3, in accordance with Article 19 of the Convention, to all Parties to the Convention and to all Members of the Organization immediately after the entry into force of the Convention;
- 2 RESOLVES that, in lieu of the implementation schedule recommended in resolution A.1088(28) and notwithstanding the schedule set forth in regulation B-3 of the Convention, the Parties should implement the amended regulation B-3 (MEPC 71/17, annex 2) immediately after entry into force of the Convention, with a view to avoiding the creation of a dual treaty regime during the time period between the entry into force of the Convention and the entry into force of the amended regulation B-3;
- 3 URGES States which have not yet acceded to the Convention to do so as soon as possible, in the understanding that the requirements of the amended regulation B-3 will be implemented upon the entry into force of the Convention;
- 4 REAFFIRMS the agreement reached at its sixty-eighth session, as contained in the Roadmap for the implementation of the Convention, regarding the provisions for non-penalization of early movers that have installed ballast water management systems approved in accordance with the *Guidelines for approval of ballast water management systems* (G8) (resolution MEPC.174(58), subsequently superseded by resolution MEPC.279(70)).
- 5 AGREES that this resolution supersedes resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
