Annex to PR - ICS Intervention to MEPC Plenary

Thank you, Mr. Chairman for allowing us to respond to the report of the Ballast Water Review Group.

Whilst we certainly appreciate the valiant efforts of the chairman to progress the discussions; we are very disappointed that the very real concerns of industry have been yet again to a large extent sidelined or ignored.

With few exceptions, the tenor of the working group report suggests that all is rosy in the world of ballast water treatment system availability and efficacy, as well as the capacity of the global shipbuilding and repair community to cope with the vast number of vessels which will be required to install systems in the future according to the implementation schedule.

We are particularly disappointed that the existing identified challenges for moving type-approved systems from controlled test conditions to the real world of vessel operations, which we and others elaborated on during the review group discussions has been disregarded.

We wish to emphasise the point that the Ballast Water Convention was NOT designed to assure the ability of a ballast water treatment system to meet the D-2 standard in the vacuum of a test facility. Rather the Convention was designed to assure the ability to meet the D-2 standard by a system installed on an operating vessel. It is clear that enforcement and compliance actions will not be taken against treatment system manufacturers or test facilities but rather against shipowners and their crews who have installed a type approved system that, when subject to the variabilities of the global operating

environment, fails to perform as required by the Convention. These variabilities have resulted in documented failures of systems which have already been issued type-approvals, failures caused by a variety of operating conditions including but not limited to variable salinities, flow rates, water temperature and levels of suspended sediment. We believe Type Approval D-2 compliance verification should not simply be restricted to operation on a wet Wednesday in July with a specific water temperature of 17.2 degrees Celcius. A type-approved system should generally be expected to operate effectively under all normal operating conditions encountered.

We are consequently disappointed at the unwillingness of the review group to pursue reopening of the G-8 guidelines. We do appreciate the sensitivities expressed by some delegations in this regard. While not agreeing with the decision, we respect the review group's decision to attempt to correct these inadequacies through revision and updating of resolution MEPC.175(58). In fact, we would suggest that the review group's recognition of the need to update these documents implicitly recognizes the problems with the current G-8.

The current G-8 guidelines provide a great deal of flexibility to Administrations in the issuance of type approvals, this leads to varying degrees of robustness in the type approval process, and in fact, in the certification itself as regards essential test condition parameters which we believe should be included as part of the type approval documentation. While we generally support flexible implementation of any programme, flexibility which results in variable test results impacting the real world operating capability of a system installed aboard ship cannot be supported. Guidance on guidance to voluntary guidelines surely cannot be an appropriate way to support such

important legislation. This has again reinforced our earlier concerns regarding PSC sampling for compliance which we believed would have been alleviated by the pragmatic way forward suggested in our submission.

Yet again it is apparent that the legislators ignore realities in blindly pursuing the status quo. This was an opportunity to provide a final much needed fix to the very real type approval problems that have been highlighted to, and recognised by, the majority of the review group.