

ASSEMBLY
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Agenda item 12

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Resolution A.1088(28)

**Adopted on 4 December 2013
(Agenda item 12)**

**APPLICATION OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND
MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention of the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO the adoption by the International Conference on Ballast Water Management for Ships, held at the Organization's Headquarters in 2004, of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments* (hereinafter referred to as "the Convention"),

RECALLING FURTHER resolution A.1005(25) concerning the application of the Convention, and expressing its renewed desire to ensure that the Convention enters into force without further delay so as to provide for accrual of benefits as soon as possible to the aquatic environment from its early, wide and effective implementation,

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 the need 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 to ensure a smooth transition to the D-2 performance standard of the Convention between the years 2009 and 2019,

RECOGNIZING that the passage of time since adoption of the Convention 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 enforcement of regulations D-1 (ballast water exchange standard) and D-2 (ballast water performance standard), upon entry into force of the Convention,

1 CALLS ON States that have not already done so to ratify, accept, approve or accede to the Convention as soon as possible;

2 RECOMMENDS that, notwithstanding the schedule set forth in regulation B-3, upon entry into force of the Convention, each Party enforce the standards in regulations D-1 and D-2 in accordance with the following schedule:

- .1 a ship subject to regulations B-3.3 or B-3.5, constructed before the entry into force of the Convention, will not be required to comply with regulation D-2 until its first renewal survey following the date of entry into force of the Convention;
- .2 a ship subject to regulations B-3.1.1, B-3.1.2 or B-3.4 will not be required to comply with regulation D-2 until its first renewal survey following the anniversary date of delivery of the ship in the year of compliance with the standard applicable to the ship;
- .3 notwithstanding paragraph 2.2, where the Convention enters into force after the year 2014, a ship subject to regulation B-3.1.1 will not be required to comply with regulation D-2 until its first renewal survey following the date of entry into force of the Convention;
- .4 notwithstanding paragraph 2.2, where the Convention enters into force after the year 2016, a ship subject to regulations B-3.1.2 or B-3.4 will not be required to comply with regulation D-2 until its first renewal survey following the date of entry into force of the Convention;
- .5 a ship referred to in paragraphs 2.1 to 2.4 will be required to comply with either regulation D-1 or regulation D-2 until such time as regulation D-2 is enforced;
- .6 the renewal survey referred to in paragraphs 2.1 to 2.4 is the renewal survey associated with the International Oil Pollution Prevention Certificate under MARPOL Annex I;

3 REQUESTS that the Marine Environment Protection Committee keep this resolution under review and report back to the Assembly as appropriate;

4 RECOMMENDS that, as soon as possible after entry into force of the Convention, regulation B-3 be amended consistent with the understanding reflected in paragraph 2 of this resolution, with the date of acceptance of the amendment to occur as soon as practicable after its adoption;

5 REVOKES resolution A.1005(25).