

## ANNEX 6

### RECOMMENDATIONS RELATED TO THE TRIAL PERIOD FOR REVIEWING, IMPROVING AND STANDARDIZING THE CIRCULAR ON GUIDANCE ON BALLAST WATER SAMPLING AND ANALYSIS FOR TRIAL USE IN ACCORDANCE WITH THE BWM CONVENTION AND GUIDELINES (G2)

#### Introduction

1 Circular BWM.2/Circ[...] provides the current state of knowledge of methods and approaches for ballast water sampling and analysis.

2 It is recognized that the many of the sampling and test methods in the circular have not yet been adequately validated. As a consequence, these methods have not yet been fully integrated in port State control procedures in order to validate their practical utility for determining compliance with the Convention. Given that these methods are rapidly improving, Member States and observers are encouraged to further develop sampling and analysis protocols, including but not limited to, the range of options outlined in the Circular. Information on detailed protocols should be provided to the Sub-Committee for inclusion in revisions of the Circular as appropriate.

3 Once the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 enters into force, a trial period will be initiated where port State control can further trial the approaches in the circular to ensure they are practical and fit for purpose. The trial period would be for 2 to 3 years following entry into force of the Convention.

4 It is to be noted that MEPC 64 agreed that sampling for port State control should be no more stringent than the sampling used for type approval of a ballast water management system.

5 The results of the trial will be reviewed by the Committee and when appropriate the trial should be halted or extended. The goal at the end of the trial period would be to have a suite of accepted procedures that can be used for sampling and analysing ballast water in a globally consistent way.

#### Nature of Trial Period

6 The trial period, and the data gathered during the trial, is essential in providing a sound basis for future enforcement. Prior to a satisfactory completion of the trial period, leading to agreement on the appropriate sampling and analysis protocols, port States would refrain from applying criminal sanctions or detaining the ship, based on sampling. This does not prevent the port State from taking preventive measures to protect its environment, human health, property or resources

7 During the trial period, aside from the provision above relating to sampling, all port State control activities (for example certificate review and operating procedural review) and enforcement options will be available to port State control. Therefore, the ship should have evidence that the ballast water management system is Type Approved and has been maintained and operated in accordance with the ships' Ballast Water Management Plan. The system should incorporate a self-monitoring system in accordance with the Guidelines (G8) and associated guidance. Having a treatment system particulars document on board is also recommended (see document MEPC 61/INF.19).

## **Trial Procedure**

8 The trial will evaluate, review and assess the potential sampling and analysis protocols with a view to recommending for approval by the Committee detailed analysis protocols that may be used to assess compliance with regulation D-2 of the Convention.

8.1 At least one standard precise protocol for indicative and detailed analysis of organisms at each size class is desired; the trial may, however, identify that multiple protocols are available for detailed or indicative analysis at a given size class. Key factors to be reviewed for each protocol will be:

8.1.1 Practicability:

- .1 Cost effectiveness and timeliness; and
- .2 General applicability with regard to vessel type and geographic region.

8.1.2 Effectiveness in assessing compliance:

- .1 Consistency with Guidelines (G8) Type Approval sampling procedures

9 In advance of the trial, before the required entry into force conditions for the BWM Convention have been met, the following actions are anticipated:

- .1 development of new methods and scientific validation of new and existing methods, approaches and general approaches communicated to the Organization are incorporated into BWM.2/Circ[...] on an on-going basis;
- .2 further development of PSC guidance by FSI; and
- .3 development and approval of the process by which the trial will be evaluated.

10 In advance of the trial, at the first meeting of the Sub-Committee after the required entry into force conditions for the BWM Convention have been met, the following actions are anticipated:

- .1 The methods and approaches in BWM.2/Circ[...] that are considered mature enough for use in the context of port state control are identified for inclusion in the trial;
- .2 taking into account the methods and approaches identified in paragraph 10.1, the trial procedure is reviewed and confirmed; and
- .3 the methods and approaches and trial procedure identified are communicated to all interested parties by the Organization.

11 During the trial, the following actions are anticipated;

- .1 port States sample and analyse the ballast water on vessels according to the port State control guidelines, using the methods and approaches selected in paragraph 10.1; and

- .2 port States share the results of the sampling and analysis process as usual, making clear the trial nature of the procedure.

12 Following the first year of the trial, which begins upon the entry into force of the convention, the following actions are anticipated:

- .1 port States that sample and analyse the ballast water of ships may submit information reports to the BLG Sub-Committee on the key factors for review listed in paragraph 8, and generally on any insights gained that are relevant to the purpose of the trial period;
- .2 similarly, Member States and observers may submit information reports containing similar insights drawn from their experiences or brought to their attention during the trial; and
- .3 following consideration of these reports, the Organization reviews the details of the methods and approaches being trialled and/or removes/adds methods and approaches as appropriate. Appropriate revisions are made to BWM.2/Circ.[...] and communicated to all interested parties by the Organization.

13 Following the second year of the trial, the following actions are anticipated:

- .1 the actions described in paragraph 12 are repeated;
- .2 the reports from both years of the trial are reviewed to determine if changes are needed to standardize the options available; and
- .3 consideration is given to any need to extend the trial to a third year.

14 Following the conclusion of the trial, the following actions are anticipated:

- .1 recommendations are provided to the Committee on standardized sampling and analysis protocols considered appropriate for use in the assessment of compliance with regulation D-2, and amendments are incorporated in BWM.2/Circ.[...];
- .2 the agreed arrangements in paragraphs 6 and 7 in place for the trial are discontinued; and
- .3 advances in scientific knowledge on methods, approaches and general approaches that are communicated to the Organization are considered by the Committee and may be incorporated into BWM.2/Circ.[...] if approved, for use by port State control officers.

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