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BWM.2/Circ.66/Rev.5
13 July 2023

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

Unified interpretations to the BWM Convention and the BWMS Code

1 The Marine Environment Protection Committee, at its eightieth session (3 to 7 July 2023), approved unified interpretations to regulations B-3.5 and B-3.10 of the BWM Convention and the Form of the International Ballast Water Management Certificate, concerning the "date of construction" for a ship which has undergone a major conversion in order to implement the BWM Convention.

2 The updated consolidated text of all existing unified interpretations to the BWM Convention and the BWMS Code, including those set out in BWM.2/Circ.66/Rev.4, is set out in annexes 1 and 2, respectively.

3 Member Governments and international organizations are invited to apply the annexed unified interpretations to the BWM Convention and the BWMS Code and bring them to the attention of all parties concerned.

4 This circular revokes BWM.2/Circ.66/Rev.4.

ANNEX 1**UNIFIED INTERPRETATIONS TO THE BWM CONVENTION****1 Date to meet the standard in regulation D-2 in accordance with resolution MEPC.297(72)****Regulation B-3***Ballast water management for ships*

Regulations B-3.5 and B-3.10 read as follows:

"5 A ship constructed on or after 8 September 2017 shall conduct ballast water management that at least meets the standard described in regulation D-2.

10 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 and 4 is:

- .1 the first renewal survey, as determined by the Committee*, on or after 8 September 2017 if:
 - .1 this survey is completed on or after 8 September 2019; or
 - .2 a renewal survey is completed on or after 8 September 2014 but prior to 8 September 2017; and
- .2 the second renewal survey, as determined by the Committee,* on or after 8 September 2017 if the first renewal survey on or after 8 September 2017 is completed prior to 8 September 2019, provided that the conditions of paragraph 10.1.2 are not met."

Interpretation:

1.1 A ship constructed before 8 September 2017 which has undergone a major conversion on or after 8 September 2017 should be deemed as a ship constructed on or after 8 September 2017 and comply with regulation B-3.5. If the major conversion has occurred before the renewal survey specified in regulation B-3.10, the said ship should meet the D-2 standard from the date of completion of the major conversion. If the major conversion has occurred after the renewal survey specified in regulation B-3.10, the said ship should meet the D-2 standard from the date of completion of the renewal survey specified in regulation B-3.10.

2 Date to be used for determining the implementation of mandatory commissioning testing of individual ballast water management systems in accordance with resolution MEPC.325(75)**Regulation E-1***Surveys*

Regulations E-1.1.1 and E-1.1.5 read as follows:

"1 An initial survey before the ship is put in service or before the Certificate required under regulation E-2 or E-3 is issued for the first time. This survey shall verify

that the ballast water management plan required by regulation B-1 and any associated structure, equipment, systems, fittings, arrangements and material or processes comply fully with the requirements of this Convention. This survey shall confirm that a commissioning test has been conducted to validate the installation of any ballast water management system by demonstrating that its mechanical, physical, chemical and biological processes are working properly, taking into account the guidelines developed by the Organization.*

5 An additional survey, either general or partial, according to the circumstances, shall be made after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with this Convention. The survey shall be such as to ensure that any such change, replacement or significant repair has been effectively made, so that the ship complies with the requirements of this Convention. When an additional survey is undertaken for the installation of any ballast water management system, this survey shall confirm that a commissioning test has been conducted to validate the installation of the system by demonstrating that its mechanical, physical, chemical and biological processes are working properly, taking into account the guidelines developed by the Organization.*

* Refer to the *2020 Guidance for the commissioning testing of ballast water management systems* (BWM.2/Circ.70/Rev.1), as amended."

Interpretation:

2.1 Irrespective of new ships under construction subject to regulation E-1.1.1 or existing ships retrofitting ballast water management system(s) (BWMS) on board subject to regulation E-1.1.5, the commissioning testing of individual BWMS taking into account the guidelines developed by the Organization* should be conducted if the initial or additional survey is completed on or after 1 June 2022. If the initial or additional survey is completed before 1 June 2022, the commissioning testing of individual BWMS remains subject to the specific requirements of the Administration(s).

2.2 In case an installed BWMS on board a ship undergoes an upgrade or change to a major component as defined under paragraph 3.9 of the BWMS Code, the BWMS should be regarded as a newly installed BWMS. A commissioning test should be conducted in accordance with regulation E-1.1.5 of the BWM Convention and an International Ballast Water Management Certificate (IBWMC) for that ship should be re-issued accordingly.

* Refer to the *2020 Guidance for the commissioning testing of ballast water management systems* (BWM.2/Circ.70/Rev.1), as amended.

3 "Date of construction" for a ship which has undergone a major conversion

Appendix I

Form of International Ballast Water Management Certificate

The following information regarding "Date of construction" and "Date of major conversion" is to be provided on the certificate:

"Date of construction"

Interpretation:

3.1 For the International Ballast Water Management Certificate for a ship that has undergone a major conversion, the date of the commencement of the major conversion should be filled in the item "Date of construction".

4 "Date installed" in relation to "Method of ballast water management used"

Appendix I

Form of the International Ballast Water Management Certificate

The following information regarding "Details of ballast water management method(s) used" is to be provided on the certificate:

"Method of ballast water management used
Date installed (if applicable) (dd/mm/yyyy)
Name of manufacturer (if applicable)"

Interpretation:

4.1 For the purpose of completing the International Ballast Water Management Certificate, the date when the latest commissioning has been completed in accordance with section 8 of the BWMS Code (resolution MEPC.300(72)) should be used.

4.2 Notwithstanding the above, it should be noted that, with regard to the deadline for installing a ballast water management system, operative paragraph 5 of resolution MEPC.300(72) (*Code for Approval of Ballast Water Management Systems*) is as follows:

"5 RESOLVES that, for the purpose of operative paragraph 4 of this resolution, the word "installed" means the contractual date of delivery of the ballast water management system to the ship. In the absence of such a date, the word "installed" means the actual date of delivery of the ballast water management system to the ship;"

4.3 Consequently, two dates, i.e. the contractual date of delivery or the actual date of delivery, and the date following the latest commissioning and operation, may exist in relation to installing a ballast water management system.

5 Principal ballast water management method(s) employed on the ship

Appendix I

Form of the International Ballast Water Management Certificate

Appendix I of the BWM Convention reads as follows:

"...Method of ballast water management used
Date installed (if applicable) (dd/mm/yyyy)
Name of manufacturer (if applicable)"

The principal ballast water management method(s) employed on this ship is/are:
☐ in accordance with regulation D-1
☐ in accordance with regulation D-2
(describe)
☐ the ship is subject to regulation D-4
☐ other approach in accordance with regulation....."

Interpretation:

5.1 For a ship which is occasionally engaged in an international voyage and is not intending to discharge ballast water back to the original location, having been granted an exemption by its Administration, taking into account BWM.2/Circ.52/Rev.1, on the condition that the ship implements the D-1 standard in lieu of the D-2 standard, the principal ballast water management method(s) employed is:

"☒ other approach in accordance with regulation D-1 taking into account BWM.2/Circ.52/Rev.1."

5.2 For a ship granted an exemption in accordance with regulation A-4 of the BWM Convention, the principal ballast water management method employed on the ship is:

"☒ other approach in accordance with regulation A-4."

5.3 For a ship which is fitted with a BWMS on board and is certified in accordance with the D-2 standard, even if the ship will also use other ballast water management methods as contingency measures, as reflected in its Ballast Water Management Plan, the principal ballast water management method employed on this ship is:

"☒ in accordance with regulation D-2
(describe) "

5.4 For a ship which has employed an "other approach" in accordance with regulation B-3.6 or B-3.7 of the BWM Convention, the Ballast Water Management Plan should describe the other approach that has been approved for the ship.

5.5 In the case of an Administration that requires its ships which are subject to equivalent compliance under regulation A-5 to carry International Ballast Water Management Certificates, those certificates should refer to regulation A-5 in the item "other approach" as their principal ballast water management method employed.

ANNEX 2**UNIFIED INTERPRETATIONS TO THE BWMS CODE****1 Requirements for the calibration of the BWMS components that take measurements****Chapter 4***Technical specifications*

Paragraph 4.10 reads as follows:

"4.10 Facilities shall be provided for checking, at the renewal surveys and according to the manufacturer's instructions, the performance of the BWMS components that take measurements. A calibration certificate certifying the date of the last calibration check shall be retained on board for inspection purposes. Only the manufacturer or persons authorized by the manufacturer shall perform the accuracy checks."

Interpretation:

1.1 For BWMS components that take measurements, the interval for an accuracy check/calibration (or replacement of a sensor in case it cannot be calibrated) should not be mandatorily linked to the survey scheme for the BWMS, even though a validity check of calibration certificates should be conducted at BWM annual/intermediate/renewal surveys. The accuracy check/calibration of BWMS components that take measurements should be performed in accordance with the calibration procedure at intervals specified in the manufacturer's instructions.
