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ASSEMBLY  
25th session  
Agenda item 11

A 25/Res.1005  
4 December 2007  
Original: ENGLISH

**Resolution A.1005(25)**

**Adopted on 29 November 2007  
(Agenda item 11)**

**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 on 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 Article 2, paragraph 4 of the Convention, which requires Parties to endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of the Convention,

DESIRING to ensure that the Convention enters into force without further delay so that the marine environment benefits, as soon as possible, from its wide and effective implementation,

BEING CONSCIOUS of the need to provide certainty and confidence in the application of the Convention, thereby assisting shipping companies, ship owners, managers and operators, as well as the shipbuilding and equipment manufacturing industries, in the timely planning of their operations,

RECOGNIZING that, regarding the development of ballast water treatment technologies, there are uncertainties as to whether type-approved technologies would be immediately available for all ships subject to regulation B-3.3 and that, therefore, in order to address the ships to which this regulation would apply first, this resolution provides an understanding only for those ships constructed in 2009,

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RECOGNIZING ALSO that ships subject to regulation B-3.3 constructed in 2009 should not be subject to enforcement of the requirements of that regulation if type-approved technology is not immediately available to achieve the D-2 standard set forth in the Convention,

NOTING that Article 18 of the Convention prescribes the conditions for entry into force, and until those conditions are met, the Convention itself cannot be enforced upon any ships,

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

2. RECOMMENDS that States henceforth ratifying, accepting, approving or acceding to the Convention should accompany their instrument of ratification, acceptance, approval or accession, as appropriate, with a declaration or otherwise communicate to the Secretary-General their intention to apply the Convention on the basis of the following understanding, also taking into account paragraph 3:

“A ship subject to regulation B-3.3 constructed in 2009 will not be required to comply with regulation D-2 until its second annual survey, but no later than 31 December 2011.”

3. RECOMMENDS ALSO that, following the entry into force of the Convention, Parties to the Convention should ensure that ships affected by the understanding described in paragraph 2 comply with either regulation D-1 or D-2 until such time as regulation D-2 is enforced;

4. RECOMMENDS FURTHER that, at their earliest convenience, Contracting States to the Convention should make the above-mentioned declaration or otherwise notify the Secretary-General of their intention to apply the Convention in accordance with the understanding contained in paragraph 2;

5. REQUESTS the Secretary-General to inform all Member States, Contracting States, and Parties to the Convention which may not be Members of the Organization, of any declarations or communications received from States pursuant to this resolution;

6. REQUESTS the Marine Environment Protection Committee to:

- .1 keep this resolution under review;
- .2 revise or withdraw the recommendations in paragraphs 2, 3 and 4 as appropriate;
- .3 review, not later than at its fifty-eighth session, in particular, the issue of a ship subject to regulation B-3.3 constructed in 2010 and the immediate availability of type-approved technology for such a ship to meet the D-2 standard; and
- .4 inform the Assembly accordingly.

