

COUNCIL
116th session
Agenda item 17

C 116/17/3
3 June 2016
Original: SPANISH

**REPORT ON THE STATUS OF THE CONVENTIONS AND OTHER MULTILATERAL
INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS**

Observations on the verification of the tonnage of Member States

Submitted by the Republic of Panama

SUMMARY

Executive summary: This document comments on the procedure recently introduced by the IMO Secretariat for the verification of the tonnage of Member States in connection with the International Convention on the Control and Management of Ships' Ballast Water and Sediments (Ballast Water Convention), 2004, and requests the Council to adopt a harmonized and informed procedure

Strategic direction: –

High-level action: 4.0.5

Output: 4.0.5.1

Action to be taken: See paragraph 9

Related documents: BWM 2004, resolution A.726(17), Basic Documents Vol.1

General

1 This document is being submitted in accordance with rule 14 of the Rules of Procedure of the Council.

Introduction

2 The International Convention for the Control and Management of Ships' Ballast Water and Sediments was adopted in February 2004 (the Convention) and, in accordance with article 18 of the Convention, will enter into force twelve months after the date on which not less than thirty (30) States, the combined merchant fleets of which constitute not less than thirty-five per cent (35%) of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with article 17.

3 MEPC 69 was informed that, on 18 April 2016, the number of Contracting Governments to the Convention had reached 49, representing 34.79% of the world's merchant fleet tonnage.

Analysis

4 Panama supports the measures adopted by the Organization for the effective entry into force of the Convention, in particular those adopted by the Assembly and the MEPC, together with those currently under consideration by the Marine Environment Protection Committee.

5 Recalling the Organization's usual procedure, the verification of tonnage is undertaken twice yearly: to calculate Member State contributions, pursuant to Assembly resolution A.726(17); and for the annual update of the status of the Conventions in the IMO Global Integrated Shipping Information System (GISIS).

6 However, it was noted that, in January 2016, the IMO Secretariat had introduced a new procedure for updating and verifying the tonnage of Member States, which requires the continuous assessment of fleet tonnage in connection with the Ballast Water Convention without a standardized procedure for such assessment. This delegation considers that this new procedure/continuous assessment has no legal basis or established procedure with respect to the articles of the Convention and has resulted in additional uncertainty.

Proposal

7 In accordance with article 17 of the Convention, (signature, ratification, acceptance, approval and accession), this delegation is of the view that any verification of the tonnage of Member States must be undertaken simultaneously for all Member States at the time of ratification, acceptance, approval and accession. Daily, weekly or monthly verifications create uncertainty, do not represent a uniform procedure and overshadow the procedures established by the Organization.

8 After considering the above paragraphs, the Council should adopt a uniform procedure for updating and verifying the tonnage of Member States in connection with the ratification of conventions, unless expressly provided otherwise in an instrument, or should request the Secretariat to continue with the usual procedure until Member States adopt a decision, if it is deemed necessary to continue consideration of the item.

Action requested of the Council

9 The Council is invited to consider the issues discussed in this document and the proposals contained in paragraph 8, and to adopt any decisions it deems appropriate.