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INTERNATIONAL CONFERENCE ON
BALLAST WATER MANAGEMENT FOR
SHIPS

Agenda item 8

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**ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS
AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE**

**FINAL ACT OF THE INTERNATIONAL CONFERENCE ON BALLAST WATER
MANAGEMENT FOR SHIPS, 2004**

Text adopted by the Conference

1 In accordance with Article 2(b) of the Convention on the International Maritime Organization, the Council of the Organization, at its eighty-sixth session in June 2001, agreed in principle to convene a diplomatic conference in 2003 to consider the adoption of a draft International Convention for the Control and Management of Ships' Ballast Water and Sediments. This decision was endorsed by the Assembly of the Organization at its twenty-second regular session by resolution A.906(22) in November 2001 on the Work Programme and Budget for the Twenty-Second Financial Period 2002-2003. The Council of the Organization, at its eighty-ninth session in November 2002, reconsidered that matter in view of the preparations made by the Marine Environment Protection Committee and approved the convening of the diplomatic conference in early 2004 instead of in 2003, and the decision of the Council was endorsed by the twenty-third session of the Assembly in December 2003.

2 The Conference was held at the Headquarters of the International Maritime Organization in London from 9 to 13 February 2004.

3 Representatives of seventy-four States participated in the Conference, namely the representatives of:

ALGERIA	CROATIA
ARGENTINA	CUBA
AUSTRALIA	CYPRUS
BAHAMAS	DEMOCRATIC PEOPLE'S
BAHRAIN	REPUBLIC OF KOREA
BANGLADESH	DENMARK
BARBADOS	ECUADOR
BELGIUM	EGYPT
BOSNIA AND HERZEGOVINA	ESTONIA
BRAZIL	FINLAND
CANADA	FRANCE
CHILE	GERMANY
CHINA	GHANA
COLOMBIA	GREECE
COTE D'IVOIRE	GUATEMALA

INDIA	POLAND
INDONESIA	PORTUGAL
IRAN (ISLAMIC REPUBLIC OF)	QATAR
IRELAND	REPUBLIC OF KOREA
ISRAEL	ROMANIA
ITALY	RUSSIAN FEDERATION
JAPAN	SAUDI ARABIA
KENYA	SINGAPORE
KUWAIT	SLOVENIA
LATVIA	SOUTH AFRICA
LIBERIA	SPAIN
MALTA	SWEDEN
MARSHALL ISLANDS	TRINIDAD AND TOBAGO
MEXICO	TURKEY
MOROCCO	UKRAINE
NETHERLANDS	UNITED KINGDOM
NEW ZEALAND	UNITED STATES
NIGERIA	URUGUAY
NORWAY	VANUATU
OMAN	VENEZUELA
PANAMA	VIETNAM
PERU	YEMEN
PHILIPPINES	

4 The following Associate Member of the Organization sent observers to the Conference:

HONG KONG, CHINA

5 The following intergovernmental organizations sent observers to the Conference:

EUROPEAN COMMISSION (EC)
 PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA
 (PMAESA)

6 The following non-governmental international organizations sent observers to the Conference:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
 INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
 INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
 BIMCO
 INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
 EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
 OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
 FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
 INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
 ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
 INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
 (INTERTANKO)

INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED
(ITOPF)
WORLD CONSERVATION UNION (IUCN)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
WORLD WIDE FUND FOR NATURE (WWF)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

7 The Conference was opened by Mr. E.E. Mitropoulos, Secretary-General of the International Maritime Organization.

8 Mr. Daniel T. Joseph (India) was elected President of the Conference.

9 The Vice-Presidents elected by the Conference were:

Admiral Sergio Chagasteles (Brazil)
Ms. Khibi Mabuse Manana (South Africa)
H.E. Mr. Ihor O. Mitiukov (Ukraine)

10 The Secretariat of the Conference consisted of the following officers:

Secretary-General:	Mr. E.E. Mitropoulos Secretary-General of the Organization
Executive Secretary:	Mr. J.-C. Sainlos Director, Marine Environment Division
Deputy Executive Secretaries:	Mr. Du Dachang Senior Deputy Director, Marine Environment Division Mr. R. Coenen Head, Office for the London Convention 1972, Marine Environment Division

11 The Conference established a Committee of the Whole with the mandate to consider the draft International Convention for the Control and Management of Ships' Ballast Water and Sediments and draft Conference resolutions.

12 The Conference also established a Drafting Committee with the mandate to finalize the text of the Final Act of the Conference, the International Convention for the Control and Management of Ships' Ballast Water and Sediments and the Conference resolutions. The Drafting Committee was composed of representatives of the following States:

AUSTRALIA	PANAMA
CHINA	RUSSIAN FEDERATION
EGYPT	SPAIN
FRANCE	UNITED STATES
IRAN (ISLAMIC REPUBLIC OF)	

13 A Credential Committee was appointed to examine credentials of representatives attending the Conference. The Credential Committee was composed of representatives of the following States:

ALGERIA

GREECE

MARSHALL ISLANDS

MEXICO

VENEZUELA

14 The officers elected for the Committees were as follows:

Committee of the Whole:

Chairman:	Mr. Mike Hunter (United Kingdom)
Vice-Chairmen:	Mr. Michael Wilson (Australia)
	Mr. Richard O. Alleyne (Barbados)

Drafting Committee:

Chairman:	Captain Frederick J. Kenney, Jr. (United States)
Vice-Chairman	Mr. Gérard Gasc (France)

Credentials Committee:

Chairman:	Captain Benito Pulido (Venezuela)
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15 The Conference used as the basis of its work the following document prepared by the Marine Environment Protection Committee:

Draft text of the International Convention for the Control and Management of Ships' Ballast Water and Sediments.

16 Also before the Conference were a number of documents containing proposals and comments submitted by Governments and interested organizations.

17 As a result of its deliberations the Conference adopted the following instrument:

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

18 The Conference also adopted the following resolutions, which are contained in the Attachment to this Final Act:

Resolution 1: Future work by the Organization pertaining to the International Convention for the Control and Management of Ships' Ballast Water and Sediments

Resolution 2: The use of decision-making tools when reviewing the standards pursuant to regulation D-5

Resolution 3: Promotion of technical co-operation and assistance

Resolution 4: Review of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments

19 This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages that is to be deposited with the Secretary-General of the Organization.

20 The Secretary-General shall send certified copies of this Final Act with its Attachment, and certified copies of the authentic text of the Convention referred to in paragraph 17 above to the Governments of the States invited to be represented at the Conference in accordance with the wishes of those Governments.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE IN LONDON this thirteenth day of February, two thousand and four.

ATTACHMENT**RESOLUTIONS ADOPTED BY THE CONFERENCE****RESOLUTION 1****FUTURE WORK BY THE ORGANIZATION PERTAINING TO THE
INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF
SHIPS' BALLAST WATER AND SEDIMENTS**

THE CONFERENCE,

HAVING ADOPTED the International Convention for the Control and Management of Ships' Ballast Water and Sediments (Convention),

NOTING that Articles 5 and 9 and regulations A-4, A-5, B-1, B-3, B-4, B-5, C-1, D-3 and D-4 of the Annex to the Convention refer to guidelines or procedures to be developed by the Organization for the specific purposes identified therein,

RECOGNIZING the need for the development of these Guidelines in order to ensure global and uniform application of the relevant requirements of the Convention,

INVITES the Organization to develop as a matter of urgency:

- .1 Guidelines for sediment reception facilities under Article 5 and regulation B-5;
- .2 Guidelines for sampling of ballast water under Article 9;
- .3 Guidelines on ballast water management equivalent compliance for pleasure and search and rescue craft under regulation A-5;
- .4 Ballast water management plan guidelines under regulation B-1;
- .5 Guidelines for ballast water reception facilities under regulation B-3;
- .6 Guidelines for ballast water exchange under regulation B-4;
- .7 Guidelines for additional measures under regulation C-1 and for risk assessment under regulation A-4;
- .8 Guidelines for approval of ballast water management systems under regulation D-3.1;
- .9 Procedure for approval of active substances under regulation D-3.2; and
- .10 Guidelines for prototype ballast water treatment technologies under regulation D-4,

and adopt them, as soon as practicable, and in any case before the entry into force of the Convention with a view to facilitating global and uniform implementation of the Convention.

RESOLUTION 2

**THE USE OF DECISION MAKING TOOLS WHEN REVIEWING
THE STANDARDS PURSUANT TO REGULATION D-5**

THE CONFERENCE,

HAVING ADOPTED the International Convention for the Control and Management of Ships' Ballast Water and Sediments (Convention),

NOTING that regulation D-5 of the Convention requires that, at a meeting of the Marine Environment Protection Committee held no later than three years before the earliest effective date of the standard set forth in regulation D-2, the Committee shall undertake a review which includes a determination of whether appropriate technologies are available to achieve the standard, an assessment of the criteria in paragraph 2 of regulation D-5, and an assessment of the socio-economic effect(s) specifically in relation to the developmental needs of developing countries, particularly small island developing States,

RECOGNIZING the value of decision-making tools when preparing complex assessments,

RECOMMENDS the Organization to apply suitable decision-making tools when conducting the review of standards in accordance with regulation D-5 of the Convention; and

INVITES the Member States to advise the Organization on any relevant, robust decision-making tools to assist it in the conduct of such review.

RESOLUTION 3**PROMOTION OF TECHNICAL CO-OPERATION AND ASSISTANCE**

THE CONFERENCE,

HAVING ADOPTED the International Convention for the Control and Management of Ships' Ballast Water and Sediments (Convention),

BEING AWARE that Parties to the Convention will be called upon to give full and complete effect to its provisions, in order to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments,

NOTING that the Convention provides in Articles 13.1 and 13.2 for Parties, *inter alia*, to provide support for those Parties that request technical assistance in respect of the control and management of ships' ballast water and sediments,

RECOGNIZING the valuable technical co-operation activities undertaken in partnership with developing countries on ballast water management issues under the GEF/UNDP/IMO Global Ballast Water Management Programme (GloBallast) since 2000,

BEING CONVINCED that the promotion of technical co-operation will expedite the acceptance, uniform interpretation and enforcement of the Convention by States,

NOTING WITH APPRECIATION that, through the adoption of resolution A.901(21), the Assembly of the International Maritime Organization (IMO):

- (a) affirmed that IMO's work in developing global maritime standards and in providing technical co-operation for their effective implementation and enforcement can and does contribute to sustainable development; and
- (b) decided that IMO's mission statement, in relation to technical co-operation in the 2000s, is to help developing countries improve their ability to comply with international rules and standards relating to maritime safety and the prevention and control of marine pollution, giving priority to technical assistance programmes that focus on human resource development, particularly through training, and institutional capacity building;

1 REQUESTS Member States, in co-operation with IMO, other interested States and international bodies, competent international or regional organizations, and industry programmes, to promote and provide directly, or through IMO, support to States that request technical assistance for:

- (a) the assessment of the implications of ratifying, accepting, approving, or acceding to, as well as implementing and enforcing the Convention;
- (b) the development of national legislation and institutional arrangements to give effect to the Convention;

- (c) the training of scientific and technical personnel for research, monitoring and enforcement (e.g., ballast water risk assessments, invasive marine species surveys, monitoring and early warning systems, ballast water sampling and analysis), including as appropriate the supply of necessary equipment and facilities, with a view to strengthening national capabilities;
- (d) exchange of information and technical co-operation relating to minimization of risks to the environment and human health from transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments;
- (e) research and development of improved ballast water management and treatment methods; and
- (f) establishment of special requirements in certain areas in accordance with Section C of the regulations of the Convention;

2 REQUESTS FURTHER international development agencies and organizations to support, including through the provision of necessary resources, technical co-operation programmes in the field of ballast water control and management, consistent with the Convention;

3 INVITES the Technical Co-operation Committee of IMO to continue providing for capacity-building activities on the control and management of ships' ballast water and sediments, within the Organization's Integrated Technical Co-operation Programme, in order to support the effective implementation and enforcement of the Convention by developing countries; and

4 URGES all States to initiate action in connection with the abovementioned technical co-operation measures without awaiting the entry into force of the Convention.

RESOLUTION 4

REVIEW OF THE ANNEX TO THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS

THE CONFERENCE,

HAVING ADOPTED the International Convention for the Control and Management of Ships' Ballast Water and Sediments (Convention),

RECOGNIZING that review of the Annex to the Convention, and in particular but not restricted to regulations A-4, A-5, B-1, B-3, B-4, C-1, D-1, D-2, D-3 and D-5, may have to be considered prior to entry into force of the Convention, for instance, because of perceived impediments to entry into force or to address the standards set forth in regulation D-2 of the Annex to the Convention,

RECOMMENDS that the Marine Environment Protection Committee review the regulations of the Annex to the Convention as it considers appropriate, but not later than three years before the earliest effective date of the standards set forth in regulation D-2 of the Annex to the Convention, i.e., 2006.
