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COMMISSIONAIRE OF MARITIME AFFAIRS**

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To : Owners/Operators, Masters, Nautical Inspectors,
Recognized Organizations

Subject : **Ballast Water Management Convention Requirements and Implementations**

Purpose

This Marine Notice sets out the Maritime Administrator for Gabonese International Flag (the 'ISGR') requirements for the implementation of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention).

The BWM Convention entered into force on 08 September 2017. The ISRG is a Party to this Convention, having acceded to it on 17th April 2019.

This Notice also incorporates the latest International Maritime Organization (IMO) requirements and addresses the B-3 implementation schedule for ballast water management system (BWMS) installations. guidance on ballast water exchange (BWE), definitions, ballast water management plans (BWMPs), and ballast water management (BWM). with respect to offshore operations and coastal States. It reflects amendments to the BWM Convention adopted by the Marine Environment Protection Committee (MEPC) at its 72nd session (9 May 2018).

APPLICABILITY

This Notice applies to all ISRG-flagged vessels in accordance with Article 3 of the BWM Convention. Vessels to which the BWM Convention *does not apply* are summarized as those that:

- a. are not designed or constructed to carry ballast water;
- b. ships trading domestically (unless the coastal state within whose jurisdiction the ship trades requires compliance with the convention-refer IMO Circular BWM.2/Circ.52/Rev.1.);
- c. any warships, naval auxiliary or other ships owned or operated by a state provided it is used only on government non-commercial service, or;
- d. ships with permanent ballast water in sealed tanks and therefore not subject to discharge at any time.



Vessels of less than 400GT

- a. Implement on board a Ballast Water Management Plan approved by this administration (BWMC Annex, Regulation B-1).
- b. Maintain on board a Ballast Water Record Book which shall at least contain the information specified in appendix II of the convention, for a minimum period of two years after the last entry has been made (BWMC Annex, Regulation B-2).

Vessels of 400 GT and above

- a. Implement on board a Ballast Water Management Plan approved by this administration
- b. Maintain on board a Ballast Water Record Book
- c. Carry onboard an International Ballast Water Management Certificate, excluding floating platforms, FSUs and FPSOs, as identified in Section E of the convention.

REQUIREMENTS

Exemptions, Exceptions, and Equivalent Compliance

When applying the provisions of the BWM Convention the circumstances in Section 1.1, 1.2, and 1.3 of this Notice may be taken into account.

1.1 Exemptions

A Party or Parties in waters under their jurisdiction may grant exemptions to Regulation B-3 or C-1 in accordance with Regulation A-4. Such exemptions are to take into consideration IMO Resolution MEPC.289(71).

1.2 Exceptions

See Regulation A-3 for exceptions, including those for:

1. ensuring the safety of the ship in emergency situations;
2. accidental damage to the ship;
3. the purpose of avoiding or minimizing pollution;
4. uptake and discharge on the high seas of the same ballast water and sediments; or,
5. discharge of ballast water and sediments from a ship at the same location where the ballast water originated, providing that no mixing with unmanaged ballast water and sediments from other areas has occurred.

1.3 Equivalent Compliance

Crafts used primarily for search and rescue, less than 50 meters in length, and with a maximum ballast water capacity of eight cubic meters may satisfy the requirements of Regulation A-5 by applying the guidelines of IMO Resolution MEPC.123(53).



2.0 BWMP - Regulation B-1

2.1 Each ship must have on board and implemented a ship specific BWMP. To facilitate the implementation, administration, and execution of the BWMP, a qualified and responsible officer shall be designated (Regulation B-1.5).

2.2 A BWMP must be approved by the Flag Administration or Recognized Organization (RO) of the vessel approved by Flag.

2.2.1 It must take into account:

1. IMO Resolution MEPC.127(53) as amended, Guidelines for ballast water management and development of ballast water management plans (G4)5; and

2.Regulation B-5.1, which requires that all ships remove and dispose of sediments from spaces designated to carry ballast water.

2.2.2 It may incorporate the non-mandatory elements of G4, Part B, section 4. It may include contingency measures (IMO Circular BWM.2/Circ.66) for managing noncompliant ballast water discharges so that they do not pose unacceptable risks to the environment, human health, property, and resources.

2.3 Ships operating in Antarctic waters must take into account the problems of BWE in cold environments and in Antarctic conditions. Thus, consideration must be given to IMO Resolution MEPC.163(56) when a BWMP is developed.

3.0 BWMS

3.1 The BWMS must be approved and certified as meeting the applicable IMO instruments.. The Administrator accepts BWMS installations on ISRG-flagged vessels that have been approved by, or on behalf of a Party to the BWM Convention

3.1.1 An Administration’s BWMS approval for installation on a ship operating under its authority may be based on testing carried out by another Administration. In these cases, the D-3 approval (Approval Requirements for BWMSs) may be conveyed by issuing an International Ballast Water Management (IBWM) Certificate.

3.2 When choosing a BWMS which is to be installed on a ship on or after 28 October 2020, it must be approved and certified in accordance with the BWMS Code, 7 IMO Resolution MEPC.300(72).

3.2.1 When selecting a ship’s BWMS, the operator must consider the specific application for which the system is approved, such as: specific ballast water capacities; flow rates; salinity or temperature regimes; and other limiting operating conditions or circumstances, as appropriate. When the BWMS Type Approval Certificate or supporting documents indicates limiting conditions, the crew must be made aware of them.

3.3 A copy of the Type Approval Certificate shall be carried on board a ship fitted with a BWMS, for inspection on board the ship.



4.0 BWM for Ships - Regulation B-3

4.1 Each ship is required to employ one of the following BWM practices in accordance with the BWM Convention implementation schedule:

4.1.1 BWE to standard D-1 Ship-specific procedures for conducting BWE, are to take into consideration IMO Resolution MEPC.288(71).

4.1.2 BWMS to standard D-2 See IMO Resolution MEPC.297(72) for the implementation schedule contained in Regulation B-3.

4.1.3 Discharge ballast water to a reception facility designed in accordance with the requirements and guidelines developed by the IMO for such facilities; or

4.1.4 Other methods of BWM that may be accepted as alternatives and that provide the same level of protection to the environment, human health, property, or resources and are approved in principle by the MEPC.

5.0 Training and Education

5.1 Crew training and familiarization in ballast water and sediments management by the operator/ manager or vessel owner is essential. Officers and crew must be familiar with their duties in implementing the BWM of the ship they serve on and are imparted knowledge specific in the requirements of:

1. the BWM Convention;
2. the implementation of the BWMP;
3. BWE and sediment management procedures;
4. the Ballast Water Record Book (BWRB), and reporting functions; and
5. any system limitations of the BWMS.

5.2 Owners and operators of ships using a BWMS must ensure the crew is provided with training for BWMS operations and maintenance. Also see section 9.3, below.

6.0 BWRB - Regulation B-2

6.1 The BWM Convention requires each ship to maintain, onboard, a BWRB to record each ballast water operation, including discharges at sea, to reception facilities (B-3.6), and cases of exemptions (A-4), exceptions, and accidental discharges (A-3).

6.2 The BWRB, which may be electronic, is to contain at least the information specified in Appendix II of the BWM Convention.

6.3 Each operation concerning ballast water shall be fully recorded without delay in the BWRB. Each entry shall be signed by the officer in charge of the operation concerned and each completed page shall be signed by the Master.

6.4 The BWRB shall be kept readily available for inspection at all reasonable times and, in the case of an unmanned ship under tow, may be kept on the towing ship.



6.5 The BWRB entries are to be maintained on board the ship for a minimum of two years after the last entry has been made and thereafter in the Company’s control for an additional minimum period of three years.

7.0 IBWM Certificate

7.1 Vessels successfully completing a survey in accordance with Regulation E-1 shall be issued an IBWM Certificate per Regulation E-2.

7.1.1 Vessels of 400 gross tonnage (GT) and above to which the BWM Convention applies, excluding floating platforms, floating storage units (FSUs), and floating production storage and offloading units (FPSOs), are subject to the surveys specified in BWM Convention Regulation E-1.

7.1.2 Regulation E-1, paragraph 2 requires the Administrator to establish appropriate measures for ships that are not mandatorily subject to the survey and certification provisions of Regulation E-1, paragraph 1. The Administrator has determined that:

1. vessels of less than 400 GT (e.g., pleasure craft and offshore support vessels) must undergo survey and certification in accordance with Regulation E-1 paragraph 2 because such vessels are not excluded from the BWM Convention’s definition of ships; and
2. floating platforms, FSUs and FPSOs must undergo survey and certification in accordance with Regulation E-1 paragraph 2 because these vessels are included within the BWM Convention’s definition of ship.

7.2 Given sections 7.1.1 and 7.1.2 above, all ships require an IBWM Certificate from the Administrator, except:

7.2.1 Under the BWM Convention, operators of floating platforms, FSUs and FPSOs must consult the coastal State in which the unit is operating to establish survey and certification requirements. This is because the Administration is the authority that issues the IBWM Certificate and Article 1 defines the ‘Administration’ as the Government of the coastal State concerned.

1. If requested by the Government of the coastal State, the Administrator may survey and issue the IBWM Certificate to the vessel in accordance with Regulation E-3.

7.2.2 Vessels utilizing equivalent compliance set out in Regulation A-5 - Equivalent compliance.

7.3 Some ships, such as Mobile Offshore Units (MOUs), including Mobile Offshore Drilling Units (MODUs), may not need ongoing certification because they operate exclusively within waters under the jurisdiction of a single Party. IMO Circular BWM.2/Circ.52/Rev.1 should be applied in re-positioning and dry-docking voyages of these ship types.



8.0 Special Requirements in Certain Areas

Under Regulation C-1, Parties to the BWM Convention may take additional measures consistent with international law necessary to prevent, reduce, or eliminate the transfer of harmful aquatic organisms and pathogens. Ships are required to meet these standards.

9.0 Port State Control

9.1 ISRG vessels may be inspected in any port or offshore terminal of another Party to the BWM Convention in accordance with Article 9 of the BWM Convention, taking into consideration IMO Resolution MEPC.252(67), Guidelines for Port State Control Under the BWM Convention, which establishes a four steps inspection procedure:

Step one: initial inspection to focus on documentation and nominated, trained ship's officer for ballast water management on board the ship;

Step two: more detailed inspection - an operational check of the BWMS;

Step three: sampling by indicative analysis to determine if the D-2 standard is being met; and

Step four: detailed analysis, if necessary, to verify compliance with the D-2 standard.

A sampling of the ship's ballast water by port State control (PSC) is to be representative of the whole discharge. See IMO Resolution MEPC.173(58) and IMO Circular BWM.2/Circ.42/Rev.1, Guidance on Ballast Water Sampling and Analysis for Trial Use in accordance with the BWM Convention and Guidelines (G2), as amended.

9.2 IMO has implemented a Trial Period for Sampling and Analysis of two to three years during which ships will not be penalized for exceeding the D-2 standard provided that:

1. the BWMS is approved in accordance with regulation D-3;
2. the BWMS has been installed correctly and maintained in accordance with the manufacturer's instructions;
3. the approved BWMP has been followed, including the operational instructions and the manufacturer's specifications for the BWMS; and
4. the self-monitoring system of the BWMS indicates that the treatment process is working properly.

9.3 The designated officer specified in the BWMP is to be familiar with the inspection process, including how to facilitate the inspection and sampling processes, and witnessing such, as appropriate. Please refer IMO Circular BWM.2/Circ.42/Rev.1 (general recommendations on methodologies and approaches to sampling and analysis).

9.4 Officers duly authorized by a Party may inspect the BWRB on board any ship to which this regulation applies while the ship is in its port or offshore terminal, and may make a copy of any entry, and require the Master to certify that the copy is a true copy.



10.0 Coastal State Requirements Coastal States may impose unique requirements for BWM. All ISRG-flagged vessels that enter the jurisdiction of these States are required to comply with these requirements, including any additional regional or local mandates within such coastal States.

References

- (a) BWM/CONF/361 , International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, adopted 16 February 2004
- (b) IMO Resolution, MEPC.123(53), Guidelines for ballast water management equivalent compliance (G3), adopted 22 July 2005
- (c) IMO Resolution MEPC.127(53), Guidelines for ballast water management and development of ballast water management plans (G4), adopted 22 July 2005
- (d) IMO Resolution MEPC.163(56), Guidelines for ballast water exchange in the Antarctic treaty area, adopted 13 July 2007
- (e) IMO Resolution MEPC.173(58), Guidelines for Ballast Water Sampling (G2), adopted 10 October 2008
- (f) IMO Resolution MEPC.279(70), 2016 Guidelines for approval of Ballast Water Management Systems (G8), adopted 28 October 2016
- (g) IMO Resolution MEPC.287(71), Implementation of the BWM Convention, adopted 7 July 2017
- (h) IMO Resolution MEPC.288(71), 2017 Guidelines for Ballast Water Exchange (G6), adopted 7 July 2017
- (i) IMO Resolution MEPC.289(71), 2017 Guidelines for risk assessment under regulation A-4 of the BWM convention (G7), adopted 7 July 2017
- (j) IMO Resolution MEPC.297(72), Amendments to Regulation B-3 (Implementation schedule of ballast water management for ships), adopted on 13 April 2018
- (k) IMO Resolution MEPC.298(72), Determination of the survey referred to in Regulation B-3, as amended, of the BWM Convention adopted on 13 April 2018)
- (l) IMO Resolution MEPC.299(72), Amendments to regulations E-1 and E5 (Endorsements of additional surveys on the International Ballast Water Management Certificate), adopted on 13 April 2018
- (m) IMO Resolution MEPC.300(72), Code for Approval of Ballast Water Management Systems (BWMS Code), adopted on 13 April 2018 as amended by IMO Resolution MEPC.296(72), Amendments to regulations A-1 and D-3 (Code for Approval of Ballast Water Management Systems (BWMS Code)), adopted on 13 April 2018
- (n) IMO Circular BWM.2/Circ.52/Rev.1, Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party, issued 15 April 2004
- (o) IMO Circular BWM.2/Circ.66, Guidance on contingency measures under the BWM Convention, issued on 26 July 2017