

Instructions to Class



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Operational

Nautical

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Technical

Other

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Instructions to Class concerning the application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 and de-coupling of the IOPP certificate from the Harmonized System of Survey and Certification (HSSC)

Purpose

This Instruction to Class (IC) concerns ships which are subject to surveys required for the issuance or renewal of the IOPP certificate.

Application

This IC applies to ships registered in a Norwegian ship register to which [Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units](#) apply.

References

- Agreement of 1 June 2002 between the Ministry of Trade, Industry and Fisheries and Recognized Organizations (RO) concerning surveys of ships registered in a Norwegian ship register (the Agreement) articles 2.2 and 2.3, cf. Annex I to the Agreement section 3.2.5 and 3.8 and Annex II to the Agreement section 3.3.5 and 3.7.
- Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units

Background

On 4 December 2013, the IMO Assembly adopted Res A.1088(28) on the application of the International Convention for the Control and Management of Ships' Ballast Water and

Sediments, 2004 (the Convention). The aim of Res A.1088(28) is to clarify uncertainties in relation to the application of regulation B-3, through the application of a realistic timeline for enforcement of regulation D-1 and regulation D-2 upon the entry into force of the Convention. Res A.1088(28) thus recommends that ships constructed before the entry into force of the Convention should not be required to comply with regulation D-2 until the first renewal of the IOPP certificate following the date of entry into force of the Convention.

Taking into account the alleged uncertainties associated with the approval of the technologies needed in order to comply with the requirements of regulation D-2 and whether systems approved according to IMO's revised G8 guidelines can be used globally, the Norwegian maritime industry has on several occasions posted inquiries whether the IOPP certificate can or may be de-coupled from the Harmonized System of Survey and Certification (HSSC). The purpose of such de-coupling would be to renew the IOPP certificate some time before 8 September 2017, and thus possibly reduce some of the uncertainties mentioned above.

As discussed by MEPC 70 and with reference to MEPC 70 WP.12 (attached), the final outcome on the alternative amendments to regulation B-3 of the Convention has not been concluded, thus creating further uncertainties as to when ballast water management systems (BWMS) will be required on ships built before 8 September 2017.

Item 1 – De-harmonization of IOPP certificate

The Norwegian Maritime Authority (NMA) has evaluated relevant national legal instruments and concluded that there are no legal provisions adopted by the NMA which bar the de-coupling the IOPP certificate from the HSSC.

Furthermore, the NMA does not intend to carry out case-by-case assessments. Upon a ship owner's request, ROs may therefore carry out the IOPP certificate renewal survey separately and independently from other renewal surveys and issue the IOPP certificate accordingly.

Item 2 – Validity and durability of the IOPP certificate after de-harmonization

The de-coupling will not affect the legal scheme for the validity of the IOPP certificate. The certificate may be issued with a validity of 5 years, and the anniversary date will be based on the completion date of the early de-coupled renewal survey. For example, if the early IOPP renewal survey is completed on 18 November 2016, the certificate will be valid until 17 November 2021, and the anniversary date of the IOPP certificate will be 17 November. Periodical IOPP surveys should be carried out as per the new anniversary date.

Item 3 – Re-harmonization of IOPP certificate

The NMA recognises that the uncertainty regarding the implementation of BWMS requirements brings about new approaches to the existing set of rules. Nevertheless, HSSC in general represents the interests of the shipping industry as a whole. When the implementation scheme of BWMS has been settled, the NMA will therefore, together with the maritime industry, seek solutions for the re-harmonization of the IOPP certificate in the longer term.

MARINE ENVIRONMENT PROTECTION
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DISCLAIMER

As at its date of issue, this document, in whole or in part, is subject to consideration by the IMO organ to which it has been submitted. Accordingly, its contents are subject to approval and amendment of a substantive and drafting nature, which may be agreed after that date.

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Draft alternate amendments to regulation B-3 of the BWM Convention and associated draft MEPC resolution

Submitted by a group of interested parties

1 Following relevant discussions in plenary, the Committee agreed that interested parties could submit alternate draft amendments to regulation B-3 of the BWM Convention and an associated draft alternate MEPC resolution, additional to those approved by MEPC 69 for circulation after entry into force of the BWM Convention (MEPC 69/21, annexes 4 and 5).

Action requested of the Committee

2 The Committee is invited to consider the annexed draft alternate amendments to regulation B-3 of the BWM Convention and the associated draft MEPC resolution¹ with a view to including them as annexes to the report of this session.

¹ The amendments and the associated MEPC resolution were drafted taking into account the MEPC plenary discussions related to documents MEPC 70/4/15 and MEPC 70/4/17 and the draft amendments to regulation B-3 of the BWM Convention contained in annexes 4 and 5 of the report of MEPC 69 (MEPC 69/21/Add.1).

ANNEX

**DRAFT ALTERNATE AMENDMENTS TO REGULATION B-3
OF THE BWM CONVENTION**

Regulation B-3 is replaced with the following:

"Regulation B-3

Ballast Water Management for Ships

- 1 A ship constructed before 2009:
 - .1 with a Ballast Water Capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 9, after which time it shall at least meet the standard described in regulation D-2;
 - .2 with a Ballast Water Capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 9, after which time it shall at least meet the standard described in regulation D-2.
- 2 A ship constructed in or after 2009 and before 8 September 2019 with a Ballast Water Capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 9.
- 3 A ship constructed in or after 2009, but before 2012, with a Ballast Water Capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.
- 4 A ship constructed in or after 2012 and before 8 September 2019 with a ballast water capacity of 5,000 cubic metres or more shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 9.
- 5 A ship constructed on or after 8 September 2019 shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.
- 6 The requirements of this regulation do not apply to ships that discharge Ballast Water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.
- 7 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.
- 8 A ship subject to paragraph 2 or paragraph 4 will be required to comply with either regulation D-1 or regulation D-2, until such time as it is required to comply with regulation D-2.

- 9 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 or 4 is:
- .1 the first renewal survey as determined by the Committee following the date of entry into force of the Convention if this survey is completed on or after 8 September 2019;
 - .2 the second renewal survey as determined by the Committee following the date of entry into force of the Convention if the first renewal survey following the date of entry into force of the Convention is completed prior to 8 September 2019."

**DRAFT ALTERNATE MEPC RESOLUTION ON DETERMINATION OF THE DATE
REFERRED TO IN REGULATION B-3, AS AMENDED, OF THE BWM CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING resolution MEPC.[...(..)], by which it adopted, inter alia, amendments to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the BWM Convention),

NOTING ALSO that regulation B-3.9 of the BWM Convention, as amended, states that the Committee shall determine the date of the renewal survey for which paragraphs 1.1, 1.2, 2 and 4 of regulation B-3 of the BWM Convention shall apply,

DETERMINES that the date in regulation B-3.9 of the BWM Convention is the renewal survey for the ship associated with the International Oil Pollution Prevention Certificate pursuant to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL), Annex I, after the date of entry into force of the BWM Convention.
