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Circular N.º 43 Corrigendum 1

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Subject:	BWM Convention - de-harmonization of the IOPP (International Oil Pollution Prevention) Certificate Renewal Survey - Position of the Portuguese Maritime Administration
To:	Shipowners, Companies, Operators, Recognized Organizations, Masters of Portuguese Flagged vessels

***Background:** The problematic of the introduction of species, commonly known as alien or new, to the marine environment, resulting from ballast water from ships has been a great concern worldwide, being considered one of the four biggest threats to oceans all over the world, with harmful effects on biodiversity, fishery, tourism and human health, amongst others, being the other threats marine contamination by terrestrial sources, the overdraft of living marine resources of the sea and the destruction of habitats.*

Facing this threat with serious socio-economic consequences, several attempts have been made to prevent and fight the introduction of species, in particular concerning ballast water from ships in international traffic.

As a response to the threat of invasive alien marine species, the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, in 1992, has encouraged the International Maritime Organization (IMO), and other international bodies as well, to take actions addressing the transfer of Harmful Aquatic Organisms and Pathogens by ships.

Subsequently, the 2002 World Summit on Sustainable Development, held in Johannesburg, South Africa, has confirmed the commitment with the results achieved by the United Nations Conference on Environment and Development, held in Rio de Janeiro 1992, having urged to accelerate the development of measures to address invasive alien species in ballast water and invited the IMO to finalize the Ballast Water Convention.

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The IMO as a specialised agency of the United Nations responsible for the international regulation in relation to safety of ships and the marine pollution prevention, has positioned itself at the front of international initiatives to solve the problem of ballast water from ships, having therefore adopted the Assembly resolutions A.774(18) in 1993 and A.868(20) in 1997, for the purpose of minimizing the transfer of Harmful Aquatic Organisms and Pathogens.

Meanwhile, several States have taken individual actions with a view to prevent, minimize and ultimately eliminate the risks of introduction of Harmful Aquatic Organisms and Pathogens through ships entering their ports.

Recognizing that this concern of global interest requires actions based on rules applicable worldwide allowing preventing, minimizing and ultimately eliminating the risks for biodiversity, fishery, tourism and human health, amongst others, the IMO has adopted, through Diplomatic Conference held in February 2004, the International Convention for the Control and Management of Ships Ballast Water and Sediments.

This Convention, now approved, has the purpose to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens.

1. OBJECTIVE

The present Circular is aimed to inform all parties to whom this circular is addressed to of the position of the Portuguese Maritime Administration on de-harmonisation of IOPP Certificate.

2. INTRODUCTION

2.1 Being met the conditions for the Convention to enter into force what will happen on the 8th September 2017, IMO Resolution A.868(20), “*Guidelines for the control and management of ship’s ballast water to minimize the transfer of harmful aquatic organisms and pathogens*” which were adopted in 1997, will be revoked.

2.2 According to IMO Resolution A.1088(28), the implementation deadline for the existing ships to conduct ballast water exchange through BWM Systems is the first survey associated with the IOPP Certificate done after 8 September 2017. According with the decisions taken by IMO the implementation deadline for BWM Systems is:

Keel laid	Ballast water capacity	Implementation deadline for BWM Systems
Before 8 September 2017	All vessels*	By the first renewal survey associated with the IOPP Certificate after 8 September 2017
On or after 8 September 2017	All vessels*	By the completion date of the construction

*surveys and certifications are required only for vessels of 400 GT or more, excluding Floating platforms, FSU and FPSO.

2.3 Considering the above said and the Harmonized System of Survey and Certification (HSSC), the Portuguese Maritime Administration - DGRM - cannot ignore the importance the mentioned “de-harmonisation” presents for shipowners, in particular:

2.3.1 The uncertainty persisting on the existence of the ballast water management systems market satisfying the demanded requirements;

2.3.2 The huge investments associated to the acquisition of the system, at the same time necessary for its acquisition, to changes which ships are probably subject and further its stopping time.

2.4 By the motifs defined in 2.3, it may not be easy for shipowners to comply with the Convention’s implementation, if they have a short amount of time to do so, that is, if the date of entry into force of the Convention is close to the date or renewal of the IOPP Certificate.

2.5 Furthermore important, Portugal recognises the importance of the International Convention for the Control and Management of Ships Ballast Water and Sediments, adopted by the International Maritime Organization, in 13 February 2004, for the purpose to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens, considered one of the four biggest threats to oceans worldwide, with harmful effects on biodiversity, fishery, tourism and human health, amongst others, being the other threats

marine contamination by terrestrial sources, the overdraft of living marine resources of the sea and the destruction of habitats.

3. POSITION OF THE PORTUGUESE MARITIME ADMINISTRATION

The Portuguese Maritime Administration authorises the IOPP (International Oil Pollution Prevention) Certificate to be de-harmonised; however having in due consideration all above mentioned, this position will be mandatorily reassessed after the next session of the Marine Environment Protection Committee (MEPC 71), which will take place from 3 to 7 July this year.

Lisbon, 3 of March 2017

O Director of the Maritime Administration Services Directorate

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