

ANNEX 3**RESOLUTION MEPC.151(55)****Adopted on 13 October 2006****GUIDELINES ON DESIGNATION OF AREAS FOR BALLAST WATER
EXCHANGE (G14)**

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 conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that regulation B-4.2 of the Convention stipulates that in sea areas where the distance from the nearest land or the depth does not meet the parameters described in Regulation B-4.1, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct ballast water exchange and MEPC 52 identified the need for additional guidance on the designation of areas for ballast water exchange,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invited the Organization to develop the Guidelines for uniform application of the Convention as a matter of urgency,

HAVING CONSIDERED, at its fifty-fifth session, the draft Guidelines on designation of areas for ballast water exchange (G14) developed by the Ballast Water Working Group, and the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its tenth session,

1. ADOPTS the Guidelines on designation of areas for ballast water exchange (G14) as set out in the Annex to this resolution;
2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and
3. AGREES to keep the Guidelines under review.

ANNEX

GUIDELINES ON DESIGNATION OF AREAS FOR BALLAST WATER EXCHANGE (G14)

1 PURPOSE

1.1 The purpose of these Guidelines is to provide guidance to port States for the identification, assessment and designation of sea areas where ships may conduct ballast water exchange in accordance with Regulation B-4.2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Convention).

2 INTRODUCTION

2.1 Regulation B-4.2 of the Convention allows port States to designate areas, in consultation with adjacent or other States, as appropriate, where ships may conduct ballast water exchange.

2.2 These Guidelines provide generic guidance to promote uniform application of Regulation B-4.2 in designating areas for ballast water exchange to minimize the risk of introduction of harmful aquatic organisms and pathogens. Party or Parties designating an area according to Regulation B-4.2 should endeavour not to impair or damage their environment, human health, property or resources or those of other States (under Article 2.6 of the Convention).

3 APPLICATION

3.1 These Guidelines are intended for port States considering and intending to designate areas for ballast water exchange in accordance with Regulation B-4.2. Regulation B-4.2 states that "in sea areas where the distance from the nearest land or the depth does not meet the parameters described in paragraph 1.1 or 1.2, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct Ballast Water exchange".

4 DEFINITIONS

4.1 For the purposes of these Guidelines, the definitions in the Convention apply.

5 PROCESS FOR THE DESIGNATION OF SEA AREAS FOR BALLAST WATER EXCHANGE

5.1 There are three integral steps to designating an area as a ballast water exchange area: identification, assessment and designation. The Guidelines provide criteria to address and consider for each of these steps (see sections 7, 8 and 9), however these criteria are not intended to be exhaustive.

5.2 A port State considering designating ballast water exchange areas shall do this in accordance with its rights and obligations under international law.

6 CONSULTATION AND REGIONAL CO-OPERATION

6.1 The port State should consult with adjacent or other States, as appropriate, when identifying, assessing and designating potential ballast water exchange areas. It must be recognized that some States may not be a Party to the Convention, however this should not negate the consultation process. The port State initiating the consultation process should exchange information and should take into account all views and comments of the adjacent and other States as far as practicable. States should endeavour to resolve any identified concerns.

6.2 If multiple Parties wish to jointly designate ballast water exchange areas, they could do so under Article 13.3 of the Convention through a regional agreement.

7 IDENTIFICATION OF POTENTIAL SEA AREAS FOR BALLAST WATER EXCHANGE

7.1 Depending upon the nature of the seas surrounding the port State, it may be considered appropriate for single or multiple ballast water exchange areas to be identified.

7.2 The following considerations should be taken into account when identifying potential sea area(s) for undertaking ballast water exchange:

Legal aspects

7.2.1 Any national or international legal requirements or obligations should be considered in identifying potential sea areas for designation under Regulation B-4.2.

7.2.2 Sea areas beyond the jurisdiction of a port State may provide the most practical and appropriate area for ballast water exchange. A Party should not designate ballast water exchange areas in waters under the jurisdiction of another State, without its agreement and consultation with adjacent and other States. Consultation should be initiated as soon as possible in the process to facilitate exchange of information and agreement for the designation of the ballast water exchange area (see section 6).

Important resources and protected areas

7.2.3 In the designation of ballast water exchange area, Parties should consider and avoid, to the extent practicable, potential adverse impact in aquatic areas protected under national or international law, as well as other important aquatic resources including those of economic and ecological importance.

Navigational constraints

7.2.4 Any designation of ballast water exchange areas should take into account navigation impacts, including the desirability of minimizing delays, as appropriate, taking into consideration the following:

- .1 the area should be on existing routes if possible,
- .2 if the area cannot be on existing routes, it should be as close as possible to them.

7.2.5 Constraints to safe navigation must be considered when selecting the location and size of the ballast water exchange area. Such considerations should include, but are not limited to:

- .1 increased shipping traffic congestion;
- .2 proximity to other vessel traffic (small craft, offshore platforms, etc.);
- .3 adequate aids to navigation;
- .4 security of the area; and
- .5 shipping lanes/routeing systems.

8 ASSESSMENT OF IDENTIFIED SEA AREAS

8.1 Risk assessment is a logical process for objectively assigning the likelihood and consequences of specific events. Risk assessments can be qualitative or quantitative, and can be a valuable decision aid if completed in a systematic and rigorous manner.

8.1.1 The following key principles define the nature and performance of risk assessment:

- .1 **Effectiveness** – That risk assessments accurately measure the risks to the extent necessary to achieve an appropriate level of protection.
- .2 **Transparency** – That the reasoning and evidence supporting the actions recommended by risk assessments, and areas of uncertainty (and their possible consequences to those recommendations), are clearly documented and made available to decision-makers.
- .3 **Consistency** – That risk assessments achieve a uniform high level of performance, using a common process and methodology.
- .4 **Comprehensiveness** – That the full range of values, including economic, environmental, social and cultural, are considered when assessing risks and making recommendations.
- .5 **Risk Management** – Low risk scenarios may exist, but zero risk is not obtainable, and as such risk should be managed by determining the acceptable level of risk in each instance.
- .6 **Precautionary** – That risk assessments incorporate a level of precaution when making assumptions, and making recommendations, to account for uncertainty, unreliability, and inadequacy of information. The absence of, or uncertainty in, any information should therefore be considered an indicator of potential risk.
- .7 **Science based** – That risk assessments are based on the best available information that has been collected and analysed using scientific methods.
- .8 **Continuous improvement** – Any risk model should be periodically reviewed and updated to account for improved understanding.

8.2 The identified ballast water exchange area(s) should be assessed in order to ensure that its designation will minimize any threat of harm to the environment, human health, property or resources taking into account but not limited to the following criteria:

8.2.1 **Oceanographic** (e.g., currents, depths)

- Currents, upwellings or eddies should be identified and considered in the evaluation process. Sea areas where currents disperse discharged ballast water away from land should be selected where possible.
- Areas where tidal flushing is poor or where a tidal stream is known to be turbid, should be avoided where possible.
- The maximum water depth available should be selected where possible.

8.2.2 **Physico-chemical** (e.g., salinity, nutrients, dissolved oxygen, chlorophyll 'a')

- High nutrient areas should be avoided where possible.

8.2.3 **Biological** (e.g., presence of Harmful Aquatic Organisms and Pathogens, including cysts; organisms density)

- Areas known to contain outbreaks, infestations, or populations of Harmful Aquatic Organisms and Pathogens (e.g. harmful algal blooms) which are likely to be taken up in Ballast Water, should be identified and avoided where possible.

8.2.4 **Environmental** (e.g., pollution from human activities)

- Sea area(s) that may be impacted by pollution from human activities (e.g., areas nearby sewage outfalls) where there may be increased nutrients or where there may be human health issues, should be avoided where possible.
- Sensitive aquatic areas should be avoided to the extent practicable.

8.2.5 **Important resources** (e.g., fisheries areas, aquaculture farms)

- Location of important resources, such as key fisheries areas and aquaculture farms should be avoided.

8.2.6 **Ballast water operations** (e.g., quantities, source, frequency)

- A foreseen estimation of the quantities, sources and frequencies of ballast water discharges from vessels that will use the designated sea area should be considered in the assessment of such area.

8.3 An assessment of the most appropriate size of the designated ballast water exchange area needs to take into account the above considerations.

9 DESIGNATION OF SEA AREAS FOR BALLAST WATER EXCHANGE

9.1 The location and size that provide the least risk to the aquatic environment, human health, property or resources should be selected for designation. The spatial limits of the ballast water exchange area/s should be clearly defined and shall be in accordance with international law. It may also be possible for the designation of a ballast water exchange area to apply over specified timeframes, and these should be clearly defined.

9.2 A baseline evaluation should be conducted to aid future monitoring and review. The process of identification and assessment may provide sufficient information for the baseline.

10 COMMUNICATION

10.1 A Party or Parties intending to designate areas for ballast water exchange under Regulation B-4.2 should communicate this intention to the Organization prior to the implementation of the designated ballast water exchange area. Such communication should include:

- .1 The precise geographical co-ordinates, depth limit and/or distance from nearest land that defines the designated ballast water exchange area.
- .2 Other information that may be relevant to facilitate ships' identification of the designated ballast water exchange area, for example navigation aids.
- .3 Details of the characteristics of the designated ballast water exchange area that may be relevant to assist ships plan their voyage, including: use of area by other traffic, current and tidal flow, wind and swell conditions, seasonal events (cyclones, typhoons, ice, etc.).

10.2 The Organization shall circulate information regarding designated ballast water exchange areas to the Members of the Organization.

10.3 Port States should provide adequate advice to ships on the location and terms of use of the designated ballast water exchange area. Such advice may include exchanging as many tanks as possible under regulation B-4.1, as far as practicable taking into account regulation B-4.3, before utilizing the designated ballast water exchange area.

11 MONITORING AND REVIEW

11.1 The use of the designated ballast water exchange area and any impacts on the aquatic environment, human health, property or resources of the port State or those of other States should be monitored and reviewed on a regular basis.

11.2 One reason for monitoring may be to document the occurrence of harmful aquatic organisms in such areas which may be introduced by ballast water exchange. In case harmful aquatic organisms are found to be introduced, the designated ballast water exchange area may be closed to avoid promoting the spread of such newly occurring species to other regions.
