

Subject

Introduction of the outcomes of MEPC49

# **ClassNK**

## **Technical Information**

No. TEC-0542  
Date 8 August 2003

To whom it may concern

A summary of the decisions taken at the forty-ninth session of the Marine Environment Protection Committee (MEPC 49) held from 14 July to 18 July 2003 is given hereunder for your information.

1. Phasing out for single hull tankers (reference is made to the Attachment 1)

The amendment to MARPOL Annex I, based on EU proposal demanding further acceleration of the phase-out timetable for single hull tankers, a ban on the carriage of heavy grades of oil in single hull tankers and CAS to be applied to tankers of 15 years of age and over, was approved with some pending issues. An extra session of MEPC as MEPC50 will be held in December 2003 to consider the adoption of the amendment to the MARPOL Annex I. The Annex will enter into force in April 2005.

(1) Earlier phasing out for single hull tankers

The outlines of the amendment to Reg.13G are as follows;

- (i) The end cut-off date for Category 1 tankers would be 2005 from 2007.
- (ii) The end cut-off date for Category 2 & 3 tankers would be 2010 from 2015. However, Administration may allow continued operation to 2015 or specified age (e.g. 20, 23, 25 years of age) if satisfactory results of CAS. The tentative agreements will further considered in December 2003.

(2) Heavy oil carriage ban for single hull tankers

The outlines of the newly established Reg.13H are as follows;

- (i) Single hull tanker of 600 tons deadweight and above but less than 5,000 tons deadweight carrying heavy grades of oils as cargo should comply with Reg.13F(7) i.e. requiring double hull constructions until 2008.
- (ii) However, outstanding issues regarding the allowing continued operation to 2015 or specified age and exemptions for tankers exclusively engaged in domestic trades will be further considered in December 2003.

(3) Early implementation of CAS

CAS should be applied to Category 2 & 3 tankers of 15 years of age and over as against being applicable to all Category 1 vessels continuing to trade after 2005 and all Category 2 vessels after 2005.

(To be continued)

NOTES:

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2. Ballast Water Convention (reference is made to the Attachment 2)

Consideration was given to a new draft "International Convention for the Control and Management of Ships' Ballast Water and Sediments" which aims to prevent the spread of harmful aquatic organisms in the marine environment. At the lengthy discussion since 1988, the draft text of the Convention was finalized at this session. The Convention is scheduled to be adopted at the Diplomatic Conference which will be held on February 2004.

3. Information on the coming into effect of MARPOL Annex VI (prevention of air pollution from ships)

The Secretariat reported that the requirements for entry into force of Annex VI of MARPOL 73/78 on regulation for prevention of pollution by air pollution from ships were nearly satisfied. As of June 2003, the Annex has been ratified by 11 States representing well over 50% of the gross tonnage of the world's merchant shipping. The requirements for entry into force of Annex VI are the ratification by at least 15 States with not less than 50% of world merchant shipping tonnage. Five countries will ratify the Annex shortly. The Annex will enter into force one year after the date of coming into effect.

4. Others

(1) Air pollution from ships (reduction in greenhouse gases)

A draft Assembly resolution on "IMO Policies and Practices related to reduction of Greenhouse Gas Emissions from Ships" was finalized with a view to adoption at 23rd Assembly in December 2003.

(2) Ship recycling

A draft Assembly resolution on "Guidelines on Ship Recycling" was finalized with a view to adoption at 23rd Assembly in December 2003.

(3) Restriction of the use of environmentally harmful anti-fouling TBT paints

MEPC resolutions related to survey guidelines on anti-fouling system referring to the AFS Convention (International Convention on the Control of Harmful Anti-Fouling Systems on Ships) were adopted.

- "Guidelines for Brief Sampling of Anti-fouling Systems on Ships"
- "Guidelines for Inspection of Anti-fouling Systems on Ships"

A summary of the outcomes of MEPC49 is also available on the IMO web-site (<http://www.imo.org>).

(To be continued)

For any questions about the above, please contact:

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Attachment:

1. Draft amendments to MARPOL Annex I
2. Draft International Convention for the Control and Management of Ship's Ballast Water and Sediments

## ANNEX 1

## AMENDMENTS TO ANNEX I TO MARPOL 73/78

1. The existing text of regulation 13G is replaced by the following:

**“Regulation 13G****Prevention of oil pollution in the event of collision or stranding -  
Measures for existing tankers**

- (1) This regulation shall:
- (a) apply to oil tankers of 5000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in regulation 13F(1) of this Annex;
  - (b) not apply to oil tankers complying with regulation 13F of this Annex, which are contracted, the keels of which are laid, or are delivered before the dates specified in regulation 13F(1) of this Annex; and
  - (c) not apply to oil tankers covered by subparagraph (a) above which comply with regulation 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances shall comply with regulation 13E(4)(b) of this Annex.
- (2) For the purpose of this regulation:
- (a) “Heavy diesel oil” means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organization<sup>1</sup>.
  - (b) “Fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the Organization<sup>2</sup>.
- (3) For the purpose of this regulation, oil tankers are divided into the following categories:
- (a) “Category 1 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;

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<sup>1</sup> Refer to the American Society for Testing and Material’s Standard Test Method (Designation D86).

<sup>2</sup> Refer to the American Society for Testing and Material’s Specification for Number Four Fuel Oil (Designation D396) or heavier.

- (b) “Category 2 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which complies with the requirements for new oil tankers as defined in regulation 1(26) of this Annex; and
- (c) “Category 3 oil tanker” means an oil tanker of 5,000 tons deadweight and above but less than that specified in subparagraph (a) or (b) of this paragraph.
- (4) An oil tanker to which this regulation applies shall comply with the requirements of regulation 13F of this Annex not later than [...] April 2005 or the anniversary of the date of delivery of the ship on the date or in the year specified in the following table:

<b>Category of oil tanker</b>	<b>Date or year</b>
<b>Category 1</b>	[...] April 2005 for ships delivered on [...] April 1982 or earlier 2005 for ships delivered after [...] April 1982
<b>Category 2</b>	[...] April 2005 for ships delivered on [...] April 1977 or earlier 2005 for ships delivered after [...] April 1977 but before 1 January 1978 2006* for ships delivered in 1978 and 1979 2007* for ships delivered in 1980 and 1981 2008* for ships delivered in 1982 2009* for ships delivered in 1983 2010* for ships delivered in 1984 or later
<b>Category 3</b>	[...] April 2005 for ships delivered on [...] April 1977 or earlier 2005 for ships delivered after [...] April 1977 but before 1 January 1978 2006* for ships delivered in 1978 and 1979 2007* for ships delivered in 1980 and 1981 2008* for ships delivered in 1982 2009* for ships delivered in 1983 2010* for ships delivered in 1984 or later

\* Subject to compliance with the provisions of paragraph (6).

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(5) Notwithstanding the provisions of paragraph (4) of this regulation in the case of a Category 2 or 3 oil tanker fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces which are not used for the carriage of oil and extend to the entire cargo tank length, but does not fulfil conditions for being exempted from the provisions of paragraph (1)(c) of this regulation, the

Administration may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that:

- (i) the ship was in service on 1 July 2001;
- (ii) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;
- (iii) the conditions of the ship specified above remain unchanged; and
- (iv) such continued operation does not go beyond [the anniversary of the date of the delivery of the ship in 2015 or the date on which the ship reaches] 25 years after the date of its delivery, [whichever is the earlier date].

(6) For a Category 2 or a Category 3 oil tanker which reaches or has reached on [...] April 2005 or thereafter, 15 years from the date of its delivery beyond the anniversary of the date of delivery of the ship, the Administration may allow the continued operation subject to compliance with the Condition Assessment Scheme adopted by the Marine Environment Protection Committee by resolution MEPC.94(46), as may be amended, provided that such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention relating to amendment procedures applicable to an appendix to an Annex. ~~[A Category 2 and 3 oil tankers whose anniversary date of delivery is before the [...] April shall comply with the provisions of this paragraph not later than the [...] April 2005.]~~

[(7) The Administration may allow continued operation of a Category 2 or 3 oil tanker beyond the date specified in paragraph (4) of this regulation, if satisfactory results of the Condition Assessment Scheme referred to in paragraph (6) above warrant that, in the opinion of the Administration, the ship is fit to such continued operation, provided that the operation shall not go beyond the anniversary of the date of delivery of the ship in 2015 or the date on which the ship reaches [20][23][25] years after the date of its delivery, whichever is the earlier date.]

- (8) (a) The Administration of a State which allows the application of paragraph (6) [or (7)] of this regulation, or allows, suspends, withdraws or declines the application of paragraph (6) [or (7)] of this regulation, to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.
- [(b) A Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of paragraph (7) of this regulation into the ports or offshore terminals under its jurisdiction. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information.]”.

2. The following new regulation is added after regulation 13G:

**“Regulation 13H**

**Prevention of oil pollution when carrying heavy grades of oil**

- (1) For the purposes of this regulation “heavy grades of oil” means any of the following:
- [(a) crude oils having a density at 15° C higher than [900] kg/m<sup>3</sup> ] ;
  - (b) fuel oils having [either a density at 15° C higher than [900] kg/m<sup>3</sup> or a kinematic viscosity at 50° C higher than 180 mm<sup>2</sup>/s] [a density at 15° C higher than [900] kg/m<sup>3</sup> and a kinematic viscosity at 50° C higher than 180 mm<sup>2</sup>/s];
  - (c) bitumen, tar and their emulsions.
- (2) Subject to the provisions of paragraphs (3) [, (4)], (5) and [(6)] of this regulation, an oil tanker of 600 tons deadweight and above carrying heavy grades of oil as cargo shall comply with:
- (a) (i) if 5000 tons deadweight and above, with the requirements of the regulation 13F(2) to 13F(4) of this Annex or its method of design and construction has been accepted, in accordance with regulation 13F(5) of this Annex as an alternative to the requirements of regulation 13F(3) of this Annex; or
  - (ii) if 600 tons deadweight and above but less than 5000 tons deadweight, with the requirements of the regulation 13F(7) of this Annex provided are fitted with double bottom tanks or spaces and wing tanks or spaces in accordance with regulation 13(F)(7) of this Annex; or
  - (b) the requirements of regulations 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirements for the minimum distances between the cargo tanks boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom distances shall comply with regulation 13F(4)(b) of this Annex.
- (3) An oil tanker of 600 tons deadweight and above but less than 5000 tons deadweight which was:
- (a) contracted, the keel of which was laid, or which was delivered before the dates specified in regulation 13F(1) of this Annex and which does not comply with the requirements of paragraph (2)(a)(ii); or
  - (b) contracted, the keel of which was laid, or which was delivered after the dates specified in regulation 13F(1) of this Annex and which does not comply with the requirements of paragraph (2)(a)(ii);
- shall comply with the requirements of paragraph (2)(a)(ii) of this regulation not later than the anniversary of the date of delivery of the ship in the year 2008.
- [(4) (a) The Administration may allow continued operation of an oil tanker referred to in paragraph (3) above beyond the year 2008, provided that such continued operation shall not go beyond the anniversary of the date of delivery of the ship in [2015] or the

date on which the ship reaches [XX] years after the date of its delivery, whichever is the earlier date, subject to that Party considering that the ship is fit to continued operating.

- (b) The Administration of a Party which allows the application of subparagraph (a) above, or allows, suspends, withdraws or declines the application of subparagraph (a), to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.
  - (c) A Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of subparagraph (a) into the ports or offshore terminals under its jurisdiction. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information.]
- (5) [(a)] A Party to the present Convention may exempt an oil tanker of 600 tons deadweight and above [but less than 5000 tons deadweight] which is exclusively engaged on voyages within a port [[[or between ports and adjacent anchorages or roadsteads or between offshore terminals or between port and offshore terminals] located within the territory of a Party or operate as floating storage facilities located within the territory of a Party. However, if an oil tanker, to which this paragraph may be applied, will be located within the territory of a Party, other than that of which is entitled to fly its flag, the provisions of this paragraph shall not be applied unless the prior agreement of the Party within whose territory the oil tanker will be located has been given.]
- (b) The Administration of a Party which allows the application of subparagraph (a) above shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.
  - (c) A Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of subparagraph (a) into the ports or offshore terminals under its jurisdiction. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information].
- [(6) (a) A Party to the present Convention may not require an oil tanker of 600 tons deadweight and above which is either exclusively engaged on voyages within its territory or operates as a floating storage facility located within its territory to comply with the provisions of this regulation.

For the purpose of this paragraph the expression “exclusively engaged on voyages within its territory” shall be understood to mean that all parts of the voyages are located within the outer seaward limit of the territory of that Party and at no stage the ship goes beyond this limit for the purpose of proceeding to another part of the territory of that Party located elsewhere.

- (b) The Party which allows an oil tanker not to comply with provisions of this regulation shall, prior to granting such a permission, consult any other Party whose territory is adjacent to its own territory, in case any of the operations of the oil tanker will be taking place in an area near or adjacent to the territory of the latter Party.]”.



## ANNEX

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

## THE PARTIES TO THE CONVENTION ...

NOTING the objectives of the 1992 Convention on Biological Diversity (CBD) and that the transfer and introduction of Harmful Aquatic Organisms and Pathogens via ships' ballast water threatens the conservation and sustainable use of biological diversity as well as decision IV/5 of the 1998 Conference of the Parties (COP 5~~4~~) to the CBD concerning the conservation and sustainable use of marine and coastal ecosystems, as well as decision VI/23 of the 2002 Conference of the Parties (COP 6) to the CBD on alien species that threaten ecosystems, habitats and species, including guiding principles on invasive species,...

CONSCIOUS that the uncontrolled discharge of ~~b~~Ballast ~~w~~Water and ~~s~~Sediments from ships has led to the transfer of Harmful Aquatic Organisms and Pathogens, causing injury or damage to the environment, human health, property or resources,

**Article 1** *Definitions*

For the purpose of the Convention, unless expressly provided otherwise:

1 "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to ~~fixed or~~ floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, including Floating Storage Units (FSUs) and Floating Production Storage and Offloading Units (FPSOs), the Administration is the Government of the coastal State concerned.

2 "Ballast Water" means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of a ship.

3 "Ballast Water Management" means mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of Harmful Aquatic Organisms and Pathogens within Ballast Water and Sediments.

4 "Certificate" means the International Ballast Water Management Certificate.

~~544~~ "Committee" means the Marine Environment Protection Committee of the Organization.

~~640~~ "Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments

74 "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulation contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969 or any successor Convention.

85 "Harmful Aquatic Organisms and Pathogens" means aquatic organisms or pathogens which, if introduced into the sea including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, impairment of biological diversity or interfere with other legitimate uses of such areas.

96 "Organization" means the International Maritime Organization.

107 "Secretary-General" means the Secretary-General of the Organization.

118 "Sediments" means matter settled out of Ballast Water within a ship.

129—"Ship" means a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, ~~and fixed or~~ floating platforms, ~~floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).~~

10—"Convention" means the ~~International Convention for the Control and Management of Ships' Ballast Water and Sediments~~

11—"Committee" means the ~~Marine Environment Protection Committee of the Organization.~~

## Article 2 *General Obligations...*

2 The Annex ~~and its Appendices~~ forms an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to the Annex ~~and its Appendices~~.

[3 Nothing in the Convention shall be interpreted as preventing a Party from taking, individually or jointly, more stringent measures with respect to the prevention, reduction or elimination of the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments, consistent with international law. [A Party requiring more stringent measures shall seek approval from the Organization, on the basis of clear evidence that adequate reception facilities or other means are provided to assist ships holding an International Ballast Water Management Certificate under the Convention to meet the more stringent standards.][A Party requiring more stringent measures shall notify the Organization of such measures and any relevant information to assist ships holding a Certificate under the Convention.]]

...

7 Parties should ensure that Ballast Water Management practices used to comply with this Convention do not cause more or greater harm than they prevent.

8 Parties shall encourage ships entitled to fly their flag, and to which the Convention applies, to avoid, as far as practicable, the uptake of potentially Harmful Aquatic Organisms and Pathogens, as well as Sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by the Organization.

**Article 3**     *Application...*

2     The Convention shall not apply to:

- (a)     ships not designed or constructed to carry Ballast Water;
- ~~(b)     ships of a Party which operate exclusively in waters under the jurisdiction of that Party, provided such exclusion does not impair or damage the environment, human health, property or resources of adjacent or other States;~~
- ~~(c)     ships of a Party which operate exclusively in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion, provided such exclusion does not impair or damage the environment, human health, property or resources of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that the Convention applies to such ship;~~
- ~~(d)     ships which operate exclusively in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorisation pursuant to subparagraph (c), provided such exclusion does not impair or damage the environment, human health, property or resources of adjacent or other States.~~
- (b)     ships of a Party which operate exclusively in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage the environment, human health, property or resources of adjacent or other States.
- (c)     ships of a Party which operate exclusively in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage the environment, human health, property or resources of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that the Convention applies to such ship.
- (d)     ships which operate exclusively in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to subparagraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage the environment, human health, property or resources of adjacent or other States.
- (e)     any warship, naval auxiliary or other ship owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the Convention.

~~[Article 4(bis) *Acceptable Ballast Water*~~

~~1 — Acceptable Ballast Water is Ballast Water which, when discharged in accordance with the provisions of the Convention, should minimize the risk of harm to the environment, human health, property and resources, after the ship applied one of the control measures approved by the Organization or an alternative established according to the procedures of the Convention based on risk assessment performed by the Competent Authority of the Administration in which jurisdictional waters the ship is to deballast.~~

~~2 — The detailed requirements for the criteria that acceptable Ballast Water should meet are contained in the Annex.]~~

**Article 5**      *Sediment Reception Facilities*

1      Each Party undertakes to ensure as soon as practicable that ports and terminals where cleaning or repair of ballast tanks occurs, have adequate reception facilities for the reception of Sediments. Such reception facilities shall operate without causing undue delay to ships and shall provide for the disposal of such Sediments that does not damage or injure the environment, public health, property and resources.

2      Each Party shall notify the Organization for transmission to the other Parties concerned of all cases where the facilities provided under paragraph 1 are alleged to be inadequate.

**Article 7**      *Survey and certification...*

~~[2      A Party implementing additional measures pursuant to Section C of the Annex shall not require additional survey and certification of a ship of another Party, nor shall the Administration of the ship be obligated to survey and certify additional measures imposed by another Party. Verification of such additional measures shall be the responsibility of the Party implementing such measures and shall not cause undue delay to the ship.]~~

**Article 9**      *Inspection of Ships*

1      A ship to which the Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with the Convention. Except as provided in Article 10(2), any such inspection is limited to:

- (a)      verifying that there is onboard a valid Certificate, which, if valid shall be accepted; and/or
- (b)      inspection of the Ballast Water ~~Management~~ Record Book, [and/or
- (c)      a sampling of the ship's Ballast Water, carried out in accordance with the guidelines to be developed by the Organization. However, the time required to ~~process analyse the results of such~~ samplings shall not be used as a basis for unduly delaying the ~~{operation,}~~ movement or departure of the ship.]

2 In the case that the ship does not carry a valid certificate or there are clear grounds for believing that:

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate; or
- (b) the master or the crew are not familiar with essential shipboard procedures relating to Ballast Water Management, or have not implemented such procedures;

a detailed inspection may be carried out. ~~[, which may include, but is not limited to, a sampling of the ships' Ballast Water carried out in accordance with the guidelines to be developed by the Organization. However, the time required to process the results of such sampling shall not be used as a basis for unduly delaying the [operation,] movement and departure of the ship.]~~

3 In the circumstances given in paragraph 2 of this Article, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not discharge Ballast Water until it can do so without presenting an unreasonable threat of harm to the environment, human health, property or resources.

#### **Article 10** *Detection of Violations and Control of Ships*

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of the Convention.

2 If a ship is detected to have violated the Convention, the Party whose flag the ship is entitled to fly, and/or the Party in whose port or offshore terminal the ship is operating, may, in addition to any sanctions described in Article 8 or any action described in Article 9, take steps to warn, detain, or exclude the ship. ~~That Party~~ The Party in whose port or offshore terminal the ship is operating, however, may grant such a ship permission to leave the port or offshore terminal for the purpose of discharging Ballast Water or proceeding to the nearest appropriate repair yard or reception facility available, provided doing so does not present an unreasonable threat of harm to the environment, human health, property or resources.

3 If the sampling described in Article 9(1)(c)/~~9(2)~~ leads to a result, including results received from another port or offshore terminal, indicating that the ship poses an unreasonable threat to the environment, human health, property or resources, the Party in whose waters the ship is operating shall prohibit such ship from discharging Ballast Water until the threat is removed.<sup>†</sup>

4 A Party may also inspect a ship when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of a provision in the Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that appropriate action may be taken.

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<sup>†</sup> Note: Consideration should be given to moving this paragraph to Article 9.  
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**Article 11**     *Notification of Control Actions*

1       If an inspection conducted pursuant to Article 9 or 10 indicates a violation of the Convention, when practicable, the master shall be notified. A report, including evidence of the violation, if any, shall be forwarded to the Administration.

2       In the event that any action is taken pursuant to Article 9(3) or Article 10(2) or (3), the officer carrying out such action shall forthwith inform, in writing, ~~the consul or diplomatic representative of the Party~~ the Administration whose flag the ship is entitled to fly, or if this is not possible, ~~the consul or diplomatic representative~~ the Administration of the ship concerned, of all the circumstances in which the action was deemed necessary. In addition, the recognized organization responsible for the issue of certificates shall be notified.

3       The port State authority concerned shall, in addition to Parties mentioned in paragraph 2 of this Article, notify the next port of call of all relevant information about the violation, if it is unable to take action as specified in Articles 9(3) or 10(2) or (3) or if the ship has been allowed to proceed to the next port of call.

**Article 12**     *Undue Delay to Ships*

1       All possible efforts shall be made to avoid a ship being unduly detained or delayed under Articles {7(2)}, 8, {9 and 10} of the Convention.

2       When a ship is unduly detained or delayed under Articles {7(2)}, 8, {9 and 10} of the Convention, it shall be entitled to compensation for any loss or damage suffered.

**Article 13**     *Regional Co-operation*

In order to further the objectives of the Convention, Parties with common interests to protect the environment, human health, property and resources in a given geographical area, in particular, those Parties bordering enclosed and semi-enclosed seas, shall endeavour, taking into account characteristic regional features, to enhance regional co-operation including the conclusion of regional agreements consistent with the Convention. Parties shall seek to co-operate with the Parties to regional agreements to develop harmonized procedures.

**Article 19**     *Amendments*

{1       The Convention may be amended by either of the procedures specified in the following paragraphs.

2       Amendments after consideration within the Organization:

- (a) Any Party may propose an amendment to the Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.

- (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
- (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
- (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
- (e) An amendment shall be deemed to have been accepted in the following circumstances:
  - (i) An amendment to an article of the Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
  - (ii) An amendment to the Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
- (f) An amendment shall enter into force under the following conditions:
  - (i) An amendment to an article of the Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).
  - (ii) An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
    - (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection; or
    - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
- (g)
  - (i) A Party that has notified an objection under subparagraph (f)(ii)(1) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
  - (ii) If a Party that has made a notification referred to in subparagraph (f)(ii)(2) notifies the Secretary-General of its acceptance with respect to an

amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

3 Amendment by a Conference:

- (a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to the Convention.
- (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2(e) and (f) respectively of this Article.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

- (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
- (b) any notification made under this article.}

**Regulation A-1**      *Definitions...*

For the purposes of this Annex:

~~1~~      “~~New ship~~” means a ship constructed ~~[three years after the entry into force of the Convention][after January 1, 20[10]]~~.

~~2~~      “~~Existing ship~~” means a ship which is not a new ship.

~~15~~      “Anniversary date” means the day and the month of each year corresponding to the date of expiry of the International Ballast Water Management Certificate.

2      “Ballast Water Capacity” means the total volumetric capacity of any tanks, spaces or compartments on a ship used for carrying, loading or discharging Ballast Water, including any multi-use tank, space or compartment designed to allow carriage of Ballast Water.

3      “Constructed” in respect of a ship means a stage of construction where:

- .1      the keel is laid; or



- .2 construction identifiable with a specific ship begins; or
- .3 assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less; or
- .4 the ship undergoes a major conversion.

[4 “Major conversion” means [to be developed] ~~a conversion of an existing ship:~~

~~.1 which substantially alters the dimensions or carrying capacity of the ship; or~~

~~.2 which changes the type of the ship; or~~

~~.3 the intent of which in the opinion of the Administration is substantially to prolong its life; or~~

~~[.4 which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship.]~~

5 “Nearest land”. The term ‘from the nearest land’ has the same meaning as that in the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978, or any successor convention.

6 “Company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code.

~~5 “Anniversary date” means the day and the month of each year corresponding to the date of expiry of the International Ballast Water Management Certificate.~~

~~6 “Certificate” means the International Ballast Water Management Certificate.~~

#### **Regulation A-2**      *General Applicability*

~~Except where expressly provided otherwise, Ballast Water Management shall be conducted in accordance with this Annex.~~

Except where expressly provided otherwise, the discharge of Ballast Water shall only be conducted through Ballast Water Management, in accordance with the provisions of this Annex.

#### **Regulation A-3**      *Exceptions...*

4 the discharge of Ballast Water and Sediments from a ship at the same location where the whole of that Ballast Water and those Sediments originated and provided that no mixing with Ballast Water and Sediments from other areas has occurred. If mixing has occurred, the Ballast Water taken from other areas is subject to Ballast Water Management in accordance with this Annex.

~~[Regulation A-4 — Conditions to permit the discharge of unmanaged Ballast Water~~

~~A Party may permit the discharge into waters under its jurisdiction of Ballast Water, which has not been managed in accordance with Regulation B-3, [in respect of any single voyage, or voyages or route(s)] [from any ship that operates exclusively on a single route]. Any such permission may only be given for a specific period of time based on an assessment of risk to the environment, human health, property or resources. Such discharge shall not impair or damage the environment, human health, property or resources of adjacent or other States. Any State that the Party determines may be adversely affected shall be consulted, with a view toward resolving any identified concerns. Any such discharge of ballast water shall be recorded in a ship's Ballast Water Management Record Book.]~~

**Regulation A-4** *Special Exceptions by a Party*

1 In rare and exceptional circumstances a Party, in waters under its jurisdiction, may grant exceptions to Regulation B-3 in addition to those contained in this Convention, but only when such exceptions are:

- .1 granted to a ship on a voyage or voyages between two specified ports; or to a ship with operates exclusively between two specified ports;
- .2 effective for a period of no more than 1 year;
- .3 granted to ships that do not mix Ballast Water or Sediments other than between the two ports specified in paragraph 1; and
- .4 granted after application of mandatory criteria developed by the Organization to evaluate requests for such exceptions.

2 Exceptions granted pursuant to paragraph 1 shall not be effective until six months after communication to the Organization of the exception for circulation to the Parties.

3 Any exception granted under this Regulation shall not impair or damage the environment, human health, property or resources of adjacent or other States. Any State that the Party determines may be adversely affected shall be consulted, with a view toward resolving any identified concerns.

4 Any exception granted under this Regulation shall be recorded in the Ballast Water Record Book.

**Regulation A-5** *Equivalent compliance*

~~[Equivalent compliance with this Annex for pleasure yachts [not engaged in trade]<sup>\*</sup>, craft used solely for recreation or competition or craft used primarily for search and rescue, less than 50 meters in length, and with a maximum Ballast Water capacity of 8 metric tonnes shall be determined in accordance with Guidelines to be developed by the Organization.]~~

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\* ~~to be further developed~~

## SECTION B – MANAGEMENT AND CONTROL REQUIREMENTS FOR SHIPS

### Regulation B-1 *Ballast Water Management Plan*

Each ship shall have on board and implement a Ballast Water Management Plan approved by the Administration. Such a plan shall be based on Ballast Water Management guidelines developed and adopted by the Organization. The Ballast Water Management Plan shall be specific to each ship and shall at least:

- .1 detail safety procedures for the ship and the crew associated with Ballast Water Management as required by the Convention. ~~This provision shall take into account a number of criteria, but not limited to, stability, longitudinal strength, sloshing, propeller immersion, minimum draft forward, and bridge visibility;~~

...

### Regulation B-2 *Ballast Water Management Record Book*

1 Each ship shall have on board a Ballast Water ~~Management~~ Record Book ~~for that may be an~~ electronic record system<sup>2</sup>, which shall at least contain the information specified in Appendix II.

2 Ballast Water Record Book entries shall be maintained on board the ship for a minimum period of two years after the last entry has been made and thereafter in the Company's control for a minimum period of three years. ~~Entries shall be written in the working language of the ship.~~

3 In the event of the discharge of Ballast Water pursuant to Regulations A-3, A-4 or B-3.4.5 or in the event of accidental or other exceptional discharge of Ballast Water not otherwise exempted by the Convention, an entry shall be made in the Ballast Water ~~Management~~ Record Book describing the circumstances of, and the reason for, the discharge.

4 The Ballast Water Record Book shall be kept readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship.

5 Each operation concerning Ballast Water Management shall be fully recorded without delay in the Ballast Water ~~Management~~ Record Book, ~~so that all the entries in the book appropriate to that operation are completed.~~ Each ~~completed operation~~ entry shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master ~~of the ship~~. The entries in the Ballast Water ~~Management~~ Record Book shall be in a working language of the ship. If that language is not English, French or Spanish the entries shall contain a translation into one of those languages.

6 ~~The competent authority of the Government of~~ Officers duly authorized by a Party may inspect the Ballast Water ~~Management~~ Record Book on board any ship to which ~~the~~ this Regulation applies while the ship is in its port or offshore terminal, and may make a copy of any entry ~~in the book~~, and require the master ~~of the ship~~ to certify that the copy is a true copy ~~of such~~

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<sup>2</sup> ~~The use of an electronic record system as an alternative to written records is to be considered.~~

entry. Any copy so made ~~which has been certified by the master of the ship as a true copy of an entry in the ship's Ballast Water Management Record Book shall be made~~ admissible in any judicial proceeding as evidence of the facts stated in the entry. The inspection of a Ballast Water Management Record Book and the taking of a certified copy ~~by the competent authority under the paragraph 4 of this Regulation~~ shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

### **Regulation B-3**      *Ballast Water Management for Ships*

~~[1] Except as otherwise provided in the Convention, new ships shall conduct Ballast Water Management that meets or exceeds the standard described in Regulation E-2.~~

~~2 Except as otherwise provided in the Convention, existing ships shall conduct Ballast Water management that meets or exceeds:~~

- ~~.1 the standard described in Regulation E-2, or~~
- ~~.2 the standard described in Regulation E-1. Existing ships employing this standard may do so [for the life of the ship][until 5 years after entry into force of the Convention][until a date certain based on the age of the ship].~~

~~*Note: If a phase out of BWE with variable dates by the age of the ship is to be included in the draft treaty, the phase out dates that apply to ships of a given age would have to be determined.*~~

1 Ships constructed before [date of entry into force plus three years] [2009]:

.1 with a Ballast Water Capacity of between [1500 and 5000] cubic metres shall, on or before the anniversary date of delivery of the ship in [date of entry into force plus three years] [2009] conduct Ballast Water Management that meets or exceeds the standard described in Regulation E-1 or Regulation E-2[, until the anniversary date of delivery in [8 years after date of entry into force][2014], after which time it shall meet or exceed the standard described in Regulation E-2].<sup>3</sup>

.2 with a Ballast Water Capacity of less than [1500] and greater than [5000] cubic metres, shall on or before the anniversary date of delivery of the ship in [date of entry into force plus 3 years] [2009] conduct Ballast Water Management that meets or exceeds the standard in Regulation E-1 or E-2[, until the anniversary date of delivery in [until 10 years after date of entry into force][2016] at which time it shall meet or exceed the standard described in Regulation E-2].<sup>4</sup>

2 Ships constructed in or after [date of entry into force plus 3 years] [2009]:

.1 with a Ballast Water Capacity of less than [5000] cubic metres shall conduct Ballast Water Management that meets or exceeds the standard described in Regulation E-2.

<sup>3</sup> The bracketed text in the final clause reflects grandfathering options. If all bracketed text is removed grandfathering for the life of the ship is indicated.

<sup>4</sup> See footnote 4

.2 with a Ballast Water Capacity of more than [5000] cubic metres shall, on or before [date of entry into force plus 5 years] [2011], conduct Ballast Water Management that meets or exceeds the standard described in Regulation E-2.

3 Paragraphs 1 and 2 of this Regulation do not apply to the discharge of Ballast Water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.

4 Ships conducting Ballast Water Management in accordance with Paragraph 2.2 of this Regulation, (i.e., Ballast Water exchange), or using Ballast Water exchange to meet the standards in Regulation E-2 shall:

.1 whenever possible, conduct such Ballast Water exchange at least [200] nautical miles from the nearest land<sup>5</sup> and in water at least [200] metres in depth, taking into account the Guidelines to be developed by the Organization.

.2 in cases where the ship is unable to conduct Ballast Water exchange in accordance with paragraph 4.1 of this Regulation, such Ballast Water exchange shall be conducted taking into account the Guidelines described in paragraph 4.1 and as far from the nearest land as possible, and in all cases [at least [12] [50] nautical miles from the nearest land] [and at least [200] metres in depth]. ~~[and/or] [at a distance from land as determined by the coastal State] [outside a Special Area approved by the Organization]. [Ballast Water exchange should not be conducted in any discharge avoidance area determined by a coastal State. Such discharge avoidance areas should take into account the Guidelines developed by the Organization, and the Organization and neighbouring States, as applicable, shall be notified of the establishment of such areas.]~~<sup>6</sup>

.3 in cases where the ship is unable to conduct Ballast Water exchange at the distances or depths described in paragraphs 4.1 or 4.2, a port State may allow the ship to conduct Ballast Water exchange taking into account the Guidelines described in paragraph 4.1 in designated areas under its jurisdiction, under such conditions as the port State may prescribe, provided such conditions do not impair the environment, human health, property or resources of adjacent or other States.

5-4 A ship shall not be required to deviate from its intended voyage, or delay the voyage, in order to comply with any particular requirement of paragraph 4.1 of this Regulation.

6-5 Ships conducting Ballast Water exchange shall not be required to comply with paragraphs 4.1, 4.2 or 4.3, as appropriate if the master reasonably decides that such exchange would threaten the safety or stability of the ship, its crew, or its passengers because of adverse weather, vessel architectural design, equipment failure, or any other extraordinary condition.

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<sup>5</sup> Inclusion of the definition of “nearest land” should be considered similar to that given in Annex I of MARPOL 73/78, Regulation 1(9).

<sup>6</sup> Bracketed options may also be seen in combination. The issue of short voyages should be considered when making a final choice between these options.

~~7-6~~ When a ship does not comply with paragraph 4.1, 4.2 or 4.3, for the reasons stated in paragraph ~~4-5-6~~, the reasons shall be entered in the Ballast Water ~~Management~~ Record Book.}]

**Regulation B-4**      *Sediment Management for Ships*

1 All ships shall remove and dispose of Sediments from spaces designated to carry Ballast Water in accordance with the provisions of the ship's Ballast Water Management Plan.

2 ~~New ships~~ Ships described in Regulation B-3(2) shall be designed and constructed to minimize the uptake and undesirable entrapment of Sediments, facilitate removal of Sediments, and to provide safe access to allow for Sediment removal and sampling, based on Guidelines to be developed by the Organization. ~~Existing ships~~ Ships described in Regulation B-3(1) shall, to the extent practicable, comply with this paragraph.

**Regulation B-5**      *Duties of Officers and Crew*

Officers and crew ~~engaged in Ballast Water Management~~ shall be familiar with their duties in the implementation of Ballast Water Management particular to the ship ~~{on which they serve}~~ and shall, appropriate to their duties, be familiar with the ships' Ballast Water Management Plan, ~~of that ship {on which they serve}~~.

**SECTION C - SPECIAL REQUIREMENTS IN CERTAIN AREAS**

**Regulation C-1**      *Additional measures...*

3 A Party or Parties intending to introduce additional measures in accordance to paragraph 1 of this Regulation shall:

- .1 take into account the Guidelines developed by the Organization.
- .2 communicate their intention to establish additional measure(s) to the Organization at least [6 months] [except in emergency or epidemic situations] prior to the projected date of implementation of the measure(s). {Such communication shall include:
  - ~~.1(a)~~ the precise co-ordinates where additional measure(s) is/are applicable;
  - ~~.2(b)~~ the need and reasoning required for the application of the additional measure(s), including whenever possible benefits;
  - ~~.3(e)~~ ~~any additional records that may be required~~ a description of the additional measures; and
  - ~~.4(d)~~ any arrangements that may be provided to facilitate ships' compliance with the additional measures.}]

~~[Such a communication shall be accompanied with the information prescribed in Appendix III confirming the measures' consistency with the criteria contained in Guidelines developed by the Organization.~~

- .3 [Such a measure shall not be implemented by the Party if inconsistent with the criteria in paragraph 3.1.
- 4 A Party or Parties in introducing such additional measures shall endeavour to make available ~~[have in place]~~ ~~[provide]~~ all the appropriate services, which may include but is not limited to notification to mariners of areas, available and alternative routes or ports, as far as practicable, in order to ease the burden on the ship.
- 5 Any additional measures adopted by a Party or Parties shall not compromise the safety, and security of the ship and in any circumstances not conflict with any other convention the ship must comply with.
- 6 A Party or Parties introducing additional measures may waive these measures for a period of time or in specific circumstances as it deems fit.
- [7 Placeholder for the concept of liability burden.]]

**Regulation C-2**      *Warnings Concerning Ballast Water Uptake in Certain Areas and Related Flag State Measures*

1 A Party shall endeavour to notify mariners of areas under their jurisdiction where ships should not load or uptake Ballast Water due to known conditions. The Party shall include in such notices the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. Warnings may be issued for areas:

- .1 known to contain outbreaks, infestations, or populations of Harmful Aquatic Organisms and Pathogens (e.g., toxic algal blooms) which are likely to be of relevance to Ballast Water uptake ~~loading~~ or discharge;
- .2 nearby sewage outfalls; and
- .3 where tidal flushing is poor or times during which a tidal stream is known to be more turbid.

2 In addition to notifying mariners of areas in accordance with the provisions of paragraph 1, a Party shall notify the Organization and any potentially affected coastal States of any areas identified in paragraph 1 and the time period such warning is likely to be in effect. The notice to the Organization and any potentially affected coastal States shall include the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. The Party shall also notify mariners, the Organization, and any potentially affected coastal States when a given warning is no longer applicable.

~~3 Parties shall encourage ships entitled to fly their flag, and to which the Convention applies, to avoid, as far as practicable, the uptake, transfer and discharge of potentially Harmful Aquatic Organisms and Pathogens, as well as Sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by the Organization.~~

~~{Regulation C-4 — (Proposal by Italy)}~~

~~States bordering enclosed or semi-enclosed seas, and States bordering sea areas of particular environmental concern shall endeavour to co-operate to identify and put into practice common measures for Ballast Water Management.}~~

#### ~~{SECTION D — SPECIAL AREAS}~~

##### ~~{Proposal by Italy}~~

~~1 — “Special Areas” refers seas or parts of seas where for recognised technical reasons in relation to its hydro-geological regime and ecological characteristics and to the particular character of its traffic, the adoption of special mandatory methods for a stricter regulation of Ballast Water Management is required. Such Special Areas shall include those listed in Regulation C-3.~~

~~2 — Methods for the minimization of the impact of Ballast Water exchange while operating in Special Areas:~~

~~.1 — For the purpose of the Convention, the Special Areas are:~~

~~(a) — The Mediterranean Sea~~

~~.2 — Subject to the provisions of Article 3.2, and for the purposes of the Convention,~~

~~(a) — Ballast Water exchange is prohibited in Special Areas as determined according to the Convention, beyond the limits of the Ballast Water exchange areas established by the riparian States through regional or sub-regional agreements;~~

~~(b) — such areas are established in zones of the sea, which, for oceanographic conditions, are most likely to limit significantly the impact of organisms carried in Ballast Water; and~~

~~(c) — the location of a Ballast Water exchange areas established according to paragraph 2(b), is communicated to the Organization at least [x period] prior to the projected date of implementation of the related agreement.}~~

##### ~~{Proposal by Japan}~~

~~1 — In case of establishing the Special Area outside 12 nautical miles from the nearest land, the Party or Parties shall ensure that ports near the Special Area are provided with adequate reception facilities for Ballast Water. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.}}~~



## SECTION E - STANDARDS FOR BALLAST WATER MANAGEMENT

### Regulation E-1 *Ballast Water Exchange Standard*

1 Ships performing Ballast Water exchange in accordance with this Regulation shall do so with an efficiency of 95 per cent volumetric exchange of Ballast Water.

~~2 The method used to establish that a ship meets the standard in paragraph 1 shall be one of the accepted methods approved by the Organization.~~

~~3 Ships performing Ballast Water exchange in accordance with paragraph 1 shall be designed and constructed taking into account the Guidelines developed by the Organization<sup>7</sup>.~~

24 For existing ships constructed before [the date of entry into force of the Convention], pumping through three times the volume of each Ballast Water tank shall be considered equivalent to the standard described in paragraph 1.<sup>8</sup>

### Regulation E-2 *Ballast Water Performance Standard*

~~[Ships conducting Ballast Water Management in accordance with this Regulation shall discharge no more than [25] viable individuals per litre of zooplankton greater than [10] µm in size; and no more than [200] viable cells per ml of phytoplankton greater than [10] µm in size; and discharge of a specified set of indicator microbes shall not exceed specified concentrations.]~~

1 [Ships conducting Ballast Water Management in accordance with this Regulation shall discharge less than [1][100] viable organism[s] per cubic metre greater than [50]/[80] µm in size and less than [1][10][100] viable organism[s] per ml smaller than [50]/[80] µm and greater than 10 µm in size; and discharge of the indicator microbes described in paragraph 2 shall not exceed specified concentrations.]

2 Indicator microbes, as a human health standard, shall include, but should not be limited to:

- .1 Toxigenic vibrio cholera (01 and 0139) with <1 cfu per 100 ml (cfu = colony forming unit)  
- <1 cfu per 1 g of zooplankton samples (wet weight)
- .2 Escherichia coli [250][500] cfu per 100 ml
- .3 Intestinal enterococci spp [100][200] cfu per 100 ml

### Regulation E-3 *Additional criteria for Ballast Water Management systems Requirements for Regulation E-1*

1 The method used to establish that a ship meets the standard in Regulation E-1(1) shall be one of the accepted methods approved by the Organization.

<sup>7</sup> ~~The proposals submitted by Australia and the United Kingdom (MEPC 48/2/2) should form the basis of these Guidelines.~~

<sup>8</sup> This paragraph may require further consideration in the light of the revisions to Regulation B-3.1.

2 Ships performing Ballast Water exchange in accordance with Regulation E-1(1) shall be designed and constructed taking into account the Guidelines developed by the Organization

~~Ballast Water Management systems used to comply with the Convention must be:~~

- ~~.1 safe in terms of the ship and its crew;~~
- ~~.2 environmentally acceptable, i.e., not causing more or greater environmental impacts than it solves;~~
- ~~.3 practicable, i.e., compatible with ship design and operations;~~
- ~~.4 cost effective, i.e., economical; and~~
- ~~.5 biologically effective in terms of removing, or otherwise rendering inactive Harmful Aquatic Organisms and Pathogens in Ballast Water.~~

**Regulation E-5**      *Review of Standards by the Organization*

{1 At a meeting of the Committee held no later than three years before the earliest effective date of the standard set forth in Regulation E-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 ~~Regulation E-3~~paragraph 2, and an assessment of the socio-economic effect(s) ~~on~~ specifically in relation to the developmental needs of developing countries, particularly small island developing States. The Committee shall also undertake periodic reviews, as appropriate, to examine the applicable requirements for ~~existing~~ ships described in Regulation B-3(1) as well as any other aspect of Ballast Water Management addressed in this Annex, including any Guidelines developed by the Organization.}

2 Such reviews of appropriate technologies shall also take into account:

- .1 safety considerations relating to the ship and the crew;
- .2 environmental acceptability, i.e., not causing more or greater environmental impacts than it solves;
- .3 practicability, i.e., compatibility with ship design and operations;
- .4 cost effectiveness, i.e., economical; and
- .5 biological effectiveness in terms of removing, or otherwise rendering inactive Harmful Aquatic Organisms and Pathogens in Ballast Water.

3 The initial review conducted pursuant to paragraph 1 shall also consider whether ships unable to conduct Ballast Water exchange, due to time or route constraints, should be regulated pursuant to Regulation B-3-2.

~~24~~ The Committee may form a group or groups to conduct the review(s) described in paragraph 1. The Committee shall determine the composition, terms of reference and specific issues to be addressed by any such group formed. Such groups may develop and recommend proposals for amendment of this Annex for consideration by the Parties. Only Parties may participate in the formulation of recommendations and amendment decisions taken by the Committee.}

35 If, based on the reviews described in this Regulation, the Parties decide to adopt amendments to this Annex, such amendments shall be adopted and enter into force in accordance with the procedures contained in Article {19} of the Convention.

## **SECTION F - SURVEY AND CERTIFICATE REQUIREMENTS FOR BALLAST WATER MANAGEMENT**

### **Regulation F-1**      *Surveys*

1      Ships of 400 gross tonnage and above to which the Convention applies, excluding ~~fixed~~ [ø floating] platforms, [FSUs and FPSOs] shall be subject to surveys specified below:

...

**APPENDIX I**

**FORM OF INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE**

**INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE**

(Official seal)

(Party)

*Issued under the provisions of the*  
International Convention for the Control and Management of Ships' Ballast Water and Sediments  
(hereinafter referred to as "the Convention")

*under the authority of the Government of*

.....  
*(name of the Party)*

*by*

.....  
*(person or organization authorized)*

When a Certificate has been previously issued, this Certificate replaces the certificate dated

*Particulars of ship<sup>1</sup>*

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross Tonnage .....

IMO number<sup>2</sup> .....

Ballast Water Capacity .....

*Details of Ballast Water Management Method(s) Used*

The principal Ballast Water Management method(s) employed on this ship is/are:

in accordance with Regulation E-1

in accordance with Regulation E-2

(describe).....Type  
of Ballast Water Management used .....

Date installed (if applicable).....

Name of manufacturer (if applicable).....

- <sup>1</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.  
<sup>2</sup> In accordance with resolution A.600(15) - IMO ship identification number scheme, this information may be included voluntarily.

THIS IS TO CERTIFY THAT:

- 1 ~~That~~ the ship has been surveyed in accordance with Article 7 of the Convention; and  
2 ~~That~~ the survey shows that Ballast Water Management on the ship complies with the Annex to the Convention.

Issued at .....  
(Place of issue of certificate)

.....  
(Date of issue)

.....  
Signature of duly authorized official issuing the certificate)

.....  
Name and Position of duly authorised official issuing the certificate

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT OF SURVEY(S)<sup>9</sup>

THIS IS TO CERTIFY that a survey required in accordance with paragraph 1 of Article 7 of the Convention found that the ship was in compliance with the relevant provisions of the Convention:

*Details of Ballast Water Management*

Type Method of Ballast Water Management used .....

Date installed (if applicable).....

Name of manufacturer (if applicable).....

Signed: .....  
(Signature of authorized official)

Place: .....

<sup>9</sup> To be replaced by a text based on Annex I of MARPOL 73/78 Convention, Appendix II, Form of IOPP Certificate and, thereby, conforming to the changes agreed and made under Section F of the Regulations.  
I:\MEPC\49\WP\16.doc

Date: .....

*(Seal or stamp of the authority, as appropriate)*

Survey required in accordance with paragraph 1 of Article 7

*Details of Ballast Water Management*

Type of Ballast Water Management used .....

Date installed .....

Name of manufacturer .....

Signed: .....  
*(Signature of authorized official)*

Place: .....

Date: .....

## APPENDIX II

### FORM OF BALLAST WATER RECORD BOOK

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

Vessel ~~Ships'~~ Name \_\_\_\_\_ IMO Number \_\_\_\_\_  
Owner \_\_\_\_\_ Type \_\_\_\_\_  
Gross tonnage \_\_\_\_\_ Call sign \_\_\_\_\_  
Flag \_\_\_\_\_ Total ~~b~~Ballast ~~w~~Water capacity \_\_\_\_\_  
Ballast Water Management Plan on board? \_\_\_\_\_ Period From: \_\_\_\_\_ To: \_\_\_\_\_

Diagram of ship indicating ballast tanks:

#### 1. Introduction

In accordance with Regulation B-12 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, a record is to be kept of each Ballast Water operation. This includes discharges at sea and to reception facilities.

#### 2. Ballast Water and Ballast Water Management:

Ballast Water means water with its suspended matter taken on board a ship to control trim, list, draught, stability, or stresses of a ship. Management of Ballast Water should be in accordance with an approved Ballast Water Management Plan.

#### 3. Entries in the Ballast Water ~~Management~~ Record Book

3.1 Entries in the Ballast Water ~~Management~~ Record Book shall be made on each of the following occasions:

(a) When Ballast Water is taken on board:

- (i) Date, time and location port or facility of uptake (port or lat/long), depth if outside port
- (ii) Estimated volume of uptake in cubic metres m<sup>3</sup>
- (iii) Signature of the officer in charge of the operation.

(b) Whenever Ballast Water is circulated or treated for Ballast Water Management purposes

(b)(c) When Ballast Water is discharged into the sea:

- (i) Date, time and location port or facility of discharge (port or lat/long)

- (ii) Estimated volume discharged in cubic metres m<sup>3</sup> ~~plus~~ remaining volume in m<sup>3</sup> cubic metres
- (iii) Whether approved Ballast Water Management Plan had been implemented prior to discharge
- (iv) Signature of the officer in charge of the operation.

~~(b)~~(d) When Ballast Water is discharged to a reception facility:

- (i) Date, time, and location of uptake <sup>10</sup>
- (ii) Date, time, and location of discharge
- (iii) Port or facility
- (iv) Estimated volume discharged in cubic metres m<sup>3</sup>
- (v) Whether approved Ballast Water Management Plan had been implemented prior to discharge
- (vi) Signature of officer in charge of the operation

(b) Accidental or other exceptional discharges of Ballast Water

- (i) Time of occurrence
- (ii) Port or position of the ship at time of occurrence
- (iii) Estimated volume of Ballast Water discharged
- (iv) Circumstances of discharge, escape or loss, the reason therefore and general remarks.
- (v) Whether approved Ballast Water Management Plan been implemented prior to discharge
- (vi) Signature of officer in charge of the operation

### 3.2 ~~Receipts~~

~~The master, owner, operator or other person in charge of the ship should obtain from the operator of port reception facilities a receipt or certificate specifying the estimated volume of Ballast Water discharged. The receipts or certificates must be kept on board the ship with the Ballast Water Management Record Book for two years.~~

### 3.3 Volume of Ballast Water

The volume of Ballast Water onboard should be estimated in cubic metres m<sup>3</sup>. The Ballast Water Management Record Book contains many references to estimated volume of Ballast Water. It is recognized that the accuracy of estimating volumes of ballast is left to interpretation.

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<sup>10</sup> This entry duplicates paragraph 3.1(a)(i) above.  
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RECORD OF BALLAST WATER OPERATIONS...

SAMPLE BALLAST WATER MANAGEMENT RECORD BOOK PAGE

Ship's Name: \_\_\_\_\_

IMO No.: \_\_\_\_\_

Date	Code	Item	Record of operations/signature of officers in charge

\*\*\*

APPENDIX III

~~INFORMATION TO BE PROVIDED WHEN ESTABLISHING ADDITIONAL MEASURES  
UNDER REGULATION C-1~~

- ~~1 — Precise co-ordinates where the additional measure(s) is/are applicable.~~
- ~~2 — The need and reasoning required for the application of the additional measure(s) including whenever possible benefits.~~
- ~~3 — Any additional records that may be required.~~
- ~~4 — Provision of Ballast Water reception/treatment facilities to enable ships to comply with the additional measure(s).~~

~~(to be developed further)~~