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Homeland Security

United States
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16711/Serial No. 1502
CG-CVC Policy Letter 17-05
September 6, 2017

From: M. Edwards
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To: Distribution

Subj: GUIDELINES FOR VOLUNTARY COMPLIANCE WITH THE
INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT
OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004

1. PURPOSE. This policy letter provides guidance to Coast Guard marine inspectors, Authorized Classification Societies (ACS) that are authorized to issue international convention certificates on behalf of the Coast Guard in its capacity as the flag administration, and U.S. flagged vessel owners/operators concerning the requirements of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (hereinafter referred to as the Ballast Water Management (BWM) Convention). Through this policy letter, the Coast Guard is establishing a voluntary inspection program for U.S. flagged commercial vessel owners/operators who wish to document compliance with the standards of the BWM Convention. U.S. flagged commercial vessels that operate on international routes (i.e., those ships that will enter the ports of countries that are parties to the BWM Convention) are encouraged to participate.
2. DIRECTIVES AFFECTED. None.
3. BACKGROUND.
 - a. The BWM Convention is scheduled to enter into force on September 8, 2017. Under the BWM Convention, certain vessels flagged by countries that have ratified the BWM Convention (hereinafter referred to as Parties) are required to maintain a valid BWM Convention Certificate issued by their flag administration (or by another Party if authorized by the vessel's Administration). The BWM Convention Certificate validates that a ship has successfully completed a survey conducted in accordance with the BWM Convention's requirements. Foreign Administration Port State Control Officers (PSCOs) may validate that the ship has a valid certificate, inspect the Ballast Water Record Book, and/or sample the ballast water. If the PSCOs identify concerns, the BWM Convention allows them to carry out a detailed inspection and "take such steps as will ensure that the ship shall not discharge ballast water until it can do so without presenting a threat of harm to the environment, human health, property or resources."¹
 - b. The U.S. is not signatory to the BWM Convention, and the Coast Guard cannot mandate compliance with the BWM Convention's requirements either for U.S. flagged vessels or for foreign vessels operating on the navigable waters of the United States. In contrast,

¹ BWM Convention, Article 9, paragraph 3.

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Parties to the BWM Convention are required to impose BWM Convention requirements on all Party and non-Party vessels when calling on their ports (Article 3, Paragraph 3: "no more favorable treatment clause"). U.S. flagged vessels operating in a Party's waters should be prepared to demonstrate compliance with the BWM Convention or be at risk for Port State Control actions, including detention.

- c. The BWM Convention's requirements and the Coast Guard's regulations are generally aligned.² However, U.S. flagged vessels should be aware of differences between the two regimes. These differences include the requirement that a vessel: 1) maintain a BWM Plan approved by its flag administration, 2) maintain a BWM Record Book, and 3) have evidence that it has been surveyed and certificated in accordance with the provisions of Section E of the BWM Convention.
 - d. A U.S. flagged vessel may be eligible to receive a Coast Guard issued "Statement of Voluntary Compliance" (SOVC) (see enclosure (2)) if the vessel owners/operators demonstrate compliance with the BWM Convention's requirements. ACSs have the training to carry out inspections consistent with the BWM Convention and are recognized by the Coast Guard to conduct certain functions and certifications on behalf of the Coast Guard.³ In accordance with 46 Code of Federal Regulations (CFR) Part 8, the Coast Guard authorizes an ACS to conduct BWM Convention compliance inspections and issue SOVCs at the request of vessel owners/operators. The Coast Guard does not intend to conduct voluntary BWM Convention inspections for vessels that are classed by an ACS that is authorized to issue the International Oil Pollution Prevention Certificate on behalf of the United States in 46 CFR Part 8. Instead, vessel owners/ operators should contact their ACS to schedule a BWM Convention compliance inspection.
4. THE BWM CONVENTION. In addition to requiring ships to treat ballast water, the BWM Convention addresses a wide spectrum of activities in an effort to ensure ballast water practices do not cause greater harm to the environment, human health, or natural resources while maintaining the safety of ships. The BWM Convention contains 22 Articles and an Annex.
- a. The Articles address matters associated with the development, ratification, entry into force, and enforcement of the BWM Convention. The Articles include, for example, Article 1, Definitions; Article 2, General Obligations; Article 3, Application; Article 7, Survey and Certification; Article 8, Violations; Article 9, Inspection of Ships; Article 10, Detection of Violations and Control of Ships; and Article 11, Notification of Control Actions.
 - b. The Annex includes the technical standards and regulations for the control and management of ships' ballast water and sediments that must be followed to meet the goals of the BWM Convention. It is divided into five sections:

² Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters Final Rule, 77 FR 17286 (published in the March 23, 2012 Federal Register).

³ 46 CFR § 8.100.

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- (1) Section A is titled "General Provisions", and provides definitions, general applicability, exceptions, exemptions, and equivalent compliance.
 - (2) Section B is titled "Management and Control Requirements for Ships", and includes regulations addressing the ballast water management plan, the ballast water record book, ballast water management for ships, ballast water exchange, sediment management, and duties of the officers and crew.
 - (3) Section C is titled "Special Requirements in Certain Areas", and pertains to special measures a Party or Parties determine are necessary in their waters, warnings a Party may issue regarding areas where ships should not uptake ballast water, and communication of information received by the International Maritime Organization (IMO) from a Party or Parties.
 - (4) Section D is titled "Standards for Ballast Water Management", and includes more specific regulations for ballast water exchange, ballast water performance standards, approval requirements for ballast water management systems, as well as identifying the nature and frequency of periodic reviews of the ballast water management regulations and standards established pursuant to the BWM Convention.
 - (5) Section E is titled "Survey and Certification Requirements for Ballast Water Management", and applies to ships of 400 gross tonnage and above. It contains regulations for the surveys of ships, issuance or endorsement of certificates, and form, duration and validity of the international ballast water management certificate.
- c. To implement the BWM Convention, IMO adopted guidelines addressing specific aspects of the BWM Convention. The guidelines provide practical and technical guidance regarding compliance and enforcement of the BWM Convention, and cover such subjects as: taking samples of ballast water (G2); providing guidelines for ballast water management and developing ballast water management plans (G4); guidelines for approval of BWM systems (G8), guidelines for approval of BWM systems that make use of active substances (G9), and additional measures regarding ballast water management including emergencies (G13). A list of the guidelines can be found at:
- <http://www.imo.org/en/OurWork/Environment/BallastWaterManagement/Pages/BWMCConventionandGuidelines.aspx>
- d. The specific requirements for BWM are contained in regulation B-3 Ballast Water Management for Ships, and include a stepped scheme that was developed before the Convention was adopted on February 13, 2004. However, this scheme was overcome by the time that elapsed after the BWM Convention was adopted and before it was ratified in 2016. At its 71st meeting, the Marine Environment Protection Committee (MEPC) approved draft amendments to Regulation B-3, and resolved that Parties should use the implementation schedule in the draft amended regulation B-3 immediately after entry into force to avoid creating a dual treaty regime. The draft amended regulation is attached as enclosure (1).

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- e. The BWM Convention adopted two standards of ballast water management: ballast water exchange (regulation D-1) and a specific ballast water performance standard (regulation D-2). As discussed above, Regulation B-3 may be enforced as amended by resolution, which recommends that each **Party enforce the standards in regulations D-1 and D-2 in accordance with the amended** schedule in enclosure (1).
5. BWM PLAN APPROVAL. In accordance with Section B of the BWM Convention, each ship subject to the BWM Convention must have a BWM plan approved by its flag administration. Enclosures (3) and (4) of this policy letter provide guidance for reviewing and approving BWM plans. Enclosure (5) provides guidance on issuing Certificates prior to the entry into force date of the Convention and allows vessels to trade for 90 days after submitting BWM plans while those plans are approved. Specifically, Enclosure (5) recognizes the impracticality of issuing BWM Certificates on the entry into force of the Convention, and allows for BWM Certificates to be issued prior to the entry into force of the Convention, provided those certificates are annotated to state that validity begins from the entry-into-force date. It also allows the Flag State to include a statement when the BWM Plan was received, thereby allowing the vessel to trade for three months with an unapproved BWM Plan on board. It is important to note that the USCG BWM regulations in 33 CFR 151 Subparts C and D require vessels to have a BWM plan, but the Coast Guard does not require those plans to be approved.
6. BWM SYSTEM APPROVAL. U.S. flagged vessels obtaining a BWM Convention SOVC should ensure that an installed BWM treatment system meets the IMO approval process. The BWM Convention requires BWM systems "... used to comply with this Convention must be approved by the Administration taking into account Guidelines developed by the Organization." Under the Convention, two type approval procedures exist. One, the G8 Guidelines (slated to become a mandatory protocol following entry into force of the Convention) applies to all systems, and is carried out by the Administration. The other, the G9 procedure, applies to systems that use active substances (chemicals) to achieve the treatment effect, and is conducted by the IMO. Type approval under the Coast Guard regulation is largely aligned with the G8 procedure, but does not entail the evaluations of chemicals that are conducted under the G9 procedure. In the U.S., evaluations of chemical biocides are carried out under regulations administered by the Environmental Protection Agency. Thus, a system using an active substance and approved by the Coast Guard alone may not be accepted for use by countries signatory to the Convention, due to the lack of approval by IMO under the G9 procedure.
7. ACTION. Officers in Charge, Marine Inspection (OCMIs) should ensure that Marine Inspectors under their command consider this policy when conducting annual inspections aboard U.S. flagged vessels that may make international voyages. While the decision to obtain a SOVC rests with the owner and operator of a vessel, Marine Inspectors may explain the benefits of having a SOVC onboard as well as ensure the vessel's Master is aware of the requirements of the BWM Convention, and the difficulties associated with the failure to document compliance with the BWM Convention when operating in waters of a Party. An ACS may consider this policy, as appropriate, when acting on behalf of the U.S. government aboard U.S. flagged vessels that engage on international voyages. The ACS should consider

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the guidance outlined in enclosure (6) when conducting compliance inspections. For Coast Guard inspections, OCMI's should also use the guidance in enclosure (6) when conducting voluntary inspections on applicable U.S. flagged vessels for the issuance of a SOVC.

While no Party is required to accept a SOVC as being determinative of a vessel's compliance status with the BWM Convention, the possession of a Coast Guard BWM SOVC, enclosure (2), is intended to provide persuasive evidence to a Party that the vessel is in compliance with the BWM Convention's requirements. The format of the Coast Guard BWM SOVC certificate is consistent with the sample BWM certificate provided in the Appendix to the Annex to the BWM Convention. The Coast Guard BWM SOVC must be completed by the Coast Guard or ACS. In order to receive a BWM SOVC, a vessel must:

- (1) be surveyed in accordance with the BWM Convention;
- (2) have an approved BWM plan;
- (3) have a Ballast Water Record Book complying with Regulation B-2;
- (4) must manage ballast water in accordance with Regulation B-3; and
- (5) must employ a BWM method identified in Regulation D-1 or D-2 of the Convention.

8. DISCLAIMER. The guidance in this policy letter is not a substitute for applicable legal requirements, nor is it, in itself, a regulation. It neither imposes nor intends to impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You may use an alternative approach for demonstrating voluntary compliance with the standards of the BWM Convention if you determine that the approach will satisfy the relevant provisions within the BWM Convention, although this will not exempt you from complying with applicable United States law and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the local Coast Guard OCMI who is responsible for implementing this guidance.
9. QUESTIONS. Questions concerning this policy letter and guidance should be directed to the Office of Commercial Vessel Compliance, COMDT (CG-CVC), Domestic Compliance Division at CG-CVC-1@uscg.mil. This letter and other domestic vessel policy documents are posted at http://www.uscg.mil/hq/cgcvc/cvc/policy/policy_letters.asp.

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- Enclosures:
- (1) Draft MEPC Resolution on implementation of the BWM Convention, issued in a Note by the Secretariat on 3 July 2017
 - (2) Coast Guard BWM SOVC Form (CG-9191)
 - (3) IMO G4 Guidelines for BWM and development of BWM Plans
 - (4) BWM Plan Review guidance
 - (5) BWM.2/Circ.40, Issuance of Certificates prior to entry into force and prior to BWM Plan Approval
 - (6) IMO Guidelines for Port State Control under the BWM Convention

MARINE ENVIRONMENT PROTECTION
COMMITTEE
71st session
Agenda item 4

MEPC 71/WP.11
3 July 2017
Original: ENGLISH

DISCLAIMER

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

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Draft MEPC resolution on implementation of the BWM Convention

Note by the Secretariat

1 The Committee approved draft amendments to regulation B-3, for circulation in accordance with article 19 of the BWM Convention immediately after the entry into force of the Convention, with a view to their adoption at MEPC 72. The text of the draft amendments, together with the associated draft MEPC resolution on determination of the date referred to in regulation B-3 is set out in annex 1.

2 As requested, the Secretariat has also prepared a draft MEPC resolution on the implementation of the BWM Convention, with the view to facilitating the smooth and uniform implementation of the above-mentioned amendments, as set out in annex 2

Action requested of the Committee

3 The Committee is invited to consider, with a view to adoption, the draft MEPC resolution on the implementation of the BWM Convention, set out in annex 2.

ANNEX 1**DRAFT COMPROMISE ALTERNATE AMENDMENTS TO REGULATION B-3 OF
THE BWM CONVENTION AND ASSOCIATED DRAFT MEPC RESOLUTION**

Regulation B-3 is replaced with the following:

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

- 1 A ship constructed before 2009:
 - .1 with a ballast water capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10, after which time it shall at least meet the standard described in regulation D-2;
 - .2 with a ballast water capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10 after which time it shall at least meet the standard described in regulation D-2.
- 2 A ship constructed in or after 2009 and before 8 September 2017 with a ballast water capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.
- 3 A ship constructed in or after 2009, but before 2012, with a ballast water capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.
- 4 A ship constructed in or after 2012 and before 8 September 2017 with a ballast water capacity of 5,000 cubic metres or more shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.
- 5 A ship to which the renewal survey described in paragraph 10 does not apply, shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date decided by the Administration, but not later than 8 September 2024.
- 6 A ship constructed on or after 8 September 2017 shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.
- 7 The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.

- 8 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 6, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.
- 9 A ship subject to paragraphs 2, 4 or 5 will be required to comply with either regulation D-1 or regulation D-2, until such time as it is required to comply with regulation D-2.
- 10 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 or 4 is:
- .1 the first renewal survey as determined by the Committee following the date of entry into force of the Convention if:
 - .1 this survey is completed on or after 8 September 2019; or
 - .2 a renewal survey is completed on or after 8 September 2014 but prior to 8 September 2017;
 - .2 the second renewal survey as determined by the Committee following the date of entry into force of the Convention if the first renewal survey following the date of entry into force of the Convention is completed prior to 8 September 2019, provided that the conditions of paragraph 10.1.2 are not met."

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

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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

NOTING ALSO that regulation B-3.10 of the BWM Convention, as amended, states that the Committee shall determine the date of the renewal survey for which paragraphs 1.1, 1.2, 2 and 4 of regulation B-3 of the BWM Convention shall apply,

DETERMINES that the date in regulation B-3.10 of the BWM Convention is the renewal survey for the ship associated with the International Oil Pollution Prevention Certificate pursuant to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL), Annex I, after the date of entry into force of the BWM Convention.

ANNEX 2

**RESOLUTION MEPC.[...](71)
Adopted on 7 July 2017**

IMPLEMENTATION OF THE BWM CONVENTION

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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 Convention) together with four conference resolutions,

NOTING that the entry-into-force conditions of the Convention were met on 8 September 2016 and that it will consequently enter into force on 8 September 2017,

BEING COGNIZANT of the fact that by the date of its entry into force more than 13 years will have elapsed since the adoption of the Convention,

NOTING that [59] States, the combined merchants fleets of which constitute approximately [65]% of the gross tonnage of the world's merchant shipping, have acceded to the Convention as of [7 July 2017],

BEING CONSCIOUS of the need to provide certainty and confidence in the application of the Convention, thereby assisting shipping companies, shipowners, managers and operators, as well as the shipbuilding and equipment manufacturing industries, in the timely planning of their operations, and to encourage the early installation of ballast water management systems,

BEARING IN MIND that the International Conference on Ballast Water Management for Ships adopted regulation B-3 (Ballast Water Management for Ships) of the Convention to ensure a smooth transition to the ballast water performance standard described in regulation D-2 between the years 2009 and 2019,

RECOGNIZING that time has elapsed since adoption of the Convention, which has resulted in uncertainty for ships regarding the application of regulation B-3 and that such uncertainty can be mitigated through the application of an appropriate timeline for implementing regulations D-1 (Ballast Water Exchange Standard) and D-2 (Ballast Water Performance Standard), upon entry into force of the Convention,

RECALLING that the Assembly, at its twenty-eighth session, adopted resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, and requested it to keep the resolution under review and report back to the Assembly as appropriate,

HAVING APPROVED, at its seventy-first session, draft amendments to regulation B-3 of the Convention (MEPC 71/17, annex [...]) with a view to adoption at its seventy-second session,

1 REQUESTS the Secretary-General to circulate the draft amendments to regulation B-3, in accordance with article 19 of the Convention, to all Parties to the Convention and to all Members of the Organization immediately after the entry into force of the Convention;

2 RESOLVES that, in lieu of the implementation schedule recommended in resolution A.1088(28) and notwithstanding the schedule set forth in regulation B-3 of the Convention, the Parties should implement the draft amended regulation B-3 (MEPC 71/17, annex [...]) immediately after entry into force of the Convention, with a view to avoiding the creation of a dual treaty regime during the time period between the entry into force of the Convention and the entry into force of the amended regulation B-3;

3 URGES States which have not yet acceded to the Convention to do so as soon as possible, in the understanding that the requirements of the amended regulation B-3 will be implemented upon the entry into force of the Convention;

[4 REAFFIRMS the agreement reached at its sixty-eighth session, as contained in the Roadmap for the implementation of the Convention, regarding the provisions for non-penalization of early movers that have installed ballast water management systems approved in accordance with the *Guidelines for approval of ballast water management systems* (G8) (resolution MEPC.174(58), subsequently superseded by resolution MEPC.279(70)).]

5 SUPERSEDES resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.

ANNEX 5

RESOLUTION MEPC.127(53)

Adopted on 22 July 2005

**GUIDELINES FOR BALLAST WATER MANAGEMENT AND DEVELOPMENT
OF BALLAST WATER MANAGEMENT PLANS (G4)**

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-1 of the Annex to the Ballast Water Management Convention provides that each ship shall have on board and implement a ballast water management plan approved by the Administration, taking into account Guidelines developed by the Organization,

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

HAVING CONSIDERED the draft Guidelines for ballast water management and development of ballast water management plans developed by the Ballast Water Working Group and the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its ninth session,

1. ADOPTS the Guidelines for ballast water management and development of ballast water management plans, 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

**DRAFT GUIDELINES FOR BALLAST WATER MANAGEMENT AND
THE DEVELOPMENT OF BALLAST WATER MANAGEMENT PLANS (G4)****1 INTRODUCTION**

1.1 Ballast water is essential to control trim, list, draught, stability, or stresses of the ship. However, ballast water may contain 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, impair biological diversity or interfere with other legitimate uses of such areas.

1.2 The selection of appropriate methods of ballast water management should take into account the need ensure that Ballast Water Management practices used to comply with this Convention do not cause greater harm than they prevent to the environment, human health, property or resources of any States and the safety of ships.

1.3 The objectives of these Guidelines are to assist Governments, appropriate authorities, ships masters, operators and owners, and port authorities, as well as other interested parties, in preventing, minimizing and ultimately eliminating the risk of introducing harmful aquatic organisms and pathogens from ships' ballast water and associated sediments while protecting ships' safety in applying the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter referred to as the "Convention").

1.4 These guidelines consist of two parts:

Part A – "Guidelines for Ballast Water Management", which contains guidance on the general principles of Ballast Water Management; and

Part B – "Guidelines for the development of Ballast Water Management Plans", which contains guidance on the structure and content of Ballast Water Management Plans required by Regulation B-1 of the Convention.

2 DEFINITIONS

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

2.2 Ballast Water Tank means any tank, hold, or space used for the carriage of ballast water.

3 APPLICATION

3.1 The Guidelines apply to all ships and to Flag Administrations, port States, coastal States, ship owners, ship operators, ships' personnel involved in Ballast Water Management, ship designers, ship builders, classification societies as well as other interested parties.

PART A – GUIDELINES FOR BALLAST WATER MANAGEMENT

1 SHIP OPERATIONAL PROCEDURES

1.1 Precautionary practices

Avoiding unnecessary discharge of ballast water

1.1.1 If it is necessary to take on and discharge ballast water in the same port to facilitate safe cargo operations, care should be taken to avoid unnecessary discharge of ballast water that has been taken up in another port.

1.1.2 Managed ballast water which is mixed with unmanaged ballast water is no longer in compliance with Regulations D-1 and D-2 of the Annex to the Convention.

Minimizing the uptake of harmful aquatic organisms, pathogens and sediments

1.1.3 When loading ballast, every effort should be made to avoid the uptake of potentially harmful aquatic organisms, pathogens, and sediment that may contain such organisms. The uptake of ballast water should be minimized or, where practicable, avoided in areas and situations such as:

- .1 in areas identified by the port State in connection with advice provided by ports under paragraph 2.2.2;
- .2 in darkness when organisms may rise up in the water column;
- .3 in very shallow water;
- .4 where propellers may stir up sediment; or
- .5 where dredging is or recently has been carried out.

1.2 Ballast water management options

1.2.1 Ballast Water Exchange

1.2.1.1 Ballast water exchange is to be conducted in accordance with Regulation B-4 of the Convention and in accordance with the Guidelines for Ballast Water Exchange.

1.2.1.2 The voyage should be planned taking into account when ballast water exchange in accordance with Regulation B-4 of the Convention can be carried out.

1.2.1.3 Because of the possibility that partially exchange may encourage re-growth of organisms, ballast water exchange should only be commenced in any tank if there is sufficient time to complete the exchange to comply with the standard in Regulation D-1 and the ship can comply with the distance from land and minimum water depth criteria in Regulation B-4. As many complete tanks should be exchanged to the standard in Regulation D-1 as the time allows, if for any tank the standard in Regulation D-1 can not be fully met the exchange should not be commenced for that tank.

1.2.1.4 If ballast water exchange is not undertaken for the reasons in Regulation B-4.4, i.e. 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, ship design or stress, equipment failure, or any other extraordinary condition, then details of the reasons ballast water exchange was not undertaken are to be recorded in the Ballast Water Record Book.

1.2.1.5 A port State may designate areas in which exchange may be conducted taking into account the Guidelines on designation of areas for ballast water exchange. Designated areas should only be used for those ballast water tanks that are intended to be discharged in the port of that State and that could not be exchanged in accordance with Regulation B-4.1 of the Convention.

1.2.2 Ballast Water Management Systems

1.2.2.1 Ballast Water Management Systems installed for compliance with Regulation B-3 are to be approved in accordance with Regulation D-3. Such systems are to be operated in accordance with the system design criteria and the manufacturer's operational and maintenance instructions. The use of such systems should be detailed in the ship's Ballast Water Management Plan. All failures and malfunctions of the system are to be recorded in the Ballast Water Record Book.

1.2.3 Discharge to ballast water reception facilities

1.2.3.1 If ballast water reception facilities provided by a port State are utilized, Regulation B-3.6 applies.

1.2.4 Prototype ballast water treatment technologies

1.2.4.1 Prototype ballast water treatment technologies should be used within a programme approved by the Administration in accordance with Regulation D-4.

1.3 Sediment management

1.3.1 Regulation B-5 requires that all ships shall remove and dispose of sediments from spaces designated to carry ballast water in accordance with the ballast water management plan.

1.3.2 All practical steps should be taken during ballast uptake to avoid sediment accumulation, however, it is recognized that sediment will be taken on board and will settle on tank surfaces. When sediment has accumulated, consideration should be given to flushing tank bottoms and other surfaces when in suitable areas, i.e. areas complying with the minimum depth and distance described by Regulations B-4.1.1 and B-4.1.2.

1.3.3 The volume of sediment in a ballast tank should be monitored on a regular basis.

1.3.4 Sediment in ballast tanks should be removed in a timely basis in accordance with the Ballast Water Management Plan and as found necessary. The frequency and timing of removal will depend on factors such as sediment build up, ship's trading pattern, availability of reception facilities, work load of the ship's personnel and safety considerations.

1.3.5 Removal of sediment from ballast tanks should preferably be undertaken under controlled conditions in port, at a repair facility or in dry dock. The removed sediment should preferably be disposed of in a sediment reception facility if available, reasonable and practicable.

1.3.6 When sediment is removed from the ship's ballast tanks and is to be disposed of by that ship at sea, such disposal should only take place in areas outside 200 nm from land and in water depths of over 200 m.

1.3.7 Regulation B-5 requires that ships constructed in or after 2009 should, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of sediments, facilitate removal of sediments, and provide safe access to allow for sediment removal and sampling, taking into account the Guidelines for sediments control on ships (G12). This also applies to ships constructed prior to 2009, to the extent practicable.

1.4 Additional Measures

1.4.1 Ships to which additional measures apply, under Regulation C-1, should take them into account in the ships voyage planning. Actions taken to comply with any additional measures should be recorded in the Ballast Water Record Book.

1.5 Exemptions

1.5.1 Regulation A-4 provides that an exemption may be granted from the requirements of Regulations B-3 or C-1 by a Party or Parties to a ship in specific circumstances. Applications for and the granting of such exemptions should be completed in accordance with the Guidelines for risk assessment (G7).

1.5.2 Ships granted an exemption referred to in paragraph 1.5.1 above should record the exemption in the Ballast Water Record Book and what actions have been taken with regards to the ships ballast water.

2 RECORDING PROCEDURES

2.1 Procedures for ships

2.1.1 To facilitate the administration of ballast water management and treatment procedures on board each ship, a responsible officer is to be designated in accordance with Regulation B-1 to ensure the maintenance of appropriate records and to ensure that ballast water management and/or treatment procedures are followed and recorded.

2.1.2 When carrying out any ballast water operation the details are to be recorded in the Ballast Water Record Book together with any exemptions granted in accordance with Regulation B-3 or C-1.

2.1.3 Where a port State requires information on ships ballast operations, relevant documentation, which takes account of the information requirements of the Convention, should be made available to the port State.

2.2 Procedures for port States

2.2.1 Port States should provide ships with details of their requirements concerning ballast water management including:

- .1 the location and terms of use of areas designated for ballast water exchange under Regulation B-4.2 of the Convention;
- .2 any additional measures determined under Regulation C-1 of the Convention;
- .3 warnings concerning ballast uptake and any other port contingency arrangements in the event of emergency situations; and
- .4 the availability, location, capacities of reception facilities that are provided for the environmentally safe disposal of ballast water and/or sediments, under Article 5 and Regulation B-3.6.

2.2.2 To assist ships in applying the precautionary practices described in section 1.1 of Part A, port States are required by Regulation C-2 of the Convention to endeavour to notify mariners of area(s), where ships should not uptake Ballast Water due to known conditions. Similar notification should be given for areas where the uptake of ballast water should be minimized, such as:

- .1 areas with outbreaks, infestations or known populations of harmful organisms and pathogens;
- .2 areas with current phytoplankton blooms (algal blooms, such as red tides);
- .3 nearby sewage outfalls;
- .4 areas where a tidal stream is known to be the more turbid;
- .5 areas where tidal flushing is known to be poor;
- .6 nearby dredging operations; and
- .7 nearby or in sensitive or estuarine sea areas.

3 TRAINING AND EDUCATION

3.1 Regulation B-6 requires that officers and crew shall be familiar with their duties in the implementation of Ballast Water Management particular to the ship on which they serve. Owners, managers, operators, and others involved in officer and crew training for ballast water management should consider the following:

3.2 Training for ships' masters and crews as appropriate should include instructions on the requirements of the Convention, the ballast water and sediment management procedures and the Ballast Water Record Book particularly having regard to matters of ship safety and maintenance of records in accordance with the information contained in these Guidelines.

3.3 The Ballast Water Management Plan should include training and education on ballast water management practices and the systems and procedures used on board the ship.

PART B – GUIDELINES FOR THE DEVELOPMENT OF BALLAST WATER MANAGEMENT PLANS

1 INTRODUCTION

1.1 These Guidelines have been developed to assist with the preparation of a ship's Ballast Water Management Plan (hereafter referred to as the "Plan"). The Plan must be approved by the Administration in accordance with Regulation B-1 of the Convention.

1.2 This Part is comprised of three primary sections:

- .1 General: this section provides the objectives and a general overview of the subject matter and introduces the reader to the basic concept of the Guidelines and the Plan that is expected to be developed from them. This section also contains guidance on updating and use of the Plan.
- .2 Mandatory provisions: this section provides guidance to ensure that the mandatory provisions of Regulation B-1 of the Annex to the Convention are met.
- .3 Non-mandatory provisions: this section provides guidance concerning the inclusion of other information in the Plan. This information, although not required under Regulation B-1 of the Convention, may be found useful by local authorities in ports visited by the ship, or may provide additional assistance to the ship's master.

1.3 The format for a Ballast Water Management Plan is given in Appendix 1.

2 GENERAL

2.1 Concept of the Guidelines

2.1.1 These Guidelines are intended to provide a basis for the preparation of the Plans for individual ships. The broad spectrum of ships for which Plans are required makes it impractical to provide specific guidelines for each ship type. For a Plan to be effective and to comply with Regulation B-1 of the Annex of the Convention, it must be carefully tailored to the particular ship for which it is intended. Properly used, the Guidelines will ensure that all appropriate issues that may be applicable to a particular ship are considered in developing the Plan.

2.1.2 The issues that may require consideration include but are not limited to: type and size of ship, volume of ballast carried and total capacity of tanks used for ballast, ballast pumping capacity, ship and crew safety issues, voyage type and length, the ship's typical operational requirements, and ballast water management techniques used on board.

2.2 Concept of the Plan

2.2.1 The Plan is required to be onboard the ship and available to guide personnel in safe operation of the Ballast Water Management system employed on a particular ship. Effective planning ensures that the necessary actions are taken in a structured, logical, and safe manner.

2.2.2 For the Plan to accomplish its purpose, it must be:

- .1 realistic, practical, and easy to use;
- .2 understood by ship's personnel engaged in ballast water management, both on board and ashore;
- .3 evaluated, reviewed, and updated as necessary; and
- .4 consistent with the operational ballasting requirements of the ship.

2.2.3 The Plan envisioned by Regulation B-1 of the Annex to the Convention is intended to be a simple document. Inclusion of extensive background information on the ship, its structure, etc., should be avoided, as this is generally available elsewhere. If such information is relevant, it should be kept in annexes, or an existing document or manual reference should be made to the location of the information.

2.2.4 The Plan is a document to be used on board by the ship's personnel engaged in ballast water management. The Plan must therefore be available in a working language of the ship's personnel. A change in the personnel and or the, working language or would require the issuance of the Plan in the new language(s).

2.2.5 The Plan should be readily available for inspection by officers authorized by a Party to the Convention.

2.3 Exemptions

2.3.1 Regulation A-4 allows that exemption may be granted to a ship from Regulation B-3 or C-1.

2.3.2 Details of exemptions should be retained with the Plan.

2.3.3 Any exemption granted is to be recorded in the Ballast Water Record Book.

2.4 Additional Measures

2.4.1 The Convention, in Regulation C-1 Additional Measures, gives a Party individually or jointly with other Parties, the right to introduce measures in addition to those in Section B. Such Additional Measures are to be communicated to the Organization at least 6 months prior to the projected date of implementation.

2.4.2 The Plan should be accompanied by a most recent list of Additional measures, as communicated by the Organization relevant to the ship's trade. The Plan should contain details and advice on the actions a ship must take to comply with any additional measures that may be required in accordance with Regulation C-1 and for any emergency or epidemic situations.

2.5 Review of the Plan

2.5.1 Regular review of the Plan by the owner, operator, or master should be conducted to ensure that the information contained is accurate and updated. A feedback system should be

employed which will allow quick capture of changing information and incorporation of it into the Plan.

2.5.2 Changes to the provisions of this Plan will need Administration approval.

3 MANDATORY PROVISIONS

3.1 This section provides individual guidelines for the seven mandatory provisions of Regulation B-1 of the Annex to the Convention. In addition, it provides information to assist ships personnel in managing ballast water and sediments.

3.2 Regulation B-1 of the Annex to the Convention provides that the 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;
- .2 provide a detailed description of the actions to be taken to implement the Ballast Water Management practices required by the Convention;
- .3 detail the procedures for the disposal of sediments at sea and to shore;
- .4 include the procedures for co-ordinating shipboard Ballast Water Management that involves discharge to the sea with the authorities of the State into whose waters such discharge will take place;
- .5 designates the officer on board in charge of ensuring that the Plan is properly implemented;
- .6 contain the reporting requirements for ships provided for under the Convention; and
- .7 be written in the working language of the ship. If the language used is not English, French or Spanish, a translation into one of these languages should be provided.

3.3 The Ballast Water Management Plan should give guidance on the ballast handling procedures to be followed, including:

- .1 uptake of ballast water;
- .2 step-by-step procedures and sequences for the Ballast Water Management System used; and
- .3 any operational or safety restrictions including those associated with the Ballast Water Management System used. This will also assist ship's personnel when responding to enquiries from inspection officers authorized by a Party.

3.4 Safety aspects of the Ballast Water Management system used should include, as applicable, guidance on:

- .1 stability to be maintained at all times to values not less than those recommended by the Organization (or required by the Administration);
 - .2 approved longitudinal stress and, where applicable, torsional stress values are to be maintained within permitted values;
 - .3 transfer or exchange of ballast that can generate significant structural loads by sloshing action in partially-filled tanks. If these operations include partially-filled tanks, consideration should be given to carrying out the operation in favourable sea and swell conditions such that the risk of structural damage is minimized;
 - .4 wave-induced hull vibrations when carrying out ballast water exchange;
 - .5 forward and aft draughts and trim, with particular reference to bridge visibility, slamming and minimum forward draft;
 - .6 the effects of any potential hazards and occupational health that may affect ship's personnel shall also be identified together with any safety precautions that need to be taken; and
 - .7 the possible effects of tank over pressurization.
- 3.5 If a ship is able to complete at least 95 per cent volumetric exchange in less than three pumped volumes, documentation indicating that this ballast water exchange process has been approved under Regulation D-1.2 should be provided in the Plan.
- 3.6 The Plan should also include procedures for the disposal of sediments and in particular:
- .1 on the sediment removal or reduction at sea, and when cleaning of the ballast tanks to remove sediments;
 - .2 regarding the safety consideration to be taken if tank entry is required to remove sediments; and
 - .3 regarding the use of port reception facilities for sediments.
- 3.7 The Plan should clearly identify the officer in charge of ballast water management and outline his/her duties which should include:
- .1 ensuring that the Ballast Water Management performed follows the procedures in the Plan;
 - .2 ensuring that the Ballast Water Record Book and any other necessary documentation are maintained; and
 - .3 being available to assist the inspection officers authorized by a Party for any sampling that may need to be undertaken.
- 3.8 The Plan should contain guidance on the recording requirements according to ship's Ballast Water Record Book provided for under this Convention including details of exemptions granted to the ship.

- 3.9 In addition to the above, the Plan should include the following:
- .1 A foreword which should provide the ship's crew with explanations on the need for ballast water management and for record keeping. The foreword should include a statement that, "This Plan must be kept available for inspection on request by an authorized authority".
 - .2 Ship particulars including at least:
 - .1 ships' name, flag, port of registry, Gross Tonnage, IMO number^{*}, length (BP), beam, international call sign; deepest ballast drafts (normal and heavy weather);
 - .2 the total ballast capacity of the ship in cubic meters and other units if applicable to the ship;
 - .3 a brief description of the main ballast water management method(s) used on the ship; and
 - .4 identification (rank) of the officer in charge for implementing the Plan.
 - .3 Information on Ballast Water Management System used on board, including:
 - .1 ballast tank arrangement;
 - .2 ballast capacity plan;
 - .3 a ballast water piping and pumping arrangement, including air pipes and sounding arrangements;
 - .4 ballast water pump capacities;
 - .5 the Ballast Water Management System used on board, with references to operational and maintenance manuals held on board;
 - .6 installed ballast water treatment systems; and
 - .7 a plan and profile of the ship, or a schematic drawing of the ballast arrangement.
 - .4 Information on the ballast water sampling points, including:
 - .1 A list or diagrams indicating the location of sampling and access points in pipelines and ballast water tanks, to enable crew members to assist the authorized officers of a Party that have reason to obtain samples.

* In accordance with resolution A.600(15) IMO Ship Identification Number Scheme.

.2 This section should make clear that sampling of ballast water is primarily a matter for the authorized inspection officers, and there is unlikely to be any need for crew members to take samples except at the express request, and under the supervision, of the authorized inspection officers.

.3 The authorized inspection officers should be advised of all safety procedures to be observed when entering enclosed spaces.

.5 Provisions for crew training and familiarization, including:

.1 requirements of a general nature regarding Ballast Water Management;

.2 training and information on ballast water management practices;

.3 ballast water exchange;

.4 ballast water treatment systems;

.5 general safety considerations;

.6 the Ballast Water Record Book and maintenance of records;

.7 the operation and maintenance of installed ballast water treatment systems;

.8 safety aspects associated with the particular systems and procedures used onboard the ship which affect the safety or human health of crew and passengers and/or the safety of the ship;

.9 precautions for entering tanks for sediment removal;

.10 procedures for the safe handling and packaging of sediment; and

.11 storage of sediment.

4 NON-MANDATORY INFORMATION

4.1 In addition to the provisions required by Articles and regulations of the Convention, the owner/operator may include in the Plan, as appendices, additional information such as: provision of additional diagrams and drawings, shipboard equipment and reference materials. National or regional requirements that differ from the Convention may also be recorded for reference.

4.2 Non-mandatory information may also include manufactures manuals (either as extracts or complete) or reference to the location on board of such manuals and other relevant material.

APPENDIX

STANDARD FORMAT FOR THE BALLAST WATER MANAGEMENT PLAN

PREAMBLE

The ballast water management plan should contain the information required by Regulation B-1 of the Convention.

For guidance in preparing the plan the following information is to be included. The plan should be specific to each ship.

INTRODUCTION

At the beginning of each plan, wording should be included to reflect the intent of the following text.

1 This Plan is written in accordance with the requirements of Regulation B-1 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Convention) and the associated Guidelines.

2 The purpose of the Plan is to meet the requirements for the control and management of ship's ballast water and sediments in accordance with the Guidelines for Ballast Water Management and the Development of Ballast Water Management Plans resolution MEPC XX(YY) (The Guidelines). It provides standard operational guidance for the planning and management of ships' ballast water and sediments and describes safe procedures to be followed.

3 This Plan has been approved by the Administration and no alteration or revision shall be made to any part of it without the prior approval of the Administration.

4 This Plan may be inspected on request by an authorized authority.

Note: The Plan is to be written in the working language of the crew, if the text is not in English, French, or Spanish, the plan is to include a translation into one of these languages.

SHIP PARTICULARS

At least the following details should be included:

Ships' name;

Flag;

Port of registry;

Gross Tonnage;

IMO number* ;

Length (BP);

Beam;

International call sign;
Deepest ballast drafts (normal and heavy weather);
Total ballast capacity of the ship in cubic meters and other units if applicable to the ship;
A brief description of the main ballast water management method(s) used on the ship; and
Identification (rank) of the appointed ballast water management officer.

INDEX

An index of sections should be included to reference the content of the Plan.

PURPOSE

Should contain a brief introduction for the ship's crew, explaining the need for ballast water management, and the importance of accurate record keeping.

PLANS/DRAWINGS OF THE BALLAST SYSTEM

Plans or drawings of the ballast system for example:

- 1) ballast tank arrangement;
- 2) ballast capacity plan;
- 3) a ballast water piping and pumping arrangement, including air pipes and sounding arrangements;
- 4) ballast water pump capacities;
- 5) the ballast water management system used onboard, with references to detailed operational and maintenance manuals held on board;
- 6) installed ballast water treatment systems; and
- 7) a plan and profile of the ship, or a schematic drawing of the ballast arrangement.

DESCRIPTION OF THE BALLAST SYSTEM

A description of the ballast system.

BALLAST WATER SAMPLING POINTS

Lists and/or diagrams indicating the location of sampling and access points in pipelines and ballast water tanks.

A note that sampling of ballast water is primarily a matter for the authorized authority, and there is unlikely to be any need for crew members to take samples except at the express request, and under the supervision, of the authorized authority.

OPERATION OF THE BALLAST WATER MANAGEMENT SYSTEM

A detailed description of the operation of the Ballast Water Management System(s) used on board.

* In accordance with resolution A.600(15), IMO Ship Identification Number Scheme.

Information on general ballast water management precautionary practices.

SAFETY PROCEDURES FOR THE SHIP AND THE CREW

Details of specific safety aspects of the ballast water management system used.

OPERATIONAL OR SAFETY RESTRICTIONS

Details of specific operational or safety restrictions including those associated with the management system which affects the ship and or the crew including reference to procedures for safe tank entry.

DESCRIPTION OF THE METHOD(S) USED ON BOARD FOR BALLAST WATER MANAGEMENT AND SEDIMENT CONTROL

Details of the method(s) used on board for the management of ballast and for sediment control including step-by-step operational procedures.

PROCEDURES FOR THE DISPOSAL OF SEDIMENTS

Procedures for the disposal of sediments at sea and to shore.

METHODS OF COMMUNICATION

Details of the procedures for co-ordinating the discharge of ballast in waters of a coastal State.

DUTIES OF THE BALLAST WATER MANAGEMENT OFFICER

Outline of the duties of the designated officer.

RECORDING REQUIREMENTS

Details of the record-keeping requirements of the Convention.

CREW TRAINING AND FAMILIARIZATION

Information on the provision of crew training and familiarization.

EXEMPTIONS

Details of any exemptions granted to the ship under Regulation A-4.

APPROVING AUTHORITY

Details and stamp of approving authority.

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BWM PLAN REVIEW GUIDANCE

BACKGROUND

Each ship subject to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention), shall have on board and implement an approved Ballast Water Management (BWM) Plan.

The BWM Convention requires seven specific mandatory provisions be included in approved plans. The Guidelines for BWM and Development of BWM Plans (G4), issued by the International Maritime Organization (IMO), recommended additional measures be incorporated into BWM Plans.

Personnel reviewing and approving BWM Plans for the Coast Guard or an ACS on behalf of the U.S. Government should consider the following guidance, developed using the aforementioned G4 Guidelines.

GENERAL GUIDANCE REGARDING AN APPROVED BWM CONVENTION BWM PLAN

The Plan envisioned by Regulation B-1 of the Annex to the Convention is intended to be a simple document. Inclusion of extensive background information on the ship, its structure, etc., should be avoided, as this is generally available elsewhere. If such information is relevant, it should be kept in annexes, or an existing document or manual reference should be made to the location of the information.

Regulation A-4 allows that exemption may be granted to a ship from Regulation B-3 or C-1. Any ship claiming an exemption must include the details of the exemptions and the justification for the exemption within the Plan.

Any exemption granted during the Plan review and approval process is to be recorded in the Ballast Water Record Book (BWRB).

The Plan should be accompanied by a recent list of additional measures, as communicated by IMO, relevant to the ship's trade. The Plan should contain details and advice on the actions a ship must take to comply with any additional measures that may be required in accordance with Regulation C-1 and for any emergency or epidemic situations.

Pursuant to BWM.2/CIRC 40, issued by IMO on October 8, 2012, a vessel may trade for three months with an unapproved BWM Plan onboard while the BWM Plan is being reviewed for approval, provided the SOVC includes a dated statement documenting when the plan was received.

ENCL 4 to CVC POLICLY LTR 17-05

WHAT MUST BE INCLUDED IN A BWM CONVENTION BWM PLAN

Regulation B-1 of the BWM Convention requires each Plan to be specific to the ship and include at least the following seven mandatory provisions. All BWM Plans approved for use onboard U.S. vessels must include the following seven provisions.

- .1 detail safety procedures for the ship and the crew associated with BWM as required by the Convention;
- .2 provide a detailed description of the actions to be taken to implement the BWM practices required by the Convention;
- .3 detail the procedures for the disposal of sediments at sea and to shore;
- .4 include the procedures for coordinating shipboard BWM that involves discharge to the sea with the authorities of the State into whose waters such discharge will take place;
- .5 designates the officer on board in charge of ensuring that the Plan is properly implemented;
- .6 contain the reporting requirements for ships provided for under the Convention; and
- .7 be written in the working language of the ship. If the language used is not English, French or Spanish, a translation into one of these languages should be provided.

Regulation B-1 also states a Plan approved pursuant the BWM Convention must take into account the Guidelines developed by the Organization. On 22 July 2005 the MEPC approved Resolution MEPC.127(53) entitled “Guidelines for Ballast Water Management and Development of Ballast Water Management Plans (G4)”. In order to comply with the Guidelines developed by the Organization, a BWM Plan should provide guidance on additional ballast handling procedures, including:

- .1 uptake of ballast water;
- .2 step-by-step procedures and sequences for the BWM System used; and
- .3 any operational or safety restrictions including those associated with the BWM system used.

The BWM Plan should include safety aspects of the BWM method and/or system to be used, including, as applicable, guidance on:

- .1 stability to be maintained at all times;

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- .2 approved longitudinal stress and, where applicable, torsional stress values are to be maintained within permitted values;
- .3 transfer or exchange of ballast that can generate significant structural loads by sloshing action in partially-filled tanks. If these operations include partially-filled tanks, consideration should be given to carrying out the operation in favorable sea and swell conditions such that the risk of structural damage is minimized;
- .4 wave-induced hull vibrations when carrying out ballast water exchange;
- .5 forward and aft draughts and trim, with particular reference to bridge visibility, slamming and minimum forward draft;
- .6 the effects of any potential hazards and occupational health that may affect ship's personnel shall also be identified together with any safety precautions that need to be taken; and
- .7 the possible effects of tank over pressurization.

The BWM Plan should include, as applicable, if a ship is able to complete at least 95 per cent volumetric exchange in less than three pumped volumes, documentation indicating that this ballast water exchange process has been approved under Regulation D-1.2.

The BWM Plan should also include procedures for the disposal of sediments, including:

- .1 cleaning of the ballast tanks to remove sediments;
- .2 sediment removal or reduction at sea;
- .2 safety consideration to be taken if tank entry is required to remove sediments; and
- .3 the use of port reception facilities for disposing sediments.

The Plan should clearly identify the officer in charge of BWM and outline his/her duties which should include:

- .1 ensuring that the BWM performed follows the procedures in the Plan;
- .2 ensuring that the Ballast Water Record Book and any other necessary documentation are maintained; and
- .3 being available to assist the inspection officers authorized by a Party for any sampling that may need to be undertaken.

The Plan should contain guidance on the recording requirements and the use of the ship's Ballast Water Record Book.

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In addition to the above, the Plan should include the following:

- .1 A foreword which should provide the ship's crew with explanations on the need for BWM and for record keeping. The foreword should include a statement that, "This Plan must be kept available for inspection on request by an authorized authority".
- .2 Ship particulars including at least:
 - .1 ships' name, flag, port of registry, Gross Tonnage, IMO number, length (BP), beam, international call sign; deepest ballast drafts (normal and heavy weather);
 - .2 the total ballast capacity of the ship in cubic meters and other units if applicable to the ship;
 - .3 a brief description of the main BWM method(s) used on the ship; and
 - .4 identification (rank) of the officer in charge for implementing the Plan.
- .3 Information on BWM System used on board, including:
 - .1 ballast tank arrangement;
 - .2 ballast capacity plan;
 - .3 a ballast water piping and pumping arrangement, including air pipes and sounding arrangements;
 - .4 ballast water pump capacities;
 - .5 the BWM System used on board, with references to operational and maintenance manuals held on board;
 - .6 installed ballast water treatment systems; and
 - .7 a plan and profile of the ship, or a schematic drawing of the ballast arrangement.
- .4 Information on the ballast water sampling points, including:
 - .1 A list or diagrams indicating the location of sampling and access points in pipelines and ballast water tanks, to enable crew members to assist the authorized officers of a Party that have reason to obtain samples.
 - .2 This section should make clear that sampling of ballast water is primarily a matter for the authorized inspection officers, and there is unlikely to be any need for crew members to take samples except at the express request, and under the supervision, of the authorized inspection officers.

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- .3 The authorized inspection officers should be advised of all safety procedures to be observed when entering enclosed spaces.
- .5 Provisions for crew training and familiarization, including:
 - .1 requirements of a general nature regarding Ballast Water Management;
 - .2 training and information on BWM practices;
 - .3 ballast water exchange;
 - .4 ballast water treatment systems;
 - .5 general safety considerations;
 - .6 the Ballast Water Record Book and maintenance of records;
 - .7 the operation and maintenance of installed ballast water treatment systems;
 - .8 safety aspects associated with the particular systems and procedures used onboard the ship which affect the safety or human health of crew and passengers and/or the safety of the ship;
 - .9 precautions for entering tanks for sediment removal;
 - .10 procedures for the safe handling and packaging of sediment; and
 - .11 storage of sediment.

ADDITIONAL INFORMATION

In addition to the provisions required by Articles and regulations of the Convention, the owner/operator may include in the Plan, as appendices, additional information such as: provision of additional diagrams and drawings, shipboard equipment and reference materials. National or regional requirements that differ from the Convention may also be recorded for reference.

Additional information may also include manufacturer manuals (either as extracts or complete) or reference to the location on board of such manuals and other relevant material.



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BWM.2/Circ.40
8 October 2012

**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT
OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

**Issuance of Ballast Water Management Certificates prior to entry into force
of the BWM Convention and Ballast Water Management Plans approved
according to resolution A.868(20)**

1 The Marine Environment Protection Committee, at its sixty-fourth session (1 to 5 October 2012), recalling the conclusions of MEPC 63, approved the dissemination of a circular on issuance of Ballast Water Management Certificates prior to entry into force of the BWM Convention (MEPC 64/23, paragraph 2.38.8).

2 Member Governments are invited to advise the Organization on the progress made after the conditions for entry into force of the BWM Convention have been met and prior to the actual entry into force of the Convention.

3 Flag States, port States and international organizations are invited to bring the annexed Guidance to the attention of all parties concerned.

ANNEX

**ISSUANCE OF BALLAST WATER MANAGEMENT CERTIFICATES PRIOR
TO ENTRY INTO FORCE OF THE BWM CONVENTION AND
BALLAST WATER MANAGEMENT PLANS APPROVED
ACCORDING TO RESOLUTION A.868(20)**

1 With regard to the issuance of International Ballast Water Management Certificates prior to entry into force of the BWM Convention, the Committee noted the concern that the Convention allows no phase-in period for ships constructed prior to the entry into force of the Convention to comply with its provisions. This would result in all ships of 400 gross tonnage and above to have on board an approved Ballast Water Management (BWM) Plan and be surveyed and certificated immediately on the entry into force of the Convention.

2 The Committee agreed that it would be impracticable, for those responsible, to prepare, review and approve BWM Plans and survey and certify all ships of 400 gross tonnage and above within the 12-month period between the date when the conditions for entry into force have been satisfied and the actual entry-into-force date of the Convention.

3 To address this impracticality, MEPC 63 endorsed the conclusion of the Ballast Water Review Group with regard to Contracting Governments to the BWM Convention issuing International Ballast Water Management Certificates prior to entry into force of the Convention, provided it is annotated to state that validity begins from the entry-into-force date, combined with a statement issued to the Company when the BWM Plan was received, thereby allowing the vessel to trade for three months with an unapproved BWM Plan on board.

4 Recognizing that regulation B-1 requires the Ballast Water Management Plan to only take into account guidelines developed by the Organization and does not mandate compliance with resolution MEPC.127(53) or resolution A.868(20), and that resolution MEPC.127(53) does not revoke resolution A.868(20), the Committee agreed that whilst the Guidelines adopted after 2004 for the uniform implementation of the BWM Convention have effectively superseded the Guidelines adopted by resolution A.868(20), for practical reasons, the Ballast Water Management Plans, approved in accordance with resolution A.868(20), should remain valid until the plan requires revision due to the installation of a ballast water management system.

ANNEX 1

RESOLUTION MEPC.252(67)

Adopted on 17 October 2014

GUIDELINES FOR PORT STATE CONTROL UNDER THE BWM CONVENTION

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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,

RECALLING FURTHER that article 9 of the Ballast Water Management Convention prescribes that ships 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,

NOTING that article 3.3 of the Ballast Water Management Convention prescribes that Parties to the Convention shall apply its requirements as may be necessary to ensure that no more favourable treatment is given to ships of non-Parties to the Convention,

HAVING CONSIDERED, at its sixty-seventh session, *Guidelines for port State control under the BWM Convention*, developed by the Sub-Committee on Implementation of IMO Instruments, at its first session,

1 ADOPTS the *Guidelines for port State control under the BWM Convention*, as set out in the annex to this resolution;

2 INVITES Governments to apply the guidelines when exercising port State control inspections;

3 AGREES to keep the guidelines under review, following the trial period associated with the *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42) and in the light of experience gained with their application.

ANNEX

GUIDELINES FOR PORT STATE CONTROL UNDER THE BWM CONVENTION

**CHAPTER 1
GENERAL**

1.1 Purpose

1.1.1 These guidelines are intended to provide basic guidance for the conduct of a port State control (PSC) inspection to verify compliance with the requirements of the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004 (BWM Convention). They are not intended to limit the rights the port State has in verifying compliance with the BWM Convention.

1.1.2 The Marine Environment Protection Committee, at its sixty-fifth session (May 2013), approved the *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42) and agreed in principle with the recommendations related to the trial period for reviewing, improving and standardizing the guidance, as set out in annex 6 to document BLG 17/18.

1.2 Definitions and abbreviations

1.2.1 For the purpose of these guidelines, the definitions in the BWM Convention and in BWM.2/Circ.42 apply.

1.2.2 For the purpose of these guidelines, the following abbreviations apply:

IBWMC: International Ballast Water Management Certificate;

BWMP: Ballast Water Management Plan;

BWRB: Ballast Water Record Book;

BWMS: Ballast Water Management System;

FSUs: Floating Storage Units; and

FPSOs: Floating Production, Storage and Offloading unit.

1.3 Application

1.3.1 These guidelines apply to ships as stipulated in article 3 of the BWM Convention.

1.3.2 The regulations of the BWM Convention contain the following compliance provisions:

- .1 the discharge of ballast water shall only be conducted in accordance with the regulations of the BWM Convention (regulation A-2);
- .2 an IBWMC is required for all ships of 400 GT or above, excluding floating platforms, FSUs and FPSOs, as identified in regulation E-2;
- .3 a ship is required to have on board and implement a BWMP approved by the Administration;

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- .4 a ship is required to have on board and maintain a BWRB which shall at least contain the information specified in appendix II of the BWM Convention, for a minimum period of two years after the last entry has been made (regulation B-2);
 - .5 a ship is required to meet either the ballast water exchange standard (regulation D-1) or ballast water performance standard (regulation D-2) in accordance with regulation B-3. The PSCO, however, should only enforce this in accordance with the schedule in resolution A.1088(28);
 - .6 ballast water exchange is conducted at least 200 nm from the nearest land and in water at least 200 m in depth, or in cases where the ship is unable, at least 50 nm from the nearest land and in water at least 200 m in depth, or in a designated ballast water exchange area and is required to be conducted in accordance with regulation B-4;
 - .7 sediment is removed and disposed from spaces designated to carry ballast water in accordance with the provisions of the ship's BWMP;
 - .8 officers and crew shall be familiar with their duties in the implementation of ballast water management particular to the ship and ship's BWMP (regulation B-6);
 - .9 any exemptions from the BWM Convention shall be recorded in the BWRB (regulation A-4.4) as well as records of any accidental and exceptional discharges (regulation B-2.3) and instances where ballast water was not exchanged in accordance with the BWM Convention (regulation B-4.5);
 - .10 a ship is required to report accidents or defects that affect its ability to manage ballast water to the flag State and the port State (regulation E-1.7);
 - .11 the condition of a ship, and its equipment, systems and processes shall be maintained to conform with the BWM Convention (regulation E-1.9); and
 - .12 after any survey of a ship under regulation E-1.1 has been completed, no change shall be made in the structure, equipment, fittings, arrangements or material associated with the BWMP and covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings (regulation E-1.10).

1.3.3 The regulations of the BWM Convention contain the following exceptions to the specific compliance provisions detailed below:

- .1 exception to ballast water management requirements in the case of uptake or discharge of ballast water and sediments necessary for the purpose of ensuring the safety of a ship in emergency situations or saving life at sea (regulation A-3.1);
- .2 exception to ballast water management requirements under certain conditions in the case of the accidental discharge or ingress of ballast water and sediments resulting from damage to a ship or its equipment (regulation A-3.2);

- .3 exception to ballast water management requirements in the case of the uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship (regulation A-3.3);
- .4 exception to the ballast water management requirements in the case of the uptake and subsequent discharge on the high seas of the same ballast water and sediments (regulation A-3.4);
- .5 exception to the ballast water management requirements in the case of the discharge of ballast water and sediments from a ship at the same location where the whole of the ballast and those sediments originated and provided that no mixing with unmanaged ballast water and sediments from other areas has occurred (regulation A-3.5);
- .6 exception to the ballast water management requirements in the case of the discharge of ballast water to a reception facility designed taking into account the *Guidelines for ballast water reception facilities (G5)* (regulation B-3.6); and
- .7 exception to the ballast water exchange requirements in the case where 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, ship design or stress, equipment failure, or any other extraordinary condition (regulation B-4.4).

1.3.4 With respect to ships of non-parties to the BWM Convention, port State control officers (PSCO) of Parties should apply the same requirements to ensure that no more favourable treatment is given to such ships.

1.3.5 The BWM Convention provides for a transition between two standards of ballast water management: from the ballast water exchange standard (regulation D-1) to the ballast water performance standard (regulation D-2). Resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* should be used by the PSCO instead of the schedules of regulation B-3 for the purpose of enforcing compliance with the ballast water performance standard.

CHAPTER 2 INSPECTIONS OF SHIPS REQUIRED TO CARRY THE BALLAST WATER MANAGEMENT (BWM) CERTIFICATE

2.1 Four-stage inspection

The PSC procedure can be described as a four-stage inspection:

- .1 the first stage, the "initial inspection", should focus on documentation and ensuring that an officer has been nominated for ballast water management on board the ship and to be responsible for the BWMS, and that the officer has been trained and knows how to operate it;
- .2 the second stage – the "more detailed inspection" where the operation of the BWMS is checked and the PSCO clarifies whether the BWMS has been operated adequately according to the BWMP and the self-monitored operational indicators verified during type approval procedures. Undertaking a detailed inspection is dependent on the conditions of article 9.2 of the BWM Convention;

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- .3 the third stage – sampling is envisaged to occur during this stage of PSC which relies on indicative analysis, to identify whether the ship is meeting the ballast water management performance standard described in regulation D-2, or whether detailed analysis is necessary to ascertain compliance; and
 - .4 the fourth stage, if necessary, incorporates detailed analysis to verify compliance with the D-2 standard.

2.2 Initial inspection

2.2.1 An initial inspection will, as a minimum and to the extent applicable, examine the following:

- .1 check that a valid IBWMC is on board, based on article 9.1(a);
- .2 check the BWMP is on board and approved by the flag State, based on regulation B-1;
- .3 check the BWRB is on board and meets the requirements of the BMW Convention, based on regulation B-2;
- .4 check that the details of any ballast water operations carried out are recorded in the BWRB together with any exemptions granted, based on regulation B-2 and appendix II of the BWM Convention, as well as notations of any accidental and exceptional discharges (regulation B-2.3) and instances where ballast water was not exchanged in accordance with the BWM Convention (regulation B-4.5). The BWRB should be in an approved format (which may be an electronic record system, which may be integrated into another record book or system) and should be kept on board the ship for a minimum of two years after the last entry. The officer in charge of the operation should sign each entry in the BWRB and the master should sign each completed page;
- .5 in conducting the initial inspection, PSCO should conduct a visual check of the overall condition of the ship and the equipment and arrangements detailed in the IBWMC and the BWMP, including the BWMS if the use of one is required;
- .6 in the case of a ship subject to the ballast water exchange standard, check that the BWRB indicates that the required exchange was undertaken, or alternatively, the ship has taken steps to meet the ballast water performance standard described in regulation D-2;
- .7 check that the ship has taken steps to meet the ballast water performance standard described in regulation D-2 once required to do so by resolution A.1088(28);
- .8 check that an officer has been designated to be responsible for the BWMP;
- .9 check that designated officers and crew are familiar with essential BWM procedures, including the operation of BWMS; and

- .10 in the case of a ship claiming an exception under regulation A-3.1 (safety of the ship or saving life), regulation A-3.2 (accidental discharge or ingress resulting from damage), regulation A-3.3 (avoiding or minimizing pollution) or regulation B-4.4 (unsafe conditions for exchange), the master should provide proof of the need for the relevant exception.

2.2.2 The performance of a ballast water management system (BWMS) is key to protecting the environment, human health, property and resources of the port State. While this performance may be verified directly by sampling the ship's ballast water (as per article 9.1(c) and *Guidelines for ballast water sampling (G2)*), both the port State and the ship may benefit from a document check to more readily establish the validity of the BWMS during the initial inspection. To this end, the PSCO may ask to check the Type Approval Certificate for the BWMS, to determine whether the BWMS is used in accordance with any limiting conditions on the Type Approval Certificate. While carriage and presentation of the Type Approval Certificate is not mandatory, the PSCO may also consult the BWMP to obtain ship-specific information on the BWMS and its use, and may refer to type-approval information shared with the Organization pursuant to the *Information reporting on type approved ballast water management systems* (resolution MEPC.228(65)).

2.2.3 If the IBWMC is valid, the approved BWMP is on board, entries in the BWRB are appropriate and the PSCO's general impressions and visual observations on board confirm a good standard of maintenance with regard to the BWM Convention, the PSCO should generally confine the initial inspection to reported deficiencies.

2.2.4 Clear grounds

2.2.4.1 When a PSCO inspects a foreign ship which is required to hold an IBWMC, and which is in a port or an offshore terminal under the jurisdiction of the port State, any such inspection should be limited to verifying that there is on board a valid certificate and other relevant documentation and the PSCO forming an impression of the overall condition of the ship, its equipment and its crew, unless there are "clear grounds" for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate.

2.2.4.2 "Clear grounds" to conduct a more detailed inspection include:

- .1 IBWMC is missing, not valid, or has expired;
- .2 absence of a BWMP approved by the flag State;
- .3 absence of a BWRB or a BWRB that does not meet the requirements of the BWM Convention;
- .4 entries in the BWRB do not reflect the actual ballast water situation on board;
- .5 condition of the ship or its equipment does not correspond substantially with the particulars of the IBWMC and the BWMP or has not been maintained;
- .6 no officer has been designated in accordance with regulation B-1.5;

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- .7 information or evidence that the master or designated crew is not familiar with their duties and essential shipboard operations relating to the implementation of the ballast water management or that such operations have not been carried out;
 - .8 information from third parties such as a report or complaint concerning violation of the BWM Convention;
 - .9 if the BWMP requires the use of a BWMS evidence, or observation that the BWMS has not been used in accordance with its operational instructions;
 - .10 evidence or observation of unreported accidents or defects that affect the ability of the ship to manage ballast water (regulation E-1.7);
 - .11 evidence or observation that ballast water has been discharged other than in accordance with the regulations of the BWM Convention (regulation A-2); and
 - .12 the master has not provided the proof referenced in paragraph 2.2.1.10.

2.2.4.3 If the ship does not carry valid certificates, or if the PSCO, from general impressions or observations on board, has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates or the BWM Convention, or that the master or designated crew is not familiar with, or have not implemented essential shipboard procedures, a more detailed inspection should be carried out. Where a more detailed inspection is to be carried out, the port State will take such steps to ensure the ship will not discharge ballast water until it can do so in accordance with article 9.3 of the BWM Convention (see notification requirements in paragraph 3.3 below).

2.3 More detailed inspection

2.3.1 When carrying out a more detailed inspection, the PSCO may utilize, but not be limited to, the following questions to ascertain the extent of compliance with the BWM Convention:

- .1 Is the ballast water management on board the ship in accordance with the operations outlined in the ship's BWMP? In particular:
 - .1 Is the crew following specific operational or safety restrictions associated with safe tank entry, if needed?
 - .2 Is the crew managing ballast water sediments in accordance with the BWMP?
 - .3 Are designated officers following their duties as set out in the BWMP?
 - .4 Are the record-keeping requirements in accordance with the BWMP?
- .2 Since the time of the survey of the ship under regulation E-1.1, has an unsanctioned change been made to the structure, equipment, fittings, arrangements or material associated with the BWMP, except the direct replacement of such equipment or fittings (regulation E-1.10)?

- .3 If the BWMP requires the use of a BWMS:
 - .1 Is the BWMS and associated equipment in good working order, (this could include filters, pumps, and back flushing equipment)?
 - .2 Is the crew following safety procedures associated with operation of the BWMS?
 - .3 Is the treatment process fully operational (this could include, reference to the self-monitoring system of a BWMS)?
 - .4 Does the BWRB align with the onboard control equipment, including the self-monitoring device of the BWMS?
 - .5 Is the BWMS being operated according to the operational instructions?
 - .6 Can the designated officer demonstrate the necessary knowledge of the BWMS and how it operates?
 - .7 Has the BWMS been bypassed?
 - .8 Where required, are any needed Active Substances present in adequate supply on board the ships, and where present, are they being introduced into the BWMS?

2.3.2 The PSCO may examine any element of the ballast water system in order to check that it is working properly.

2.3.3 More detailed inspection may result in sampling.

2.4 Sampling

2.4.1 PSCO should carry out an indicative analysis first. However, the time required to conduct the indicative analysis should not unduly delay the operations, movement or departure of the ship. If the result of indicative analysis for the D-2 standard exceeds the D-2 standard by a threshold specific to the validated indicative analysis method being used as set out in the *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42)¹, a detailed analysis can be carried out.

2.4.2 The quantity of the sampling water to be taken and location in the ship chosen should be in accordance with the *Guidelines for ballast water sampling (G2)* and associated guidance developed by the Organization. Every effort should be made to avoid any undue delays to the ship.

2.4.3 The PSCO should not delay the operation, movement or departure of the ship while waiting for the results of detailed analysis.

¹ The validation on a specific method is to be carried out through the process of review and revision of the *Guidance on sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42).

2.5 Violations and control of ships

Stopping the discharge due to sampling as a control action

2.5.1 If the sampling described above leads to a result, or supports information received from another port or offshore terminal, indicating that the ship poses a threat to the environment, human health, property or resources, the Party in whose waters the ship is operating should prohibit such ship from discharging ballast water until the threat is removed (see notification requirements in paragraph 3.3 below).

Detainable deficiencies

2.5.2 If a ship has violated the BWM Convention, the PSCO may take steps to warn, detain or exclude the ship or grant such a ship permission to leave to discharge ballast water elsewhere or seek repairs. The PSCO should use professional judgment to determine whether to detain the ship until any noted deficiencies are corrected, or to permit a ship to sail with deficiencies that do not pose an unreasonable threat of harm to the marine environment, human health, property or resources (see notification requirements in paragraphs 3.3 to 3.6 below).

2.5.3 In order to assist the PSCO in the use of these guidelines, there follows a non-exhaustive list of deficiencies which are considered to be of such a serious nature that they may warrant the detention of a ship:

- .1 absence of an IBWMC;
- .2 absence of a BWMP;
- .3 absence of a BWRB;
- .4 indication that the ship or its equipment does not correspond substantially with the particulars of the IBWMC and BWMP;
- .5 absence, serious deterioration or failure of proper operation of equipment required under the BWMP;
- .6 the designated officers or crew are not familiar with essential ballast water management procedures including the operation of BWMS and all associated BWMS equipment;
- .7 no ballast water management procedures have been implemented on board;
- .8 no designated officer has been nominated;
- .9 the ship has not complied with the BWMP for management and treatment of ballast water;
- .10 result of non-compliance by sampling; or
- .11 ballast water has been discharged other than in accordance with the regulations of the BWM Convention (regulation A-2).

Control actions

2.5.4 If a ship is detected to have violated the BWM Convention, the port State may take steps to warn, detain or exclude the ship. The port State, 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 a threat of harm to the environment, human health, property or resources (see notification requirements in paragraphs 3.3 to 3.6 below).

2.5.5 Port States should refrain from applying criminal sanctions or detaining the ship, based on sampling during the trial period. This does not prevent the port State from taking preventive measures to protect its environment, human health, property or resources.

2.5.6 The ship should have evidence that the ballast water management system is type approved and has been maintained and operated in accordance with the ships' Ballast Water Management Plan.

2.5.7 As an alternative to warning, detention or exclusion of the ship, the PSCO may wish to consider the following alternative measures, providing doing so does not present a threat to the environment, human health, property or resources:

- .1 retention of all ballast water on board;
- .2 require the ship to undertake any repairs required to the BWMS;
- .3 permit the ship to proceed to exchange ballast water in a location acceptable to the port State, providing ballast water exchange is still an acceptable practice for the specific ship and such areas are established in accordance with the *Guidelines on designation of areas for ballast water exchange (G14)*;
- .4 allow the ship to discharge ballast to another ship or to an appropriate shipboard or land-based reception facility; or
- .5 allow the ship to manage the ballast water or a portion of it in accordance with a method acceptable to the port State.

CHAPTER 3 REPORTING REQUIREMENTS

3.1 Port State authorities should ensure that, at the completion of an inspection, the master of the ship is provided with a document showing the results of the inspection, details of any action taken by the PSCO and a list of any corrective action to be initiated by the master and/or company. Such reports should be made in accordance with the format in appendix 13 of the *Procedures for port State Control* (resolution A.1052(27), paragraph 4.1.1).

3.2 If a ship has been inspected as a result of a request for investigation from another State, the inspection report should be sent to the requesting State and the flag State (article 10.4).

3.3 In the event that an action is taken in accordance with paragraphs 2.2.4.3, 2.5.1 or 2.5.5:

- .1 the port State should inform, in writing, the flag State of the ship concerned, or if this is not possible, the consul or diplomatic representative 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 should be notified (article 11.2); and
- .2 in the event that the PSCO is unable to take the intended action, or if the ship has been allowed to proceed to the next port of call, the authorities of the port State should communicate all the facts to the authorities of the country of the next appropriate port of call, to the flag State, and to the recognized organization, where appropriate (article 11.3; resolution A.1052(27), paragraph 4.1.4).

3.4 In the event of a violation of the BWM Convention, the notifications in paragraph 3.3 should be made. In addition, the ship should be notified of the violation and the report forwarded to the flag State should include any associated evidence (article 11.1).

3.5 Where, in the exercise of port State control, a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction, whether or not as a result of information about a substandard ship, it should forthwith provide the master and flag State with reasons for the denial of entry (resolution A.1052(27), paragraph 4.1.2).

3.6 In the case of a detention, at least an initial notification should be made to the flag State as soon as practicable. If such notification is made verbally, it should be subsequently confirmed in writing. As a minimum, the notification should include details of the ship's name, the IMO number, copies of Forms A and B as set out in appendix 13 of the Procedures for port State Control, time of detention and copies of any detention order. Likewise, the recognized organizations which have issued the relevant certificates on behalf of the flag State should be notified, where appropriate. The parties above should also be notified in writing of the release of detention. As a minimum, this information should include the ship's name, the IMO number, the date and time of release and a copy of Form B as set out in appendix 13 of the *Procedures for Port State Control* (resolution A.1052(27), paragraph 4.1.3).
