



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° BWM 004 – Rev. 5

INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIP'S BALLAST WATER AND SEDIMENTS

**TO: SHIPOWNERS, SHIPS' OPERATORS AND MANAGERS, MASTERS
AND SURVEYORS TO THE FLAG STATE ADMINISTRATION
RECOGNIZED ORGANIZATIONS**

APPLICABLE TO: ALL SHIPS TO WHICH THE CONVENTION APPLIES
EFFECTIVE AS FROM: 8th September 2017

Date: 16th July 2020

1. General

The International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Ballast Water Management Convention) will be effective as from 8th September 2017. Most ships will have to install an on-board system to treat ballast water and eliminate unwanted organisms. In accordance with article 17(3) of the Convention the Ballast Water Management Convention accessed by Saint Vincent and the Grenadines on 2nd July 2020. The Convention will enter into force for Saint Vincent and the Grenadines on **2nd October 2020**, in accordance with article 18(3) of the Convention.

2. Applicability of the Convention

On 8th September 2017, all St.Vincent and The Grenadines ships (i.e. vessels of any type operating in the aquatic environment, including submersibles, floating craft, floating platforms, floating storage units (FSUs) and floating production, storage and offloading (FPSO) units) will be requested to:

- have an approved ballast water management plan on board;
- maintain a ballast water record book;
- manage their ballast water on every voyage by performing ballast water exchange (or by treating it using an approved ballast water treatment system); and
- undertake an initial survey and have a **International Ballast Water Management Certificate** issued (for ships of 400 gross tonnage and above to which the Convention applies, excluding floating platforms, FSUs and FPSOs).

The Convention does not normally apply to:

- ships not carrying ballast water;
- ships engaged in national voyages (refer to Circular GEN 016);
- ships that only operate in waters under the jurisdiction of one party and on high seas, subject to a written authorization of that Party for such exclusion;
- warships, naval auxiliary or other ships owned or operated by a State provided it is used only on government non-commercial service;
- ships with permanent ballast water in sealed tanks and therefore not subject to discharge at any time; or
- pleasure craft which are less than 50 m in overall length and which have a maximum ballast water capacity of eight (8) m³.

3. Requirements

Ships will be required to carry on board the following:

- “Ballast Water Management Plan” approved by the Recognized Organization on behalf of this Administration, according to a process developed by the IMO;
- “Ballast Water Record Book” for the recording of each operation concerning ballast water management; and
- “International Ballast Water Management Certificate” with five (5) year validity and subject to annual, intermediate and renewal surveys.

4. Implementation of Ballast Water Treatment Requirement (D-2)

Implementation of the D-2 requirement of Ballast Water Management Convention was decided at MEPC 71 held between 3rd and 7th July 2017.

Ships built (keel-laid) on or after 8th September 2017 should comply with the D-2 standard upon delivery.

Existing ships should comply with D-2 on the first IOPP renewal following the implementation if:

- 1) this survey is completed on or after 8th September 2019, or
- 2) a renewal IOPP survey has been completed on or after 8th September 2014 but before 8th September 2017.

Furthermore, the ship should comply with D-2 on the second IOPP renewal survey following the implementation, if the first renewal survey following the date of the implementation of the Convention is completed prior to 8th September 2019 and if conditions 1 or 2 above are not met.

This means that a ship which is due for an IOPP renewal survey between 8th September 2017 and 8th September 2019 cannot decouple its IOPP survey for a second renewal before 8th September 2019 without then having to comply with the D-2 standard.

Ships built before 8th September 2017 and delivered (including the initial IOPP survey) after that date, need to comply with the D-2 standard at the first IOPP renewal survey after delivery.

The agreement implies that vessels with the last IOPP renewal carried out before 8th September 2014 have nothing to gain by decoupling, but instead risk losing up to two years on the D-2 implementation date by doing so.

The IMO Resolution containing the changes to the BWM Convention has not been formally published yet, but the agreed text of the changes is annexed to this Circular.

The IMO will in due course circulate the agreed text for the amendments to the BWMC to reflect the above implementation schedule.

This Administration strongly recommends that owners contact their vessels' ROs early in order to carefully examine and consider their vessels' individual IOPP Renewal dates in order to ensure compliance with the above schedule.

5. International Ballast Water Management Certificate

All ships over 400 GT to which the Convention applies will be requested to be surveyed and issued with an **International Ballast Water Management Certificate** valid five (5) years, subject to annual and intermediate surveys.

Statements of Compliance issued to St Vincent and The Grenadines' ships by a Recognized Organizations **before 2nd October 2020** should be replaced without survey with an International Ballast Water Management Certificate. The expiry date will correspond to the validity of the existing Statement of Compliance.

6. Exemptions

Under regulation A-4, this Administration, in waters under its jurisdiction, may grant exemptions in addition to exemptions contained elsewhere in the Convention but only where they are granted:

- to ship(s) on voyage(s) between specified ports or locations;
- to ships which operate exclusively between specified ports or locations;
- to ships which do not mix ballast water or sediments other than between the specified ports or locations;
- any exemption granted should be based on the IMO G7 Guidelines on risk assessment and will not be valid for more than five (5) years. An exemption may be withdrawn at any time for breach of condition or in emergency situations.

7. IOPP renewal survey and harmonisation of statutory certification

In general, this Administration has no objection to de-harmonize the IOPP certificate, anticipate its renewal survey before the date of entry into force of the Convention and to re-align it to the other statutory certificates at the first opportunity, provided the request is justified.

Owners willing to use this possibility should complete a form in accordance with Circular GEN 001 with a documented justification for a case by case examination by the vessel's RO.

The RO should forward the completed form to this Administration for further evaluation. The RO should clearly indicate their support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.

Subject to positive evaluation, this Administration will authorize the RO to perform a renewal survey for IOPP and to issue a new full term IOPP Certificate upon satisfactory completion of the said survey.

Owners are reminded that the above does not supersede requirements of the Coastal State where the vessel is/will be operating.

8. Ballast Water Management Plans

All ships with ballast water capacity and which are subject to the Ballast Water Management Convention Article 3 should have on board an approved ship-specific Ballast Water Management Plan and a Ballast Water Record Book to comply with the BWM Convention. The Ballast Water Management Plan is requested to:

- assist the ship in complying with international regulations to minimise the risk of the transfer of harmful aquatic organisms and pathogens in ships' ballast water and associated sediments
- identify the ship's Ballast Water Management Officer
- consider ship safety elements, provide information to PSC Officers on the ship's ballast handling system and confirm that ballast water management can be effectively planned
- include training on BWM operational practices
- be written in the working language of the ship. If this language is not English, then a translation into English should be included.

Ballast Water Record Book entries should be maintained on board the ship for a minimum period of two (2) years after the last entry has been made and thereafter in the Shipowner's/Ship's Operator's/Manager's control for a minimum period of three (3) years.

9. Actions to be taken by Shipowners, Ship's Operators and Managers

Shipowners, Ship operators and Managers should conform to the following steps in order to comply with the Convention:

- To review the ship's plans and ballast systems to ensure compliance with the BWM convention;
- To develop a BWM plan;
- To install an approved ballast water treatment system as applicable;
- To submit the BWM plan for approval to the Recognized Organization responsible for statutory certification of the vessel on behalf of this Administration;
- To arrange for an initial survey to be carried out by the Recognized Organization responsible for the vessel's statutory certification on behalf of this Administration and to obtain an International Ballast Water Management **Certificate**;
- To train the ship's staff in BWM operations; and
- To maintain records in the ballast water record book as per the BWM plan including sediment management.

10. Ships to which the IOPP renewal survey does not apply

It has been agreed at MEPC 71st meeting that a ship to which the IOPP renewal survey does not apply (generally ships less than 400 GT in size) should comply with D-2 no later than 8th September 2024.

11. Requirements for ships (including pleasure and commercial yachts) of less than 400 GT

As from 8th September 2017, all ships (including pleasure and commercial yachts) of less than 400 GT, designed / constructed to carry ballast water should comply with the following:

- Carry onboard a Ballast Water Management Plan, approved by an authorised RO on behalf of this Administration, in accordance with Regulation B-1.
- Carry onboard a Ballast Water Record Book, in accordance with Regulation B-2 and manage their ballast water on every voyage by performing ballast water exchange, or by treating water using a type approved ballast water treatment system.

Pleasure/private yachts used solely for recreation or competition or **crafts used primarily for search and rescue**, less than 50 metres in length overall, and with a maximum Ballast Water capacity of eight (8) cubic metres does not have to comply with this paragraph provided that they comply with the following equivalent measures:

- They should exchange Ballast Water outside port waters and as far from the coast as practically possible;

- when loading Ballast Water, every effort should be made to avoid the uptake of potentially harmful aquatic organisms, pathogens and sediments that may contain such organisms;
- Ballast Water should be exchanged prior to discharge in accordance with regulation B-4 of the Convention; and
- any chemical treatment should only use Active Substances approved by the International Maritime Organization.

Ships of less than 400 GT are likely to be required to transition from D-1 to D-2 by 8th September 2024, as per recent amendments to the Convention.

Annex: Guidelines and guidance documents related to the implementation of the International Convention for the Control and Management of ships' Ballast Water and Sediments, 2004.

MEPC 71/WP.11/Rev.1

Revision History

Rev 1- Paragraph 7

Rev 2 - Paragraph 3

Rev 4 – Paragraph 8, Paragraph 11 (added) and Annex

Rev 5 – Paragraph 1, 2, 3, 5 and 9

MARINE ENVIRONMENT PROTECTION
COMMITTEE
71st session
Agenda item 4

MEPC 71/WP.11/Rev.1
5 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 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 constructed on or after 8 September 2017 shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.
- 6 The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.
- 7 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

- 8 A ship constructed before 8 September 2017 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.
- 9 A ship subject to paragraphs 2, 4 or 8 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 renewal survey 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 [60] States, the combined merchants fleets of which constitute approximately [68]% 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 AGREES that this resolution supersedes resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
