



# NIUE SHIP REGISTRY

Website: [www.niueship.com](http://www.niueship.com)

## **BALLAST WATER MANAGEMENT CONVENTION** **(Circular NMC5.2016 (rev2))**

**PURPOSE:** Provide ship owners/managers/operators the relevant information and guidance for the Ballast Water Management Convention (BWMC) which comes into force on 8 September 2017.

### **RELATED DOCUMENTS:**

1. BWMC, *International Convention for the Control and Management of Ships Ballast Water and Sediments, 2004*
2. BWMC.2/Circ.34/Rev.4 dated 28 May 2015, *List of ballast water management systems that make use of Active Substances which received Basic and Final Approval*
3. IMO Resolution MEPC.174(58), *Guidelines for approval of BWM system (G8)*
4. BWMC.2/Circ.40 dated 8 October 2012, *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)*

### **DEFINITIONS:**

The following abbreviations stand for:

- "BWM" – Ballast Water Management
- "FPSO" – Floating Production Storage Offloading Unit
- "FSU" – Floating Storage Unit
- "IBWMC" – International Ballast Water Management Certificate
- "IOPPC" – International Oil Pollution Prevention Certificate
- "ITC 69" – International Convention on the Tonnage Measurement of Ships, 1969
- "MARPOL" – International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978
- "MOU" – Mobile Offshore Unit
- "RO" – Recognized Organization as defined by IMO Resolution A.789(19).
- "SOLAS" – International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

The term "Administration" shall mean the Niue Ship Registry.

### **APPLICATION:**

1. This marine circular applies to all Niue flagged ships operating in the aquatic environment, and includes submersibles, floating craft, floating platforms, FSUs and FPSOs, but does not apply to:
  - 1.1. ships not designed or constructed to carry ballast water;
  - 1.2. ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
  - 1.3. ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that the BWMC applies to such ship;

- 1.4. ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to para 1.3 above, unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those adjacent of other States;
- 1.5. any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the BWMC; and
- 1.6. permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

## **CONTENTS:**

### **A. GENERAL REQUIREMENTS**

1. The IMO has, during the 71<sup>st</sup> session of MEPC, agreed to adopt the amendments to the implementation schedule for Regulation D-2 which takes into account the entry into force date and appropriate time constraints for acquiring, installing and commissioning a BWM system.
2. The following implementation schedule for Regulation D-2 has been adopted:
  - 2.1. New ships the keels of which are laid on or after 8 September 2017 shall comply at its delivery.
  - 2.2. Existing ships which completed IOPPC renewal survey between 8 September 2014 and 7 September 2017 shall comply at the **FIRST** IOPPC renewal survey following the date of entry into force of the IBWMC.
  - 2.3. Existing ships other than those mentioned in Section 2.2 above shall comply at the **SECOND** IOPPC renewal survey following the date of entry into force of the IBWMC, or the **FIRST** IOPPC renewal survey on or after 8 September 2019, whichever occurs first.
  - 2.4. Existing ships which are not required to possess IOPPC (Oil tankers of less than 150 gross tonnage and ships other than oil tanker of less than 400 gross tonnage) shall comply no later than 8 September 2024.
3. Management and Control of the ballast water will require each ship to:
  - 3.1. have an approved BWM Plan on board (Regulation B-1)
  - 3.2. maintain a ballast water record book (Regulation B-2)
  - 3.3. manage the ship's ballast water on every voyage by either performing ballast water exchange or treating it using an approved ballast water treatment system (Regulation B-3).
4. This Administration recommends that applicable ships contact their ROs early in order to prepare for compliance with BWMC, and some suggested actions for the preparation of compliance to BWMC may include the following:
  - 4.1. identify the due date of IOPPC renewal surveys to allow planning of the implementation schedule, survey and certification of the vessel;
  - 4.2. contact BWM system vendors to request information on models of BWM systems;

4.3. refer to IMO website for update on status of IMO type approved BWM systems; and

4.4. identify a BWM system that is suitable for the vessel based on its design and operations.

## **B. SURVEY AND CERTIFICATION**

1. Ships of 400 GT and above (and Oil Tankers of 150 GT and above) to which BWMC applies, excluding floating platforms, FSUs and FPSOs, shall be subject to the survey and certification referred to in Article 7 of BWMC and as specified in regulations under Annex Section E of the BWMC.
2. Notwithstanding the above, MOUs shall comply with the provisions of the BWMC and shall be surveyed and issued with an IBWMC according to regulations E-1 and E-2 of the BWMC, as applicable (*Reference: BWM.2 / Circ. 46 dated 31 May 2013*).
3. The BWMC allows no phase-in period for ships constructed prior to 8 September 2017 to comply with its provisions which requires all applicable ships to have on board an approved BWM Plan and be surveyed and certificated immediately on the entry into force of the Convention.
4. However, the MEPC agreed that it would be impracticable for those responsible, to prepare, review and approve BWM Plans and survey and certify all applicable ships within the time remaining till 8 September 2017, as such, this Administration agrees to allow applicable vessels to be issued with an IBWMC prior to 8 September 2017, provided it is annotated to state that validity begins from 8 September 2017, 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. Similarly, BWM Plans approved in accordance with resolution A.868(20), shall remain valid until the plan requires revision due to the installation of a ballast water management system.
5. BWM systems shall be approved by the RO on behalf of this Administration in accordance with IMO Guidelines.

## **C. ADVANCE IOPPC RENEWAL SURVEY (DE-HARMONIZATION)**

1. The Administration has no objection, on a case-by-case basis, to authorize the de-harmonization of the IOPPC renewal survey from the other statutory surveys for ships who wish to carry out the IOPPC renewal survey before 8 September 2017.
2. Requests for authorization of the above shall be made to [technical@niueship.com](mailto:technical@niueship.com) where authorization shall be granted accordingly. However, no authorization is required from the Administration if a ship decides to carry out an advance renewal survey prior to 8 September 2017 for all the statutory certificates.

## **D. EXEMPTIONS (REGULATION A-4)**

3. The Administration, may, on a case-by-case basis, grant exemptions from the BWMC requirements for ships that operate in Niue waters that:
  - 1.1. are engaged on a voyage or voyages between specified ports or locations
  - 1.2. are operating exclusively between specified ports or locations
  - 1.3. do not mix ballast water or sediments other than between the ports or locations specified in paragraphs D.1.1. and D.1.2. above.

## **E. TYPE APPROVED BWM SYSTEMS**

As of April 2016, it was reported that 65 BWM systems have been type approved to comply with D-2 standards. For an IMO list of type-approved BWMS, please refer to BWM.2/Circ.34/Rev.4 dated 28 May 2015.

Please do not hesitate to contact the Registry at [technical@niueship.com](mailto:technical@niueship.com) or call: +65 6226-2001 for further assistance.