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

Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party

1 The Marine Environment Protection Committee, at its sixty-sixth session (31 March to 4 April 2014), approved the Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party as set out in the annex.

2 Member Governments are invited to bring the Guidance to the attention of all parties concerned.

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IMO CONVENTIONS EFFECTIVE IMPLEMENTATION

ANNEX

GUIDANCE ON ENTRY OR RE-ENTRY OF SHIPS INTO EXCLUSIVE OPERATION WITHIN WATERS UNDER THE JURISDICTION OF A SINGLE PARTY

Background

1 Article 3 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Convention), identifies the ships to which the Convention applies and does not apply. Article 3.1 of the Convention includes all ships entitled to fly the flag of a Party, and ships not entitled to fly the flag of a Party, but that operate under the authority of a Party, except as provided otherwise in the Convention.

2 Articles 3.2(b) to 3.2(d) set out conditions under which the Convention does not apply to a ship of a Party that operates only in waters under the jurisdiction of that Party, or another Party, or in such waters and on the high seas, respectively. Such ships should be subjected to the appropriate national policies, strategies or programmes for ballast water management of the Party or Parties established pursuant to article 4.2.

3 Ships operating pursuant to articles 3.2(b) to 3.2(d) that cease to operate exclusively in the relevant waters lose their exclusion from the Convention, which then fully applies to them on an ongoing basis, except as provided in this Guidance.

Purpose

4 The purpose of this Guidance is to provide advice on entry or re-entry into exclusive operation pursuant to articles 3.2(b) to 3.2(d), which will assist Administrations with respect to a number of situations, including:

.1 ships (e.g. mobile offshore units) that may be assigned to extended operations in waters under the jurisdiction of a single Party following an international voyage or voyages; and

.2 ships whose operations are usually within waters under their jurisdiction, but who may occasionally need to leave these waters and return (e.g. to visit a dry-dock). Such ships may consider that regulations A-4, B-3.6 and B-3.7 provide options that are particularly attractive for short-term compliance with the Convention.

5 The provisions of this Guidance that pertain to entry into exclusive operation do not apply to a ship that is launched into the waters of the Party within which it is constructed until it requires an International Ballast Water Management Certificate.

Guidance

6 Subject to the conditions of articles 3.2(b) to 3.2(d) concerning the environment, human health, property and resources, the application of the Convention to a ship of a Party may cease:

.1 pursuant to article 3.2(b), if the ship enters or re-enters into exclusive operation in waters under the jurisdiction of that Party;

.2 pursuant to article 3.2(c), if the ship enters or re-enters into exclusive operation in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such cessation; and

.3 pursuant to article 3.2(d), if the ship enters or re-enters into exclusive operation in waters under the jurisdiction of one Party and on the high seas, unless the ship has not been granted an authorization pursuant to article 3.2(c).

7 Before ceasing application of the Convention to a ship referenced in paragraph 4, the Administration (and authorizing Party, if applicable) should verify that the ship:

.1 is in compliance with the Convention, and holds a valid International Ballast Water Management Certificate if required to do so;

.2 has fully discharged all ballast water, including any residual ballast water, and has completely removed and disposed of all sediments, in accordance with the Convention and the ship's approved ballast water management plan;

.3 has a procedure in its approved ballast water management plan for thoroughly cleaning its ballast water tanks, piping and equipment that is satisfactory to the Administration (and authorizing Party, if applicable); and

.4 has carried out the procedure described in subparagraph 7.3, above, to the satisfaction of the Administration (and authorizing Party, if applicable).

8 Upon cessation of the application of the Convention to a ship, any International Ballast Water Management Certificate issued to the ship should be withdrawn.