

## PART A

### CHAPTER 26

## INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

### 26.1 Legal Requirements

The International Convention for the Control and Management of Ships' Ballast Water and Sediments was adopted at IMO in 2004 but has yet to be ratified by sufficient countries to come into force. The Convention will enter into force 12 months after it has been signed by 30 States, representing 35% of world merchant shipping tonnage. As of 31 July 2012, 35 states had ratified the Convention, but representing only 28% of world tonnage. The UK has not yet ratified the Convention, however certain regional standards have been adopted in various parts of the world based on the guidelines provided in the Convention. MGN 81 and 363 provide further guidance.

### 26.2 Definitions

26.2.1 Definitions of terms relating to ballast water management are described in the Ballast Water Management Convention, 2004, as amended, which is available through EMSA Rulecheck.

### 26.3 Responsibility

26.3.1 Upon ratification of the Convention, MCA will delegate the authority to conduct surveys and issue the certificate to its Recognised Organisations (RO) as documented in MGN 363, though MCA still remains responsible to ensure that all aspects of surveys and certification process are carried out satisfactorily as for all statutory surveys. Unclassed ships will need to be surveyed by MCA, however it is anticipated that all ships to which the Convention will apply will be in Class.

### 26.4 Surveys required.

26.4.1 **An initial survey** before the ship is put in service or before the Certificate is issued for the first time. This survey shall verify that the Ballast Water Management plan required by the convention and any associated system(s) including fittings, equipments and structure etc. comply fully with the requirements of the Convention.

26.4.2 **An annual survey** within three months before or after each anniversary date which shall include a general inspection of the system (s), structure, and equipments associated with the Ballast Water Management

plan as required by the Convention to ensure that they have been maintained in satisfactory condition for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate.

**26.4.3 An intermediate survey** within three months before or after the second anniversary date or within three months before or after the third Anniversary date of the Certificate, which shall take the place of one of the annual surveys The intermediate surveys shall ensure that the equipment, associated systems and processes for Ballast Water Management fully comply with the e requirements of the Convention.

**26.4.4 A renewal survey** at intervals as specified by MCA (subject to future legislation ) but not exceeding five years. This survey shall verify that the Ballast Water Management plan and associated system(s), equipment and processes comply fully with the applicable requirements of this Convention.

**26.4.5 An additional survey** with scope of either general or partial, according to the circumstances, shall be carried out **IF** if there has been any changes to the system(s) of Ballast Water Management onboard to ensure full compliance with this Convention. Additional surveys if carried out shall be endorsed on the Certificate.

## 26.5 Pre-Survey Actions

**26.5.1** Although under normal circumstances surveys and certification will be delegated to ROs, there may be circumstances where MCA shall carry out the surveys and issue Certificate. Following sources provide valuable information and insights which may be consulted by surveyors before attending the surveys.

- Record on SIAS
- MCA Survey Files
- Classification Records- Available on Class website.
- PSC Inspection records
- Any existing exemption(s) issued
- Any new legislative requirements

**26.5.2** Surveys should only be commenced on receipt of a completed "Application for Survey" form (MSF 5100) and after sufficient fees have been received. Further guidance on fees is described in Part C, Chapter 2 of these instructions.

**26.5.3** The relevant Business Support Unit administration team processes the application. CERS/SVD must be interrogated to ensure that the correct ship is on the system; if the vessel is not yet on the system (e.g. newbuild, flag-in), the Administrator (TST) should be contacted, who will check the details and arrange for the vessel to be added to the Single Vessel Database (SVD) if appropriate. A "job control sheet" (MSF 5108) is produced which is then tracked for charter standard purposes. This is then passed to the Manager, or

other person nominated by them, who then appoints the Lead Surveyor (LS) for the survey.

## 26.6 Items to be Surveyed

26.6.1 The Convention requires for ships to have a Ballast Water Management Plan and Ballast Water Record Book. The BWM Plan must be approved. It is intended that MCA shall delegate the approval to ROs. The Plan must be specific to the ship and provide essential information on the management of ballast water onboard under the guidance provided by the Convention.

26.6.2 In addition to BWM Plan, the vessel must also carry a Ballast Water Record Book which could also be maintained in electronic format or be part of another record book. The book shall record in general all pertinent activities associated with the management of ballast water onboard. The record book must be inspected to ensure that the management of ballast has been achieved in accordance with BWM Plan of the ship particularly with regard to exchange mechanism or treatment of the ballast water.

26.6.3 The Convention requires that all ballast water must be exchanged or treated to specified standards before being discharged in order to ensure alien marine organisms and sediments are not introduced into ports and rivers; MGN 363 provides guidance on alternative control methods and expected compliance dates. Any such treatment equipment will have to be surveyed for technical compliance. Relevant type approval certificates or other forms of evidence proving compliance must be available on board.

## 26.7 Post Survey Actions

### 26.7.1. Deficiencies

26.7.1.1 The lead surveyor is responsible for recording and closing out any deficiencies found during the survey/s in the SIAS database, in accordance with the requirements of Part C Chapter 4 of these instructions.

### 26.7.2. Declarations & Certificates

26.7.2.1 The requirements relating to the issue of certificates will be detailed in a Statutory Instrument, upon ratification of the Convention by the UK.

26.7.2.2 Following ratification, upon completion of initial/renewal survey an **International Ballast Water Management Certificate** will be issued. The duration of certificates will not exceed 5 years unless regulation 15 of the MS 1995/1210 is applicable. Statements of compliance may be issued by an RO prior to the Convention/ regulations coming into force.

### 26.7.3 Annual/Intermediate Survey Endorsement

26.7.3.1 On completion of the annual or intermediate survey, the certificate should be endorsed accordingly.

26.7.3.2 The 2<sup>nd</sup> or 3<sup>rd</sup> annual survey must be an intermediate survey; the endorsement for the same needs to be made by deleting “annual” in the endorsement panel on page 2 of the certificate. When conducting the 3<sup>rd</sup> annual survey in particular this needs to be borne in mind to ensure that one of the surveys is marked (and conducted) as “intermediate”.

26.7.3.3 Any endorsements made to the owner’s copy of the certificate should also be recorded on the file copy of the certificate (or by adding a photocopy of the endorsement page to the file), and on the electronic version of the form, on return to the office.

**26.7.4 Review of Exemptions**

If the vessel has been issued with any exemption, equivalents or temporary dispensation letters, they must be reviewed to ensure they are still current and that the qualifying conditions are complied with. Any exemptions granted under these regulations shall also be recorded in the Ballast Water record book. General guidance on the review and renewal of exemptions is provided in Part B Chapter 4 of these instructions.

**26.7.5 Documentation and Records**

Survey and Certification of BWM system(s) will be delegated to respective ROs. It is likely that all vessels to which the Convention will apply will be classed. Following a General Inspection on UK flag following minimum records must be maintained.

<b>Item</b>	<b>Record</b>
Record on SIAS Record on File (not defined so use 27/01)	Yes MSF 1602/3 survey & inspection deficiencies Annual/intermediate endorsement Certificate (no defined) Declaration Any relevant photographs, documents. Aide memoire, if it provides additional information.
If applicable Class Related deficiency to be reported to Survey Operations Branch	Yes MSF 1923

**26.8 Fees**

26.8.1 Recognised Organisations shall directly charge owners for the survey and certification work without involvement of the MCA.

## 26.9 Flow chart

None.

## 26.10 Special Instructions and guidance

26.10.1 These instructions to surveyors are primarily intended to appraise surveyors from a Port State Inspection and General Inspection perspective and awareness of the general requirements for the issue of a BWM Certificate. Under all normal circumstances, approval of plans, equipment, survey work and certification shall be delegated to ROs.

## 26.11 References

26.11.1 As the Convention is yet to be ratified, there are currently no Instructions to Surveyors relating to Ballast Water Management Certification. General guidance and advice on Ballast Water Management can be found in the following documents:

- i) International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004
- ii) MGN 363- The Control and Management of Ships' Ballast Water and Sediments
- iii) IMO Res.MEPC.174(58)- Guidelines for Approval of BWM Systems, adopted 10 Oct 2008.

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