

[LEGAL NOTICE NO. 110]

MARITIME TRANSPORT DECREE 2013
(DECREE NO. 20 OF 2013)

Marine (Ballast Water Management) Regulations 2014

IN exercise of the powers conferred upon me by section 233(d) of the Maritime Transport Decree 2013, I hereby make these Regulations—

PART 1 — PRELIMINARY

Short title and commencement

1. These Regulations may be cited as the Marine (Ballast Water Management) Regulations 2014 and shall come into force on a date or dates appointed by the Minister by notice in the *Gazette*.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires,—

“Administration” means the Government of the State under whose authority a ship is operating and whose flag the ship is entitled to fly;

“Annex” means the Annex to the Convention;

“authorised officer” shall have the meaning as in the Decree and includes—

- (a) every surveyor and other persons appointed to undertake surveys and inspections of ships in accordance with these Regulations;
- (b) boarding officers employed by the Authority;
- (c) other officers of the Authority appointed by the Chief Executive Officer to enforce these Regulations; and
- (d) other persons to whom the Chief Executive Officer delegates powers to enforce these Regulations;

“authorised organisation” means an organisation which has entered into a memorandum of agreement with the Chief Executive Officer in accordance with the International Maritime Organisation Assembly Resolution A.739 (18), Guidelines for the Authorisation of Organisations Acting on Behalf of the Administration and the Annexes as amended by Resolution MSC 208(81) entitled “Adoption of Amendments to the Guidelines for the Authorisation of Organisations Acting on Behalf of the Administration, governing the undertaking of particular survey and certification functions by the organisation’s employees under the Decree;

“authorised person” means a person employed by an authorised organisation and appointed under section 38(1) of the Decree to carry out such inspections and audits as the Authority considers necessary for the purposes of these Regulations;

“Authority” means the Maritime Safety Authority of Fiji;

“ballast water” means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship, and has the meaning given to it under MARPOL as modified by the Protocol of 1978, any subsequent amendments and the Convention;

“ballast water internal transfer” means the transfer of ballast water from one tank to another tank within the ship;

“Ballast Water Management” means mechanical, physical, chemical and biological processes, used either singularly or in combination, to remove, render harmless or to avoid the uptake or discharge of harmful aquatic organisms and pathogens within a ship’s ballast water and sediments;

“Ballast Water Management Convention” or “Convention” means the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004;

“Ballast Water Management Plan” or “Plan” means the plans required under regulation 9(1)(a) of these Regulations;

“ballast water record book” means the record book required under regulation 9(1)(b);

“Chief Executive Officer” means the Chief Executive Officer of the Authority;

“Classification Society” means a recognised organisation authorised by the Chief Executive Officer to conduct such inspections and such audits as the Authority considers necessary for the purposes of these Regulations;

“Decree” means the Maritime Transport Decree 2013;

“Fiji ship” shall have the same meaning as in the Decree;

“Fiji waters” shall have the same meaning as in the Decree;

“FPSO” means floating production, storage and off-loading units;

“FSU” means floating storage units;

“harmful aquatic organisms and pathogens” means aquatic organisms or pathogens which if introduced into the sea, 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;

“International Ballast Water Management Certificate” or “Certificate” means the International Ballast Water Management Certificate specified in the Convention, which shall be issued by the Authority or an authorised organisation in a form consistent with the form prescribed by the Convention and provided under Schedule 5;

“International Maritime Organisation” or “IMO” means the organisation set up under the International Maritime Organisation Convention, 1958 for the purpose of developing a comprehensive body of international maritime conventions, codes and recommendations which could be implemented by all members to the convention;

“international marine pollution conventions” means MARPOL, Ballast Water Management Convention, International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001, International Convention on Civil Liability for Bunker Oil Pollution Damage and the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 as modified by the Protocol of 1973 and any subsequent amendments;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 and any subsequent amendments;

“Minister” means the Minister responsible for maritime transport;

“Notice to Mariners” means a notice published by the Authority, and includes any amendment made to the notice;

“offshore terminal” means an installation or device located offshore with facilities for loading and unloading of ships;

“owner” shall have the same meaning as in the Decree;

“Party” means a State which is a Party to the Convention;

“pleasure craft” shall have the same meaning as in the Decree;

“port” shall have the same meaning as in the Decree;

“sediments” means matters settled out of ballast water within a ship;

“sediment reception facility” means the sediment reception facility required under regulation 12; and

“ship” shall have the same meaning as in the Decree.

(2) Subject to sub-regulation (1), words and phrases used in these Regulations shall have the same meaning as provided in the Decree and the Convention.

Objectives

3. The objectives of these Regulations are to—

- (a) prevent, minimise or eliminate the transfer of harmful aquatic organisms and pathogens, through the control and management of ships’ ballast water and sediments;
- (b) require ships to which these Regulations apply, to carry and implement an approved Ballast Water Management Plan which details the actions to be taken which shall be compliant with these Regulations and the Convention; and

- (c) require ships to carry a ballast water record book for the purpose of recording ballast water transactions within the ship which includes ballasting and de-ballasting operations and ballast water internal transfers.

Application of the Convention under written laws

4.—(1) In accordance with the provisions of the Decree, the Convention shall be a maritime convention to be applied, implemented and enforced in accordance with the Decree, and shall be deemed to be an international marine pollution convention.

(2) The obligations, duties, legal processes and rights provided for under the Convention shall be deemed to be requirements enforceable in accordance with these Regulations in relation to ships to which these Regulations apply, and a breach of any such obligation or duty shall be an offence for the purposes of regulation 14.

Ships to which the Convention applies

5.—(1) Subject to sub-regulations (2) and (6) and where expressly stated in these Regulations, the provisions of these Regulations shall apply to—

- (a) ships entitled to fly the flag of Fiji;
- (b) ships not entitled to fly the flag of Fiji but which operate under the maritime laws of Fiji and are issued with Coasting-trade Permits; and
- (c) foreign ships entering Fiji waters and berthed at ports and at offshore terminals or offshore platforms in Fiji.

(2) Subject to sub-regulation (3), the provisions of these Regulations shall not apply to permanent ballast water in sealed tanks on—

- (a) ships not designed or constructed to carry ballast water;
- (b) any military ships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only for Government non-commercial service,

unless the Authority determines, in accordance with sub-regulation (3), that the discharge of ballast water from such ships may impair, endanger or damage the environment, human health, property or resources of Fiji or those of adjacent or other States.

(3) Where the Authority determines that the discharge of ballast water from ships to which sub-regulation (2) applies may impair, endanger or damage the environment, human health, property or resources of Fiji or those of adjacent or other States, the Authority may serve written notice on the owner or master of the ships, requiring that the provisions of these Regulations and the Convention be complied with in relation to the ballast water held in the ships.

(4) A notice served under sub regulation (3) may —

- (a) apply to a single voyage or for a specific period of time; and
- (b) specify any particular measures that the owner or master shall undertake to be compliant with the Ballast Water Management Convention.

(5) Any owner or master of a ship who fails to comply with sub-regulation (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(6) The Chief Executive Officer may exempt a ship which only operates in Fiji waters from complying with the provisions of these Regulations or the Convention, but the Chief Executive Officer shall not grant such exemptions if doing so may impair, endanger or damage the environment, human health, property or resources, of Fiji or those of adjacent or other States.

(7) If the Chief Executive Officer refuses to grant an authorisation to a ship under sub-regulation (6), the Chief Executive Officer shall notify the owners or if the ship is a foreign flagged ship, the Administration of that ship, that it is bound by the provisions of these Regulations and the Convention.

PART 2—SURVEYS AND CERTIFICATION

Surveys and certification under the Convention

6.—(1) A Fiji ship of 400 gross tonnes or more to which these Regulations apply (excluding floating platforms, FSUs and FPSOs), shall be subject to surveys specified in Regulation E-1 of the Annex as provided in Schedule 4, and the satisfactory completion of such surveys shall be endorsed on the Certificate as required by the Convention.

(2) Pursuant to regulation 7(1), the Authority or an authorised organisation shall—

- (a) undertake surveys as prescribed in Regulation E-1 of the Annex as provided in Schedule 4; and
 - (i) issue Certificates indicating compliance with these Regulations and the Convention; or
 - (ii) if there is non-compliance, serve notice on the owner or master of the ships prescribing measures to be undertaken for the ships to achieve compliance with these Regulations and the Convention; and
- (b) apply other appropriate measures, as determined by the Chief Executive Officer, for the inspection, certification and regulation of such ships in order to ensure that the requirements of the Convention are applied to those ships.

(3) The Authority may apply the requirements of these Regulations to all pleasure craft used solely for recreational purposes or competition, and every ship which is less than 50 metres in overall length used primarily for search and rescue, with a maximum ballast water capacity of 8 cubic metres, and such measures shall—

- (a) take into account the IMO Resolution MEPC.123 (53) *Guidelines for Ballast Water Management Equivalent Compliance (G3)*;
- (b) be published in a Notice to Mariners; and
- (c) be implemented by the owner and master of the pleasure craft or ship.

(4) The Authority shall only issue or authorise to be issued a Certificate, where a ship has been surveyed under these Regulations and found to be compliant with these Regulations and the Convention.

(5) The Chief Executive Officer may —

- (a) determine the period for which Certificates shall be valid, which shall be that specified in Regulation E-5, unless otherwise required;
- (b) impose any conditions in relation to the ships and its operations to ensure compliance with these Regulations and the Convention;
- (c) require the re-survey of any ships during the period of any Certificate; and
- (d) suspend a Certificate or vary the conditions of any Certificate during its period of validity to ensure full compliance with these Regulations and the Convention.

(6) At the request of the Party, the Chief Executive Officer may cause a ship to be surveyed and may issue or authorise the issue of a Certificate to the ship in accordance with these Regulations and —

- (a) each Certificate issued shall contain a statement to the effect that it has been issued at the request of the Party; and
- (b) a copy of it together with a copy of the survey report shall be transmitted at the earliest to the Administration of the Government requesting the survey.

(7) No Certificate shall be issued by the Authority or an authorised organisation to a ship which does not fly the flag of a Party.

Surveyors and authorised organisations

7.—(1) Surveys of ships, for the purposes of applying and enforcing the provisions of these Regulations may be carried out by —

- (a) surveyors employed by the Authority;
- (b) other appropriately qualified persons appointed by the Chief Executive Officer to be surveyors for the purposes of these Regulations; and
- (c) authorised organisations including classification societies and other appropriate organisation recognised and authorised by the Chief Executive Officer for the purpose of undertaking surveys in accordance with the Guidelines and Specifications adopted by the IMO.

(2) The Chief Executive Officer may authorise surveyors or authorised organisations to —

- (a) require ships that are surveyed to comply with the provisions of these Regulations and the Convention; and
- (b) carry out surveys and inspections at the request of the appropriate authorities of a Port State that is a Party.

(3) The Authority shall notify the IMO of the specific responsibilities and conditions of the authority delegated to the surveyors or authorised organisations under these Regulations.

Transfer of flag

8.—(1) Upon the transfer of the flag of a Fiji ship to the flag of another Party, the Authority shall transmit as soon as possible to the Government of the Party concerned, a copy of the Certificate carried by the ship before the transfer and if available, a copy of the ship's most recent survey report, if the State makes such a request within 3 months after the transfer has taken place.

(2) Where a ship is transferred to the Fiji Register of Ships, a new Certificate shall only be issued when the Authority is fully satisfied that the ship is in compliance with the requirements of these Regulations and the Convention.

PART 3—BALLAST WATER MANAGEMENT

Obligations of owners and masters

9.—(1) The owner, master or agent of any ship to which these Regulations apply, shall—

- (a) ensure that a Plan has been prepared for the ship and is kept on board and implemented at all times, in accordance with Regulation B-1 of the Annex as prescribed in Schedule 2;
- (b) ensure that a ballast water record book complying with Regulation B-2 of the Annex as prescribed in Schedule 6—
 - (i) is maintained and kept on board at all times;
 - (ii) records all entries for a minimum period of 2 years prior to the current date;
 - (iii) is kept in the owner's control for a minimum period of 3 years after the record book is full;
 - (iv) contains entries as required by Regulation B-3.3, B-3.5 and B-4 of the Annex as prescribed in Schedule 2; and
 - (v) is kept readily available for inspection at all reasonable times, and in the case of an unmanned ship under tow it may be kept on the towing ships.
- (c) ensure that officers and crew are familiar with their duties in relation to the implementation of ballast water management relevant to the ships on which they serve, and are familiar with the ship's Ballast Water Management Plan, as it applies to their specific duties;
- (d) ensure that the condition of the ship and its equipment, systems and processes are maintained so as to comply with these Regulations and the provisions of the Convention, to ensure that the ship remains fit to proceed to sea without posing a threat of harm to the environment, human health, property or resources;
- (e) after any survey of a ship under these Regulations has been completed, ensure that no change is to be made in the structure and any equipment, fittings, arrangements or material associated with the ship's Ballast Water

Management, without the prior approval of the Chief Executive Officer, except where the replacement of such equipment or fittings with identical items is undertaken;

- (f) provide a full report as soon as practicable to the Chief Executive Officer of any accident which occurs to a ship or when a defect is discovered which affects or impacts the ability of the ships to conduct Ballast Water Management in accordance with its Ballast Water Management Plan, and the Convention or these Regulations;
- (g) provide a report to the Chief Executive Officer as soon as possible after any ballast water is discharged from the ships into Fiji waters that does not comply with any requirement of these Regulations or the Convention, and provide such further information in relation to the discharge as may be required by the Chief Executive Officer; and
- (h) carry out investigations to determine whether a survey is necessary after an accident, incident or mishap has occurred or such a defect is discovered, and provide a report to the Chief Executive Officer in relation to such matters.

(2) Each Plan shall—

- (a) provide in detail safety procedures for the ships, and its crew who have responsibilities for the management of ballast water;
- (b) provide a detailed description of the actions to be taken to implement Ballast Water Management and supplemental Ballast Water Management practices in accordance with the Convention;
- (c) provide detailed procedures for the disposal of sediments at sea and on shore which comply with the requirements of these Regulations and the Convention;
- (d) designate officers and crew with responsibilities for implementing the Plan and observing the requirements of these Regulations and the Convention;
- (e) specify appropriate reporting responsibilities and procedures; and
- (f) be written in the English language, with an English translation provided if it is written in a language other than English.

Ballast Water and Sediment Management

10.—(1) The owners and masters of all ships to which these Regulations apply shall—

- (a) conduct Ballast Water Management in accordance with Regulation B-3 of the Annex as prescribed in Schedule 2;
- (b) ensure that all ballast water management systems are in accordance with Regulation D-3 of the Annex as prescribed in Schedule 3;
- (c) conduct Ballast Water exchange to meet the standard in Regulation D-1 of the Annex as prescribed in Schedule 3;
- (d) remove and dispose of sediments in accordance with Regulation B-5 of the Annex as prescribed in Schedule 2.

(2) The requirements of regulation 9(1)(a) shall not apply in the circumstances set out in Regulation A-3 of the Annex as prescribed in Schedule 1, and subject to sub-regulations (3) and (4), the Chief Executive Officer may grant exemptions for Fiji waters, in relation to any of those requirements in the circumstances set out in Regulation A-4 of the Annex as prescribed in Schedule 1.

(3) Exemptions granted pursuant to sub-regulation (2) shall not have effect until after communication to the IMO and circulation of relevant information to the Parties has been effected.

(4) The Chief Executive Officer shall not grant an exemption under this regulation which may impair, endanger or damage the environment, human health, property or resources of Fiji or those of adjacent or other States.

(5) Any exemptions granted under this regulation shall be recorded in the ballast water record book of the relevant ships.

Other powers of the Chief Executive Officer

11.—(1) If it is determined by an authorised officer that a ship's ballast water management—

- (a) does not conform with the requirements of these Regulations or the Convention or the conditions of the Certificate; or
- (b) is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources of Fiji or those of adjacent or other States,

the Chief Executive Officer shall determine the corrective action that shall be taken to bring the ship into compliance, and—

- (i) may cancel and withdraw the Certificate if it is current, and require the cancelled Certificate to be surrendered to the Authority;
- (ii) may refuse to issue a Certificate if no current Certificate is in effect;
- (iii) shall ensure that the appropriate authorities of that Party are notified, if the ship is in the port of another Party;
- (iv) may detain the ship; and
- (v) may take all necessary action and exercise all appropriate powers under the maritime laws to ensure that the defects or breaches are remedied.

(2) The Chief Executive Officer may by a notice published in a Notice to Mariners specify measures which it considers necessary to prevent, reduce or eliminate the transfer of harmful aquatic organisms and pathogens through ballast water and sediments, and such measures shall take account of the Guidelines developed by the IMO.

(3) A Notice to Mariners given under sub-regulation (2) shall—

- (a) specify the additional measures;

- (b) list all appropriate services, including notification to mariners of areas available and alternative routes or ports, as far as practicable; and
- (c) recite any approvals given by the IMO.

(4) Every owner and master shall comply with the additional measures provided under these Regulations.

(5) Any owner or master of a ship who fails to comply with sub-regulation (2) commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 1 year or both.

(6) The Chief Executive Officer may by a Notice to Mariners, vary or waive any measures imposed under these Regulations for a period of time or in any specified circumstances.

(7) The Chief Executive Officer may issue a Notice to Mariners to notify mariners of areas in Fiji waters where ships should not uptake ballast water due to known conditions including—

- (a) outbreaks, infestations or populations of harmful aquatic organisms and pathogens (such as toxic algal blooms) which are likely to be of relevance to ballast water uptake or discharge;
- (b) the location of sewage outfalls; or
- (c) tidal flushing which is poor, or if the tidal stream is known to be more turbid and such notices may include the precise coordinates of the area or areas, and the location of any alternative area or areas for the uptake of ballast water.

(8) The Chief Executive Officer shall notify the IMO and all potentially affected coastal States of any areas identified under sub-regulation (7), and the period during which, such warning is likely to be in effect, and such notifications shall include—

- (a) the precise co-ordinates of the area or areas;
- (b) the location of any alternative area or areas for the uptake of ballast water, if any; and
- (c) advice to ships that need to uptake ballast water in the area and describe arrangements made for alternative supplies.

(9) The Chief Executive Officer shall also notify mariners, the IMO and any potentially affected coastal States when a Notice given under sub-regulation (7) is no longer applicable.

Sediment reception facilities

12.—(1) All facilities for the reception and disposal of sediments at ports and any other location shall be designed, constructed, managed and operated so as to effectively contain the sediments taken from the ship, and protect the environment and human health, and shall—

- (a) comply with the requirements of these Regulations, the Convention and any requirements from time to time by the Chief Executive Officer;

- (b) be open to inspection by officers of the Authority at any time; and
- (c) be designated for the purposes of Article 5 of the Convention.

(2) The Chief Executive Officer shall—

- (a) prescribe standards applying to any sediment reception facility;
- (b) determine and apply requirements for the operation of the sediment reception facilities without causing undue delay to ships, and to provide for the safe storage, treatment and disposal of sediments so as not to impair or damage the environment, human health, property or resources, or those of other States; and
- (c) issue any directions necessary for implementing the requirements of the Convention relating to sediment reception facility.

PART 4—INSPECTIONS AND ENFORCEMENT

Inspections of and actions against ships

13.—(1) All ships to which these Regulations apply are subject to inspection by authorised officers for the purpose of determining whether the ships are in compliance with these Regulations and the Convention, and any such inspection may be conducted to—

- (a) verify that the ships have a valid Certificate, and that it is kept on board;
- (b) confirm that ballast water record book is being carried and properly kept and maintained for the ships; and
- (c) take samples of the ship's ballast water for testing, but the time required to analyse the samples shall not be used as a basis for unduly delaying the operation, movement or departure of the ships.

(2) The Chief Executive Officer shall carry out or cause to be carried out, a detailed inspection of the ships in a manner the Chief Executive Officer deems necessary, where ships do not carry a valid Certificate, or if there are grounds upon which an authorised officer believes that the—

- (a) condition of the ship or its equipment are not in compliance with the Certificate; or
- (b) master or the crew are not familiar with essential shipboard procedures relating to Ballast Water Management, or have not implemented such procedures.

(3) An authorised officer undertaking an inspection under sub-regulation (2) may give directions to the owner or master of the ship and take such steps as are necessary to ensure that the ship does not discharge ballast water until it can do so without presenting a threat of harm to the environment, human health, property or resources of Fiji or those of other adjacent States.

(4) If a ship is non-compliant with the provisions of these Regulations, then in addition to any other powers under these Regulations or any other written law, the Chief Executive Officer may—

- (a) issue a warning to the owner or master;

- (b) detain the ship until it is made to comply with the requirements of these Regulations and the Convention, or rendered safe as required by these Regulations;
- (c) order that the ships be excluded from Fiji waters, and from ports and off-shore facilities in those waters; or
- (d) grant permission to leave the port or offshore terminal for the purpose of discharging ballast water or proceeding to the nearest appropriate repair yard or sediment reception facility, if the movement of the ship does not present a threat of harm to the environment, human health, property or resources of Fiji or those of other adjacent States.

(5) If a sample of ballast water taken from a ship indicates that the ship poses a threat to the environment, human health, property or resources of Fiji or those of other adjacent States, the Chief Executive Officer may issue a notice to the Master of the ship to prohibit any discharge of ballast water until the threat is removed.

(6) Where a request for an investigation is received from any Party to the Convention, an authorised officer may inspect a ship when it enters port or an offshore terminal, and the report of such investigation shall be sent to the State requesting it and to the competent authority of the Administration of the ship concerned so that appropriate action may be taken.

(7) In the event that any action is taken in relation to a ship under these Regulations, the officer taking the action shall give written notice to the Administration of the ship concerned, or if this is not possible, to the consul or diplomatic representative of the ship concerned, of the action taken against it.

(8) The Chief Executive Officer shall also notify the ship's next port of call of all relevant information about the violation.

(9) If the Chief Executive Officer detains a ship due to an alleged contravention of these Regulations, he or she shall authorise the release of the ship if—

- (a) no proceedings for the offence in question are instituted within 3 working days, including the day the ship is detained;
- (b) the master or owner is not convicted in any such proceedings;
- (c) the sum of \$100,000 or of an amount determined by the Chief Executive Officer is lodged with the Authority by way of security;
- (d) where the master or owner is convicted of the offence, all fines, costs and expenses are paid in full in accordance with the order of the court of law; or
- (e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea, 1982, and any bond or other financial security ordered by such a court or tribunal is posted.

(10) The Authority shall repay any sum paid under sub-regulation (9)(c) or release any security so given if—

- (a) no proceedings for the offence in question are instituted within 7 days beginning with the day on which the sum is paid; or

- (b) such proceedings, having been instituted within that period, are concluded without the master or owner being convicted.

(11) Where security has been given, by any person in accordance with sub-regulation (9)(c) and the master or owner is convicted of the offence in question, the sum so paid or the amount made available under the security shall be applied as follows—

- (a) first in payment of any costs or expenses ordered by the Court to be paid by the master or owner;
- (b) payment of any fine imposed by the Court; and
- (c) any balance shall be repaid to the person giving the security.

Offences against these Regulations

14.—(1) The owner and master of a ship to which these Regulations apply each have a duty to ensure that the ship complies with the provisions of these Regulations, and are jointly and severally liable in relation to any breach.

(2) Any person who contravenes these Regulations commits an offence and shall be liable upon conviction to a fine not exceeding \$5000.00 or to imprisonment for a term of 3 months, or both.

(3) It shall be a defence for a person charged with a breach of sub-regulation (1) or (2) to show that all reasonable precautions were taken and that he or she exercised all due diligence to avoid the commission of the offence.

(4) If a fine, or an order for the payment of costs or expenses, imposed by a Court in proceedings for an offence under these Regulations is not paid, the Court may, in addition to any other powers for enforcing payment, order the amount remaining unpaid to be levied by distress or arrest and sale of the ships, or its tackle, furniture and apparel.

(5) In addition to imposing a fine upon conviction of a person under these Regulations, the court may order the person to pay compensation arising from any pollution caused by the commission of the offence, including the costs of responding to any such pollution.

Offences by ships outside the jurisdiction

15. In accordance with the requirement of the Convention, the Authority shall cooperate with an Administration of another Party in relation to proceedings against a ship for a breach of the Convention in the jurisdiction of that Party.

Made this 14th day of December 2014.

P. TIKODUADUA
Minister for Infrastructure and Transport

SCHEDULE 1
(Regulation 2)

GENERAL PROVISIONS

Annex

Regulations for the control and management of ships' ballast water and sediments.

Regulation A-3

Exceptions

The requirements of regulation B-3, or any measures adopted by a Party pursuant to article 2.3 and section C, shall not apply to—

1. the 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; or
2. the accidental discharge or ingress of ballast water and sediments resulting from damage to a ship or its equipment:
 - .1 provided that all reasonable precautions have been taken before and after the occurrence of the damage or discovery of the damage or discharge for the purpose of preventing or minimizing the discharge; and
 - .2 unless the owner, Company or officer in charge wilfully or recklessly caused damage;
3. the uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship;
4. the uptake and subsequent discharge on the high seas of the same ballast water and sediments; or
5. the discharge of ballast water and sediments from the ship at the same location where the whole of that ballast water and those sediments originated and provided that no mixing with unmanaged ballast water and sediments from other areas has occurred. If mixing has occurred, the ballast water taken from other areas is subject to ballast water management in accordance with this Annex.

Regulation A-4

Exemptions

1. A Party or Parties, in waters under their jurisdiction, may grant exemptions to any requirements to apply regulation B-3 or C-1, in addition to those exemptions contained elsewhere in this Convention, but only when they are—
 - .1 granted to a ship or ships on a voyage or voyages between specified ports or locations; or to a ship which operates exclusively between specified ports or locations;
 - .2 effective for a period of no more than five years subject to intermediate review;

- .3 granted to ships that do not mix ballast water or sediments other than between the ports or locations specified in paragraph 1.1; and
 - .4 granted based on the guidelines on risk assessment developed by the Organization.
- 2. Exemptions granted pursuant to paragraph 1 shall not be effective until after communication to the Organization and circulation of relevant information to the Parties.
 - 3. Any exemptions granted under this regulation shall not impair or damage the environment, human health, property or resources of adjacent or other States. Any State that the Party determines may be adversely affected shall be consulted, with a view to resolving any identified concerns.
 - 4. Any exemptions granted under this regulation shall be recorded in the ballast water record book.

Special Requirements in Certain Area

Regulation C-1

Additional measures

- 1. If a Party, individually or jointly with other Parties, determines that measures in addition to those in Section B are necessary to prevent, reduce or eliminate the transfer of Harmful aquatic organisms and pathogens through ships' ballast water and sediments, such Party or Parties may, consistent with international law, require ships to meet a specified standard or requirement.
- 2. Prior to establishing standards or requirements under paragraph 1, a Party or Parties should consult with adjacent or other States that may be affected by such standards and requirements.
- 3. A Party or Parties intending to introduce additional measures in accordance with paragraph 1 shall:
 - .1 take into account the guidelines developed by the Organization.
 - .2 communicate their intention to establish additional measure(s) to the Organization at least six months, except in emergency or epidemic situations, prior to the projected date of implementation of the measure(s). Such communication shall include:
 - .1 the precise co-ordinates where additional measure(s) is/are applicable;
 - .2 the need and reasoning for the application of the additional measures, including, whenever possible, benefits;
 - .3 a description of the additional measure(s); and
 - .4 any arrangements that may be provided to facilitate ships' compliance with the additional measure(s).
 - .3 to the extent required by customary international law as reflected in the United Nations Convention on the Law of the Sea, as appropriate, obtain the approval of the Organization.

4. A Party or Parties, in introducing such additional measures, shall endeavor to make available all appropriate services, which may include but are not limited to notification to mariners of areas available and alternative routes or ports, as far as practicable, in order to ease the burden on the ship.
5. Any additional measures adopted by a Party or Parties shall not compromise the safety and security of the ship and in any circumstances not conflict with any other convention with which the ship must comply.
6. A Party or Parties introducing additional measures may waive these measures for a period of time or in specific circumstances as they deem fit.

SCHEDULE 2

MANAGEMENT AND CONTROL REQUIREMENTS FOR SHIPS

Annex

Regulations for the control and management of ships' ballast water and sediments.

Regulation B-1

Ballast Water Management Plan

Each ship shall have on board and implement a Ballast Water Management Plan. Such a Plan shall be approved by the Administration taking into account guidelines developed by the Organization. The Ballast Water Management Plan shall be specific to each ship and shall at least:

1. detail safety procedures for the ship and the crew associated with the 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 requirements and supplemental ballast water management practices as set forth in this Convention;
3. detail the procedures for the disposal of sediments:
 - .1 at sea; and
 - .2 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. designate the officer on board in charge of ensuring that the plan is properly implemented;
6. contain the reporting requirements for ships provided for under this 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 shall be included.

Regulation B-2*Ballast water record book*

1. Each ship shall have on board a ballast water record book that may be an electronic record system, or that may be integrated into another record book or system and which shall at least contain the information specified in Appendix 6.
2. Ballast water record book entries shall be maintained on board the ship for a minimum period of two years after the last entry has been made and thereafter in the Company's control for a minimum period of three years.
3. In the event of the discharge of ballast water pursuant to regulations A-3, A-4 or B-3.6 or in the event of other accidental or exceptional discharge of ballast water not otherwise exempted by this Convention, an entry shall be made in the ballast water record book describing the circumstance of, and the reason for, the discharge.
4. The ballast water record book shall be kept readily available for inspection at all reasonable times and, in the case of an unmanned ship under tow, may be kept on the towing ship.
5. Each operation concerning ballast water shall be fully recorded without delay in the ballast water record book. Each entry shall be signed by the officer in charge of the operation concerned and each completed page shall be signed by the master. The entries in the ballast water record book shall be in a working language of the ship. If that language is not English, French or Spanish, the entries shall contain a translation into one of those languages. When entries in an official national language of the State whose flag the ship is entitled to fly are also used, these shall prevail in case of a dispute or discrepancy.
6. Officers duly authorized by a Party may inspect the ballast water record book on board any ship to which this regulation applies while the ship is in its port or offshore terminal, and may make a copy of an entry, and require the master to certify that the copy is a true copy. Any copy so certified shall be admissible in any judicial proceeding as evidence of the facts stated in the entry. The inspection of a ballast water record book and the taking of a certified copy shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Regulation B-3*Ballast water management for ship*

1. A ship constructed before 2009:
 - .1 with the 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 2014, 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 2016, after which time it shall at least meet the standard described in regulation D-2.

2. A ship to which paragraph 1 applies shall comply with paragraph 1 not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of delivery of the ship in the year of compliance with the standard applicable to the ship.
3. A ship constructed in or after 2009 with 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.
4. 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.
5. A ship constructed in or after 2012 with 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.
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 paragraph 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.

Regulation B-4

Ballast water exchange

1. A ship conducting ballast water exchange to meet the standard in regulation D-1 shall:
 - .1 whenever possible, conduct such ballast water exchange at least 200 nautical miles from the nearest land and in water at least 200 metres in depth, taking into account the guidelines developed by the Organization;
 - .2 in cases where the ship is unable to conduct ballast water exchange in accordance with paragraph 1.1, such ballast water exchange shall be conducted taking into account the guidelines described in paragraph 1.1 and as far from the nearest land as possible, and in all cases at least 50 nautical miles from the nearest land and in water at least 200 metres in depth.
2. In sea areas where the distance from the nearest land or the depth does not meet the parameters described in paragraph 1.1 or 1.2, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct ballast water exchange, taking into account the guidelines described in paragraph 1.1.
3. A ship shall not be required to deviate from its intended voyage, or delay the voyage, in order to comply with any particular requirement of paragraph 1.

4. A ship conducting ballast water exchange shall not be required to comply with paragraphs 1 or 2, as appropriate if the master reasonably decides that such exchange would threaten the safety or the stability of the ship, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other extraordinary condition.
5. When a ship is required to conduct ballast water exchange and does not do so in accordance with this regulation, the reasons shall be entered in the ballast water record book.

Regulation B-5

Sediment management for ships

1. All ships shall remove and dispose of sediments from spaces designated to carry ballast water in accordance with the provisions of the ship's Ballast Water Management Plan.
2. Ships described in regulations B-3.3 to B3.5 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 guidelines developed by the Organization. Ships described in regulation B-3.1 should, to the extent practicable, comply with this paragraph.

SCHEDULE 3 (Regulation 10)

STANDARDS FOR BALLAST WATER MANAGEMENT

Annex

Regulations for the control and management of ships' ballast water and sediments.

Regulation D-1

Ballast water exchange standard

1. Ships performing ballast water exchange in accordance with this regulation shall do so with an efficiency of at least 95 per cent volumetric exchange of ballast water.
2. For ships exchanging ballast water by the pumping- through method, pumping through three times the volume of each ballast water tank shall be considered to meet the standard described in paragraph 1. Pumping through less than three times the volume may be accepted provided the ship can demonstrate that at least 95 per cent volumetric exchange is met.

Regulation D-2

Ballast water performance standard

1. Ships conducting ballast water management in accordance with this regulation shall discharge less than 10 viable organisms per cubic metre greater than or equal to 50 micro metres in minimum dimension and less than 10 viable organisms per

millilitre less than 50 micrometres in minimum dimension and greater than or equal to 10 micrometres in minimum dimension; and discharge of the indicator microbes shall not exceed the specified concentrations described in paragraph 2.

2. Indicator microbes, as a human health standard, shall include:
 - .1 Toxicogenic *Vibrio cholera* (O1 and O139) with less than 1 colony- forming unit(cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples;
 - .2 *Escheria coli* less than 250 cfu per 100 millilitres;
 - .3 Intestinal Enterococci less than 100 cfu per 100 millilitres.

Regulation D-3

Approval requirements for ballast water management systems

1. Except as specified in paragraph 2, ballast water management systems used to comply with this Convention must be approved by the Administration taking into account guidelines developed by the Organization.

SCHEDULE 4

SURVEY AND CERTIFICATION REQUIREMENTS FOR BALLAST WATER MANAGEMENT

Annex

Regulations for the control and management of ships' ballast water and sediments.

Regulation E-1

Surveys

1. Ships of 400 gross tonnage and above to which this Convention applies, excluding floating platforms, FSUs and FPSOs, shall be subject to surveys specified below:
 - .1 An initial survey before the ship is put in service or before the Certificate required under regulation E-2 or E-3 is issued for the first time. This survey shall verify that the Ballast Water Management Plan required by regulation B-1 and any associated structure, equipment systems, fitting, arrangements and material or processes comply fully with the requirements of this Convention.
 - .2 A renewal survey at intervals specified by the Administration, but not exceeding five years, except where regulation E-5.2, E-5.5, E-5.6 and E-5.7 is applicable. This survey shall verify that the Ballast Water Management Plan required by regulation B-1 and any associated structure, equipment systems, fitting, arrangements and material or processes comply fully with the applicable requirements of this Convention.
 - .3 An intermediate survey within three months before or after the third anniversary date of the Certificate, which shall take the place of one of the annual surveys specified in paragraph 1.4. The intermediate surveys

shall ensure that the equipment, associated system and processes for ballast water management full comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.

- .4 An annual survey within three months before or after each anniversary date, including a general inspection of the structure, any equipment, system, fittings, arrangements and material or processes associated with the Ballast Water Management Plan required by regulation B-1 to ensure that they have been maintained in accordance with paragraph 9 and remain satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.
 - .5 An additional survey, either general or partial, according to the circumstances, shall be made after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with this Convention. Such surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.
2. The Administration shall establish appropriate measures for ship that are not subject to the provisions of paragraph 1 in order to ensure that the applicable provisions of this Convention are complied with.
 3. Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.
 4. An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 3 shall, as a minimum, empower such nominated surveyors or recognized organizations to:
 - .1 require a ship that the survey to comply with the provisions of this Convention; and
 - .2 carry out surveys and inspections if requested by the appropriate authorities of a port state that is a Party.
 5. The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations for circulation to Parties for the information of their officers.
 6. When the Administration, a nominated surveyor, or a recognized organization determines that the ship's ballast water management does not conform to the particulars of the Certificate required under regulation E-2 or E-3 or is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources, such surveyors or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall be notified immediately, and it shall

ensure that the Certificate is not issued or is withdrawn as appropriate. If the ship is in the port of another Party, the appropriate authorities of the port state shall be notified immediately. When an officer of the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port state, the Government of the port state concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation, including any action described in article 9.

7. Whenever an accident occurs to a ship or a defect is discovered which substantially affects the ability of the ship to conduct ballast water management in accordance with this Convention, the owner, operator or other person in charge of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph 1 is necessary. If the ship is in a port of another Party, the owner, operator or other person in charge shall also report immediately to the appropriate authorities of the port state and the nominated surveyor or recognized organization shall ascertain that such report has been made.
8. In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.
9. The condition of the ship and its equipment, systems and processes shall be maintained to conform with the provisions of this Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources.
10. After any survey of the ship under paragraph 1 has been completed, no change shall be made in the structure, any equipment, fittings, arrangements or material associated with the Ballast Water Management Plan required by regulation B-1 and covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.

Regulation E-2

Issuance or endorsement of a Certificate

1. The Administration shall ensure that a ship to which regulation E-1 applies is issued a Certificate after successful completion of a survey conducted in accordance with regulation E-1. A Certificate issued under the authority of a party shall be accepted by the other parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.
2. Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

Regulation E-3*Issuance or endorsement of a Certificate by another Party*

1. At the request of the Administration, another party may cause a ship to be surveyed and, if satisfied that the provisions of this Convention are complied with, shall issue or authorize the issuance of a Certificate to the ship, and where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with this Annex.
2. A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.
3. A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.
4. No Certificate shall be issued to a ship entitled to fly the flag of a State which is not a Party.

Regulation E-4*Form of the Certificate*

The Certificate shall be drawn up in the official language of the issuing Party, in the form set forth in Appendix 5. If the language used is neither English, French nor Spanish, the text shall include a translation into one of these languages.

Regulation E-5*Duration and validity of the Certificate*

1. A Certificate shall be issued for a period specified by the Administration that shall not exceed five years.
2. For renewal surveys:
 - .1 Notwithstanding the requirements of paragraph 1, when the renewal survey is completed within three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
 - .2 When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
 - .3 When the renewal survey is completed more than three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.
3. If a Certificate is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum

period specified in paragraph 1, provided that the surveys referred to in regulation E-1.1.3 applicable when a Certificate is issued for a period of five years are carried out as appropriate.

4. If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorised by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.
5. If a ship at the time when the Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate, but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than three months, and a ship to which such extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.
6. A Certificate issued to a ship engaged in short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.
7. In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph 2.2, 5 or 6 of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.
8. If an annual survey is completed before the period specified in regulation E-1, then:
 - .1 the anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
 - .2 the subsequent annual or intermediate survey required by regulation E-1 shall be completed at the intervals prescribed by that regulation using the new anniversary date;
 - .3 the expiry date may remain unchanged provided one or more annual surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation E-1 are not exceeded.

9. A Certificate issued under regulation E-2 or E-3 shall cease to be valid in any of the following cases:
- .1 if the structure, equipment, systems, fittings, arrangements and material necessary to comply fully with this Convention is changed, replaced or significantly repaired and the Certificate is not endorsed in accordance with this Annex;
 - .2 upon transfer of the ship to the flag of another state. A new Certificate shall only be issued when the party issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulation E-1. In the case of a transfer between parties, if requested within three months after the transfer has taken place, the party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the administration copies of the Certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
 - .3 if the relevant surveys are not completed within the periods specified under regulation E-1.1; or
 - .4 if the Certificate is not endorsed in accordance with regulation E-1.1.

SCHEDULE 5 (Regulation 2)

FORM OF INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

International Ballast Water Management Certificate

Issued under the provisions of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter referred to as "the Convention") under the authority of the Government of

.....
(full designation of the country)

by.....
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship

Name of ship

Distinctive number or letters.....

Port of registry

Gross tonnage.....

IMO number.....

Date of construction

Ballast water capacity (in cubic metres)

Details of ballast water management method(s) used

Method of ballast water management used.....

Date installed (if applicable).....

Name of manufacturer (if applicable).....

The principal ballast water management method(s) employed on this ship is/are:

☐ in accordance with regulation D-1☐ in accordance with regulation D-2 (describe).....☐ the ship is subject to regulation D-4**THIS IS TO CERTIFY:**

1. That the ship has been surveyed in accordance with regulation E-1 of the Annex to the Convention: and
2. That the survey shows that ballast water management on the ship complies with the Annex to the Convention.

This Certificate is valid until.....subject to surveys in accordance with regulation E-1 of the Annex to the Convention.

Completion date of the survey on which this Certificate is based: dd/mm/yyyy

Issued at.....
(Place of issue of Certificate)

.....
(Date of issue)

.....
(Signature of authorized official issuing the Certificate)

(seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEY(S)

THIS IS TO CERTIFY that at a survey required by regulation E-I of the Annex to the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual Survey: Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

Annual/ intermediate Survey: Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

Annual/ intermediate Survey: Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

Annual Survey: Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH REGULATION E-5.8.3

THIS IS TO CERTIFY that, an annual/ intermediate survey in accordance with regulation E-5.8.3 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed.....
(*signature of duly authorized official*)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION E-5.3 APPLIES

The ship complies with the relevant provisions of the Convention, and the Certificate shall, in accordance with regulation E-5.3 of the Annex to the Convention, be accepted as valid until

Signed.....
(*signature of duly authorized official*)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION E-5.4 APPLIES

The ship complies with the relevant provisions of the Convention and this Certificate shall, in accordance with regulation E-5.4 of the Annex to the Convention, be accepted as valid until.....

Signed.....
(*signature of duly authorized official*)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL
REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE
REGULATION E-5.5 OR E-5.6 APPLIES

This Certificate shall in accordance with regulation E-5.5 and E-5.6 of the Annex to the
Convention, be accepted as valid until

Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE
REGULATION E-5.8 APPLIES

In accordance with regulation E-5.8 of the Annex to the Convention the new anniversary
date is

Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

In accordance with regulation E-5.8 of the Annex to the Convention the new anniversary date
is

Signed.....
(signature of duly authorized official)

Place.....

Date.....

(seal or stamp of the authority, as appropriate)

SCHEDULE 6
(Regulation 9)

FORM OF BALLAST WATER RECORD BOOK

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

Period from: To:

Name of ship

IMO number

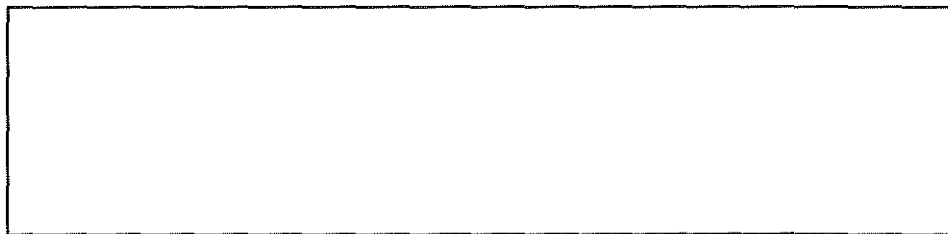
Gross tonnage

Flag

Total ballast water capacity (in cubic metres)

The ship is provided with a Ballast Water Management Plan ☐

Diagram of ship indicating ballast tanks:



1 Introduction

In accordance with regulation B-2 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, a record is to be kept of each ballast water operation. This includes discharges at sea and to reception facilities.

2 Ballast water and ballast water management

Ballast water means water with its suspended matter taken on board a ship to control trim, list, draught, stability, or stresses of a ship. Management of ballast water shall be in accordance with an approved Ballast Water Management Plan and taking into account guidelines developed by the Organization.

3 Entries in the ballast water record book

Entries in the Ballast Water record book shall be made on each of the following occasions:

- 3.1 When ballast water is taken on board:
- .1 Date, time and location of port or facility of uptake (port or lat/log), depth if outside port;
 - .2 Estimated volume of uptake in cubic metres;
 - .3 Signature of the officer in charge of the operation.
- 3.2 Whenever ballast water is circulated or treated for ballast water management purposes:
- .1 Date and time of operation;
 - .2 Estimated volume circulated or treated (in cubic metres);
 - .3 Whether conducted in accordance with the Ballast Water Management Plan;
 - .4 Signature of the officer in charge of the operation.
- 3.3 When ballast water is discharged into the sea:
- .1 Date, time and location of port or facility of discharge (port or lat/log);
 - .2 Estimated volume discharged in cubic metres plus remaining volume in cubic metres;
 - .3 Whether approved Ballast Water Management Plan had been implemented prior to discharge;
 - .4 Signature of the officer in charge of the operation.
- 3.4 When ballast water is discharged in a reception facility:
- .1 Date, time and location of uptake;
 - .2 Date, time and location of discharge;
 - .3 Port or facility;
 - .4 Estimated volume discharged or taken up, in cubic metres;
 - .5 Whether approved Ballast Water Management Plan had been implemented prior to discharge; and
 - .6 Signature of the officer in charge of the operation.
- 3.5 Accidental or other exceptional uptake or discharges of ballast water:
- .1 Date and time of occurrence;
 - .2 Port or position of the ship at time of occurrence;
 - .3 Estimated volume of ballast water discharged;
 - .4 Circumstances of uptake, discharge, escape or loss, the reason therefor and general remarks;

.5 Whether approved Ballast Water Management Plan had been implemented prior to discharge;

.6 Signature of the officer in charge of the operation.

3.6 Additional operational procedure and general remarks

4 Volume of ballast water

The volume of ballast water on board should be estimated in cubic metres. The ballast water record book contains many references to estimated volume of ballast water. It is recognized that the accuracy of estimating volumes of ballast is left to interpretation.

RECORD OF BALLAST WATER OPERATIONS

SAMPLE BALLAST WATER RECORD BOOK PAGE

Name of ship

Distinctive number or letters

<i>Date</i>	<i>Item (number)</i>	<i>Record of operations/signature of officers in charge</i>

Signature of master.....