

MINISTRY OF MARITIME AFFAIRS, TRANSPORT AND INFRASTRUCTURE

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Pursuant to Article 1023, paragraph 1, fourth indent of the Maritime Code (Official Gazette 181/04, 76/07, 146/08, 61/11), the Minister of Maritime Affairs, Transport and Infrastructure, upon approval of the Minister of Environmental and Nature Protection, hereby issues the

ORDINANCE

ON BALLAST WATER MANAGEMENT AND CONTROL

GENERAL PROVISIONS

Article 1

With the purpose to improve environmental protection, this Ordinance regulates the principles and procedures for management and control of ballast water and sediments onboard ships, while navigating in internal waters, territorial sea and protected ecological and fishing zone of the Republic of Croatia, as well as onboard ships of Croatian nationality, regardless of where they navigate.

Article 2

The terms used in this Ordinance have the following meaning:

1. *»active substance«* is a substance or an organism, including viruses or fungi, which generally or specifically affect harmful aquatic organisms and pathogens;
2. *»ballast water«* is the water with its suspended matter taken on board in order to achieve acceptable level of stability, trim, list, draught, and stresses of the ship;
3. *»ballast capacity of a ship«* is the total volumetric capacity of all the tanks, spaces or compartments on board a ship, used for carrying, loading or discharging ballast water, including multipurpose tanks, spaces or compartments built so as to allow carriage of ballast water;
4. *»ballast system«* is the system of tanks, spaces and compartments aboard the ship used for carrying, loading or discharging ballast water, including multipurpose tanks, spaces or compartments built so as to allow carriage of ballast water together with ballast piping and associated pumps;

5. *»ballast tank«* is any tank or hold aboard the ship used for transport of ballast water, regardless of whether the tank or hold has been constructed for such a purpose;

6. *»ship«* is any waterborne craft or other maritime craft, including submersibles, floating craft, platforms, Floating Storage Units (FSO) and Floating Production Storage and Offloading Units (FPSO);

7. *»gross tonnage«* is gross tonnage calculated in accordance with measurement provisions specified in Appendix I to the 1969 International Convention on Tonnage Measurement of Ships, as amended;

8. *»anniversary date«* is the day and the month of each year corresponding to the date of expiry of the Certificate;

9. *»inspector«* is the maritime safety inspector or other authorized employee of the Ministry or the harbour master's office, in accordance with the provisions of the Maritime Code;

10. *»constructed«*, in respect of a ship, means a stage of construction where:

– the keel is laid; or

– construction identifiable with a specific ship begins; or

– assembly of the ship has commenced comprising at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less; or

– the ship undergoes a major conversion;

11. *»Ballast Water Record Book«* is a document into which all activities aboard related to ballast water management are to be entered

12. *»Convention«* is the International Convention for the Control and Management of Ships' Ballast Water and Sediments, from 2004 (Act on the Ratification of the Convention was published in the Official Gazette, International Agreements, No. 3/2010);

13. *»Ministry«* is the ministry responsible for maritime affairs;

14. *»Minister«* is the minister of the ministry responsible for maritime affairs;

15. *»from the nearest land«* means from the baseline from which the territorial sea of the territory in question is established in accordance with international law;

16. *»Organisation«* is the International Maritime Organisation (IMO);

17. »*Ballast Water Management Plan*« is the plan containing procedures for the ship and the crew, in relation to control and management of the ships' ballast water and sediments.

18. »*Guidelines*« are the Guidelines adopted by the Organisation regarding application of the Convention;

19. »*Certificate*« is the International Ballast Water Management Certificate;

20. »*harmful aquatic organisms and pathogens*« are aquatic organisms or pathogens which, if introduced into the sea, including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, as well as impair biodiversity or interfere with legitimate uses of such areas;

21. »*sediment*« is matter settled out of ballast water within a ship;

22. »*ballast water management*« are mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediments;

23. »*major conversion*« is a conversion of a ship:

– which changes its ballast water carrying capacity by 15 percent or greater; or

– which changes the ship type; or

– which, in the opinion of the Ministry, is projected to prolong its life by ten years or more; or

– which results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a ship to meet the provisions of Article 10 of this Ordinance shall not be deemed to constitute a major conversion for the purposes of this Ordinance;

24. »*EFPZ of the Republic of Croatia*« is the Ecological and Fisheries Protection Zone of the Republic of Croatia, as determined by the Decision of the Croatian Parliament on expansion of jurisdiction of the Republic of Croatia in the Adriatic Sea (Official Gazette, No. 157/03, 77/04, 138/06 and 31/08).

Article 3

(1) This Ordinance applies to ships of Croatian nationality, regardless of their category of navigation, as well as ships, regardless of their nationality, which call to ports in the Republic of Croatia or navigate in Croatian internal waters, territorial sea or the ecological and fisheries protection zone of the Republic of Croatia.

(2) By way of derogation from the provision of paragraph 1, this Ordinance does not apply to:

- ships navigating or staying only in internal waters, territorial sea or ecological and fisheries protection zone of the Republic of Croatia,
- ships of Croatian nationality navigating or staying only in internal waters or the territorial sea of another country, if that country has excepted them from the application of provisions of the Convention or national laws on ballast water management,
- ships which are not designed and built for transport of ballast water, or which carry onboard permanent ballast water in sealed containers, which is not subject to discharge,
- warships, auxiliary warships or public vessels. However, competent authorities operating these ships shall ensure that the ships apply the provisions of this Ordinance, so far as is reasonable and practicable.

(3) By derogation from paragraph 2 subparagraph a), the Ministry can extend the application of the Ordinance to all or particular ships navigating or staying only in internal waters or territorial sea of the Republic of Croatia, if established that discharge of ballast water from the ship or ships would create hazard or damage to the environment, human health or property in the Republic of Croatia or neighbouring countries.

(4) Without prejudice to application of the derogation referred to in paragraph 2, on boats and yachts used only for personal needs or sports competitions, except boats and yachts navigating only in internal waters and territorial sea of the Republic of Croatia, equivalent requirements shall apply, which, according to the Guidelines of the Organisation – Guidelines for Ballast Water Management Equivalent Compliance (G3) (Resolution MEPC. 123(53)) are established by special regulation.

REPORTING AND RECORDING THE BALLAST WATER

Article 4

(1) All ships arriving from abroad, to which this Ordinance applies, must report the ballast water to the competent harbour master's office on the form in Annex I to this Ordinance.

(2) Notification referred to in paragraph 1 of this Article must be delivered by master of the ship within 48 hours prior to calling of the ship at port, or immediately upon departure from the last foreign port if time of navigation prior to calling at Croatian port is less than 48 hours.

PREVENTIVE MEASURES

Article 5

(1) Master of the ship shall, to the extent that the requirements concerning navigational safety and protection of the marine environment allow, avoid or restrain loading of ballast water in the areas:

- where the existence of harmful microorganisms is known,
- where industrial discharges are present,
- where underwater dredging takes place,
- with exceptionally high tide variations,
- with high water turbidity resulting from the running of ship propulsion machinery (shallow ports, estuaries, berths),
- spawning of the fish, and
- of encounter of marine currents.

(2) Port authorities or port managing bodies shall warn the master of the ship about the circumstances referred to in paragraph 1 of this Article.

Article 6

(1) The Ministry, with the opinion of the ministry competent for environmental protection, can issue a warning concerning loading or unloading of ballast water in particular areas of internal waters, territorial sea and EFPZ and/or prescribe relevant interim measures prohibiting loading or unloading of ballast water in this area, as well as indicate any alternative area appropriate for loading of ballast water.

(2) Warnings concerning loading or unloading of ballast water referred to in paragraph 1 shall be issued only for the areas which are known to contain sources of epidemics, infections or populations of harmful aquatic organisms and pathogens (e.g. harmful algal bloom).

(3) The Ministry shall notify the Organisation about the areas referred to in paragraph 1, and it shall also inform the seafarers in the usual way.

GENERAL OBLIGATION

Article 7

Unless otherwise prescribed by this Ordinance, it shall be prohibited to discharge ballast water in internal waters, territorial sea or EFPZ of the Republic of Croatia, if measures of ballast water management have not been performed according to provisions of this Ordinance.

Article 8

Until the moment of entry into force of the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments, with respect to ships navigating between the areas mentioned in the Guidance on the Voluntary Interim Application of the D1 Standard, given in Annex II of this Ordinance, the Guidance shall apply on voluntary basis.

EXCEPTIONS

Article 9

By way of exception from the provision contained in Article 7 of this Ordinance, the obligation of implementation of measures of ballast water management before discharge shall not apply to:

– uptake or discharge of ballast water necessary for the purpose of ensuring the safety of a ship in emergency situations or safety of life at sea; or

– accidental discharge or ingress of ballast water resulting from damage to a ship or its equipment:

a) provided that all reasonable precautions have been taken before and during the event, for the purpose of preventing or minimizing the discharge of ballast water; and

b) unless the owner, company or officer in charge wilfully or recklessly caused damage;
or

– the uptake and discharge of ballast water when being used for the purpose of avoiding or minimizing pollution incidents from the ship;

or

– uptake and discharge of the same ballast water on the high seas; or

– the discharge of ballast water from a ship at the same location where the whole of that ballast water originated, provided that no mixing with unmanaged ballast water from other areas has occurred.

EXEMPTIONS

Article 10

(1) The Ministry can exempt from application of provisions of Articles 11, 12, 13 or 14 of this Ordinance a ship or ships loading or discharging ballast water in the Republic of Croatia and navigating between specific ports or areas.

(2) The exemption referred to in paragraph 1 can be granted only based on a risk assessment performed according to the Guidelines of the Organisation – Guidelines on risk assessment (G7) (IMO Resolution MEPC. 162(56)), as amended, in order to ensure that it does not threaten the environment, human health, property or resources in the Republic of Croatia, neighbouring or other countries.

(3) The exemption referred to in paragraph 1 can be granted only in case that the ship does not mix ballast water and sediments with ballast water and sediments from another area or port.

(4) The exemption referred to in paragraph 1 can be granted for the period not longer than five years, and applies after the Ministry informs the Organisation about the exemption, and this information is submitted to the parties to the Convention.

(5) Exemption from this Article can be granted based on international agreement or act.

(6) Any exemption granted based on this Article shall be recorded in the Ballast Water Record Book.

MANAGEMENT STANDARDS

Article 11

(1) Ships constructed before 2009, with a ballast water capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct ballast water management that at least meets the standard prescribed in Article 12 or Article 14 of this Ordinance, until 2014, after which time it shall at least meet the standard described in Article 14.

(2) Ships constructed before 2009, 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 provided for in Article 12 or Article 14 of this Ordinance, until 2016, after which time it shall at least meet the standard provided for in Article 14.

(3) Ship to which paragraphs 1 or 2 apply shall comply with those paragraphs 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.

(4) Ships constructed in 2009, with a ballast water capacity of less than 5,000 cubic metres, shall conduct ballast water management that at least meets the standard prescribed in Article 14, before the second annual survey, but not later than 31 December 2011.

(5) Ships constructed after 2009, with a ballast water capacity of less than 5,000 cubic metres, shall conduct ballast water management that at least meets the standard prescribed in Article 14 of this Ordinance.

(6) Ships 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 2 of this Article.

(7) Ships constructed in or after 2012, with a ballast water capacity of 5,000 cubic metres or more, shall conduct ballast water management that at least meets the standard provided for in Article 14 of this Ordinance.

(8) The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines for ballast water reception facilities (G5) (IMO Resolution MEPC. 153(55), as amended).

BALLAST WATER EXCHANGE STANDARD

Article 12

(1) Ships which apply ballast water exchange as a measure of ballast water management, have to do so with the efficiency of at least 95% volumetric exchange of ballast water.

(2) Ship exchanging ballast water using the method of pumping shall be deemed to have complied with the standard referred to in paragraph 1, if pumping has been carried out to exchange at least three times the volume of each ballast tank.

(3) If during exchange of ballast water by pumping through method less than three times the volume of each ballast tank has been exchanged, such an exchange can be accepted provided that the ship can prove at least 95 percent of volumetric exchange, and if that was envisaged by the Ballast Water Management Plan.

(4) Ship which uses ballast water exchange as ballast water management method has to conduct, whenever possible, ballast water exchange at the distance of at least 200 Nm from the nearest land and at sea depth of at least 200 metres.

(5) When the ship has no possibility to exchange ballast water pursuant to paragraph 4 of this Article, ballast water exchange shall be performed at a distance of at least 50 Nm from the nearest land and at sea depth of at least 200 metres.

(6) By means of exemption from provisions contained in paragraphs 4 and 5, ships can exchange ballast water in areas designated according to provisions of the Convention and the Guidelines on designation of areas for ballast water exchange (G14) (IMO Resolution MEPC. 151(55), as amended).

Article 13

(1) Ships which perform ballast water exchange as a method of ballast water management can discharge sea-water with salinity above 36‰.

(2) In case when ballast water salinity is lower than 36‰, additional analyses shall be performed to examine the sea-water content, where the number of phytoplankton organisms (microplankton) cannot exceed the number of 105 L-1 cells and cannot contain dinoflagellate cysts.

BALLAST WATER TREATMENT STANDARD

Article 14

(1) Ships conducting ballast water management by way of ballast water treatment may discharge less than 10 live organisms, greater than or equal to 50 micrometers, and less than 10 live organisms per millilitre, with dimensions less than 50 micrometers, i.e. with minimum dimensions greater than or equal to 10 micrometers, where discharge of the indicator microorganisms shall not exceed the specified concentrations described in paragraph 2.

(2) Indicator microorganisms, as a human health standard, shall include:

- Toxicogenic *Vibrio cholerae* (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;
- *Escherichia coli*, less than 250 cfu per 100 millilitres;
- Intestinal Enterococci less than 100 cfu per 100 millilitres.

APPROVAL OF BALLAST WATER TREATMENT SYSTEMS

Article 15

(1) Systems for ballast water treatment, except the systems using active substances, shall be approved by a recognised organisation, according to Guidelines for approval of Ballast Water Management Systems (G8) (MO Resolution MEPC. 174(58), as amended).

(2) Systems for ballast water treatment which use active substances shall be approved by the Organisation, according to the Guidelines for Procedure for Approval of BWM systems that make use of Active Substances (G9) (IMO Resolution MEPC. 169(57), as amended).

(3) Systems for the ballast water treatment shall be safe for the ship, its equipment and the crew.

PROTOTYPE BALLAST WATER TREATMENT TECHNOLOGIES

Article 16

(1) In establishing and carrying out any programme to test and evaluate new ballast water technologies, the Ministry can allow participation of ships necessary for effective testing of such technologies.

(2) For any ship that participates in a programme in order to test and evaluate new ballast water treatment technologies, the standard from Article 14 shall not start to apply to that ship until five years from the date on which the ship would otherwise be required to comply with such standard.

(3) For any ship that, after the date on which the standard from Article 13 has become effective for it, participates in a programme in order to test and evaluate new ballast water technologies with the potential to result in treatment technologies achieving a standard higher than that from Article 13, the standard from Article 14 shall not apply to that ship during the period of five years from the date of installation of such technology.

SHIP'S DOCUMENTS AND BOOKS

Article 17

(1) All ships of 400 gross tonnage and above, of Croatian nationality, in international navigation, and all ships of 400 gross tonnage and above, regardless of their nationality, calling at ports in the Republic of Croatia and constructed for uptake of ballast water, shall have the International Ballast Water Management Certificate, issued by, or on behalf of, the competent authorities of the ship's flag state.

(2) Certificate referred to in paragraph 1 shall be issued for the period not longer than five years and shall be issued in the official language of the country issuing the certificate in the form defined in Appendix I to the Convention. If the official language of the country issuing the certificate is not English, French or Spanish, the text of the certificate shall include the translation to one of the mentioned languages.

(3) The certificate referred to in paragraph 1, for ships of Croatian nationality, shall be issued and verified in accordance with the Technical Rules.

Article 18

(1) All ships to which provisions of this Ordinance apply shall have onboard and apply the Ballast Water Management Plan (hereinafter: the Plan).

(2) The Plan shall be approved by competent authorities of the state whose flag the ship flies, taking into consideration the applicable guidelines of the Organisation – Guidelines for Ballast Water Management and Development of Ballast Water Management Plans (G4) (Resolution MEPC. 127(53)).

(3) The Plan shall be specific to each ship and shall contain at least:

- detailed safety procedures for the ship and the crew, related to ballast water management;
- detailed description of activities which have to be taken for the purpose of application of the ballast water management requirements and supplemental ballast water management practices;
- detailed procedures for the disposal of sediments at sea and to shore;
- procedures for coordinating shipboard ballast water management that involves discharge to the sea with the competent authorities of the State under whose jurisdiction are waters where such discharge will take place
- designate the officer on board in charge of proper implementation of the Plan;
- reporting requirements for the ship.

(4) The Plan shall be written in the working language of the crew, and if the working language is not English, French or Spanish, the Plan shall be translated into one of the mentioned languages. With respect to ships of Croatian nationality, the Plan shall be written in Croatian or English.

(5) The Plan for ships of Croatian nationality shall be approved by a recognised organisation.

Article 19

(1) Each ship to which this Ordinance applies 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, which shall contain at least the information specified in Appendix II to the Convention.

(2) The form of the Ballast Water Record Book for ships of Croatian nationality has been prescribed by Technical Rules.

(3) Ballast Water record book entries shall be kept on board the ship for a minimum period of two years after the last entry has been made and thereafter they shall be kept under the Company's control for a minimum period of another three years.

(4) In the event of the discharge of ballast water, accidental or exceptional, due to unexpected situations, an entry shall be made in the ballast water record book describing the circumstances of, and the reason for, the discharge.

(5) Each operation concerning ballast water shall be recorded, fully and 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.

(6) The entries in the Ballast Water Record Book shall be in a working language of the crew. If that language is not English, French or Spanish the entries shall contain a translation into one of those languages.

(7) 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.

SEDIMENT MANAGEMENT

Article 20

(1) It is prohibited to discharge sediments into sea, and 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) The sediments referred to in paragraph 1 of this Article shall be gathered by mechanical way only, and subsequently removed in specifically designed land-based reception facilities.

(3) Ships to which Article 14 of this Ordinance applies shall, 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.

Article 21

(1) Port authority or the body managing the port, in which cleaning or repair of ballast tanks is performed, shall ensure appropriate sediment reception facilities, taking into consideration the Guidelines for sediment reception facilities (G1) (IMO Resolution MEPC. 152(55), as amended).

(2) Operation of such reception facilities shall not cause unnecessary delays of ships, and shall ensure safe removal of such sediments, without disturbing or endangering the

environment, human health, property or resources, in conformity with other positive environmental protection legislation.

(3) The Ministry shall inform the Organisation about all disadvantages of such facilities.

INSPECTION

Article 22

(1) Inspection of implementation of provisions of this Ordinance shall be performed by the safety of navigation inspection.

(2) Inspection shall be performed according to the ordinance regulating the safety of navigation inspection, and relevant international guidelines.

(3) Inspection of implementation of provisions of Article 21 shall also be performed by the environmental inspection.

Article 23

(1) For the purpose of ballast water examination, inspector may request the institution approved according to special regulations or the approved laboratory, to analyse samples and test ballast water intended for discharge into the sea; the results of the analysis shall be provided in the form of a written report.

(2) Testing of ballast water consists of scientific analysis of samples for the purpose of control of implementation of the ballast water management measures. Sampling and testing of ballast water shall be performed according to Guidelines for Ballast Water Sampling (G2) (IMO Resolution MEPC. 173(58), as amended).

(3) Ballast water samples, based on the inspector's order, can be taken from the tanks before calling of the ship at port, i.e. during navigation.

(4) The results of testing of ballast water taken up in a foreign port and conducted by the body or organisation authorized for sampling and testing of ballast water in that port may be recognized in the Republic of Croatia.

(5) If sample analysis establishes that the ship failed to perform some of ballast water management measures in conformity with this Ordinance, discharge of ballast water shall be prohibited, if possible.

(6) Costs of sampling and testing shall be borne by the shipowner.

DUTIES OF CREW

Article 24

Crew shall be familiar with their duties in the implementation of ballast water management particular to the ship on which they serve and shall, appropriate to their duties, be familiar with the ship's Ballast Water Management Plan.

Article 25

All possible efforts shall be made to avoid unduly detention or delay of a ship for the purpose of application of provisions of this Ordinance.

TRANSITIONAL AND FINAL PROVISIONS

Article 26

(1) This Ordinance shall enter into force on the eighth day from the day of its publication in the Official Gazette of the Republic of Croatia.

(2) Upon entry into force of this Ordinance, the provisions of the Ordinance on Ballast Water Management and Control (Official Gazette No. 55/07) shall cease to apply.

Class: 011-01/12-02/54

Reg. No.: 530-04-12-5

Zagreb, 5 November 2012

signed by

the Minister

Siniša Hajdaš Dončić, Ph.D.

Annex I Ballast water reporting form

BALLAST WATER REPORTING FORM

1. VESSEL INFORMATION				2. VOYAGE INFORMATION				3. BALLAST WATER USAGE AND CAPACITY						
Vessel Name:				Arrival Port:						<i>Ballast Water Capacity</i>		<i>Ballast Water on Board</i>		
IMO Number:				Arrival Date:				No. Of Tanks						
Owner:				Agent:				Volume (m³ or MT)						
Type*:				Last Port:		Last Country:		Ballast Water Pump(s) Max Capacity (m³/h)						
DWT:		GT:												
Flag:				Next Port:		Next Country:								
Call Sign:														
*Type codes:		bulk (BC), ro-ro (RR), container (CS), oil tanker (OT), chemical tanker (CT), oil/bulk ore (OB), general cargo (GC), reefer (RF), other (O)												
4. CARGO OPERATIONS:				Total Cargo(Type/MT) to be Loaded				to be Discharged						
5. Ballast Water Management:				Total No. Ballast Water Tanks to be Discharged										
Of tanks to be discharged, how many:				Underwent exchange:				Underwent Alternative Management:						
Please specify alternative method(s) used, if any:														
If no ballast treatment conducted, state reason why not:														
Ballast management plan on board:				YES		NO		Management plan implemented:		YES		NO		
6. BALLAST WATER HISTORY: <i>Record all tanks to be deballasted in port state of arrival;</i> IF NONE GO TO #7 (use additional sheets as needed)														
Tank/Holds List multiple source tanks separately	BW SOURCES				BW MANAGEMENT PRACTICES						BW DISCHARGES			
	Date dd/mm/yy	Port or Lat/Long	VOLUME (units)	Temp (units)	Date dd/mm/yy	End Point Lat/Long	VOLUME (units)	% Exch	Method (ER/FT/ALT)	Sea HT (m)	Date dd/mm/yy	Port or Lat/Long	VOLUME (units)	Salinity (units)
<i>Ballast Water Tank Codes: Forepeak = FP, Afterpeak = AP, Double Bottom = DB, Wing Tank = WT, Topside = TS, Cargo Hold = CH, Other = O</i>														
7. RESPONSIBLE OFFICER'S NAME (Printed and signature):														

Annex II Guidance on the Voluntary Interim Application of the D1 Standard

“General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels operating between the Mediterranean Sea and the North-East Atlantic and/or the Baltic Sea”

1. In anticipation of the coming into force of the International Maritime Organization’s International Convention for the Control and Management of Ships’ Ballast Water and Sediments (the BWM Convention), vessels operating between the marine areas as defined further in point 3, would be expected to apply on a voluntary basis, as from 1 October 2012 the following guidelines to reduce the risk of non-indigenous species invasion through ballast water. The guidelines are addressed to the vessels covered by Article 3 of the BWM, taking into account the exceptions in Regulation A-3 of that Convention. This Guidance does not replace the requirements of the BWM Convention, but provide the part of interim Ballast Water Regional Management Strategies for the Baltic Sea, the Mediterranean Sea and the North-East Atlantic being developed under Article 13 (3) of the BWM Convention by the contracting parties to either the OSPAR Convention, the Helsinki Convention or the Barcelona Convention*. This Guidance will no longer apply when a ship is in a position to apply the D-2 Standard of this Convention, or the Ballast Water Management Convention comes into force and a ship has to apply the D-2 Standard.

2. If the safety of the vessel is in any way jeopardised by a ballast water exchange, it should not take place. Additionally these guidelines do not apply to the uptake or discharge of ballast water and sediments for ensuring the safety of the vessel in emergency situations or saving life at sea in the waters of the Baltic Sea and the North East Atlantic.

3. Definitions:

North-East Atlantic:

- those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude (but excluding the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen, and the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude);

- that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

The Baltic Sea:

- the Baltic Sea and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.43'N; and,

The Mediterranean Sea:

- the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the

east by the southern limits of the Straits of the Dardanelles between the Mehmetcik and Kumkale lighthouses.

4. Each vessel operating in these waters should:

- have a Ballast Water Management Plan which complies with the Guidelines for ballast water management and development of ballast water management plans (G4) (IMO resolution MEPC.127(53)); and,

- record all ballast water operations in a ballast water record book.

5. Vessels leaving the Mediterranean Sea and proceeding to destinations in the North-East Atlantic or the Baltic Sea should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep, as soon as they enter the North-East Atlantic. It should be noted that the best place to do this is in waters that meet these criteria to the west of Portugal, Spain and France, as most of the waters of the English Channel and its approaches, the North Sea and the Baltic Sea are less than 200m deep¹.

6. Vessels entering the Mediterranean Sea from the North-East Atlantic or the Baltic Sea and proceeding to destinations in the Mediterranean Sea, the Black Sea or elsewhere should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep, before they leave the North-East Atlantic.

7. If, for operational reasons, exchange is not possible at least 200 nautical miles from the nearest land in water at least 200 metres depth, then such exchange should be undertaken as far from the nearest land as possible outside the Mediterranean Sea, and in all cases in waters at least 50 nautical miles from the nearest land in waters of at least 200 metres depth. It should be noted that nowhere in the Baltic Sea fulfils these criteria.

8. The release of sediments during the cleaning of ballast tanks should not take place within the Baltic Sea, or within 200 nautical miles of the coastline of the North-East Atlantic or the Mediterranean Sea.

* Albania, Algeria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Egypt, Estonia, The European Union, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Morocco, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Slovenia, Spain, Sweden, Switzerland, Syria, Tunisia, Turkey, and the United Kingdom of Great Britain and Northern Ireland.

¹ For vessels leaving the Mediterranean or the North East Atlantic proceeding to destinations near Tarrifa Cape a different regime for ballast water exchange could be considered.