

EMSA workshop at Ballast Water issues

Perspective from a Member State that has not
ratified the Convention.

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EMSA, LISBOA , 13 NOVEMBER 2013

International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)

Reasons that prevent Republic of Cyprus to proceed with the Ratification, acceptance, approval or accession of BWM Convention.

- Convention Uncertainties
- Administrative Burdens.

International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)

Convention Uncertainties : Fixed dates for compliance in regulation B – 3, creates considerable problems, which will be arisen when the Convention will come into force.

12 months after the date on which not less than **30 States**, the combined merchant fleets of which constitute not less than **35%** of the gross tonnage of the worlds merchant shipping,

Status 30.08.2013: **38 States, 30.38 %.**

Contracting States to BWM Convention

- | | | | |
|------------------------|----------------------|------------------------|---------------------------|
| 1. Albania | 11. Germany | 21. Mongolia | 30. Saint Kitts and Nevis |
| 2. Antigua and Barbuda | 12. Iran | 22. Montenegro | 31. Sierra Leone |
| 3. Barbados | 13. Kenya | 23. Netherlands | 32. South Africa |
| 4. Brazil | 14. Kiribati | 24. Nigeria | 33. Spain |
| 5. Canada | 15. Lebanon | 25. Niue | 34. Sweden |
| 6. Cook Islands | 16. Liberia | 26. Norway | 35. Switzerland |
| 7. Croatia | 17. Malaysia | 27. Palau | 36. Syrian Arab Republic |
| 8. Denmark | 18. Maldives | 28. Republic of Korea | 37. Trinidad and Tobago |
| 9. Egypt | 19. Marshall Islands | 29. Russian Federation | 38. Tuvalu |
| 10. France | 20. Mexico | | |

Non Contracting States to BWM Convention

21 EU MS
including

1. Malta 4.09%
2. Greece 3.81%
3. Cyprus 1.85 %

Large Merchant fleet Nations
including

1. Panama 20.22%
2. Liberia 11.66 %
3. Hong Kong 7.24 %

Why those Countries has
not Ratified BWM ?

4,62%



BWM to enter
into force

BWM Convention Uncertainties

REGULATION B-3.1 – Applies to Ship constructed before 2009

B-3.1.1 $1500 \leq GT \leq 5000$

Until 2014

✓ D1 (Ballast Water Exchange) or

✓ D2(Performance Standard = PROCESS)

After 2014 D2

Because of the Provisions of B-3.1.2 they should comply with D2 at first Intermediate or Annual Survey after the anniversary date of Delivery. Practically some of those ship should comply with D2 up to 2017+

BWM Convention Uncertainties

REGULATION B-3.1 – Applies to Ship constructed before 2009

B-3.1.2 $1500 > GT$ or $GT > 5000$

Until 2016

✓ D1 (Ballast Water Exchange) or

✓ D2(Performance Standard = PROCESS)

After 2016 D2

Because of the Provisions of B-3.1.2 they should comply with D2 at first Intermediate or Annual Survey after the anniversary date of Delivery. Practically some of those ship should comply with D2 up to 2019+

BWM Convention Uncertainties

REGULATION B-3.3 – Applies to Ship constructed on or after 2009

B-3.3 $5000 \geq GT$

D2(Performance Standard = PROCESS)

Those ships should comply with D2 standard as soon as the Convention will come into force.

Are there sufficient and efficient number of Equipment ready to be installed and functioning as per D2 ?

BWM Convention Uncertainties

REGULATION B-3.4 – Applies to Ship constructed on or after 2009, but before 2012

B-3.4 GT \geq 5000

Until 2016

- ✓ D1 (Ballast Water Exchange) or
- ✓ D2(Performance Standard = PROCESS)

After 2016 D2

Because of the Provisions of B-3.1.2 they should comply with D2 at first Intermediate or Annual Survey after the anniversary date of Delivery. Practically some of those ship should comply with D2 up to 2019+

BWM Convention Uncertainties

REGULATION B-3.5 – Applies to Ship constructed on or after 2012

B-3.5 $GT \geq 5000$

D2(Performance Standard = PROCESS)

Those ships should comply with D2 standard as soon as the Convention will come into force.

Are there sufficient and efficient number of Equipment ready to be installed and functioning as per D2 ?

BWM Convention Uncertainties

Are there sufficient and efficient number of Equipment ready to be installed and functioning as per D2 ? How can we verify the proper functioning?

In theory YES

BWM.2/Circ.34/Rev.2 , 24 May 2013, “List of ballast water management systems that make use of Active Substances which received Basic or Final Approval”.

In Practice ?

BWM Convention Uncertainties

Declarations, Reservations and Statements

❖ The Republic of **Croatia** declares that the ships subject to regulation B-3.3 built in 2009 will not be required to comply with regulation D-2 until their second annual survey, but not later than 31 December 2011.

❖ **Denmark** : In the period between the entry into force of the Convention and 30 June 2015, Denmark will allow ships to choose between complying with the BW Exchange Standard in Regulation D-1 or the BW Performance Standard in Regulation D-2, except when discharging ballast water to a reception facility.

BWM Convention Uncertainties

Declarations, Reservations and Statements

❖ **France** declares that a ship subject to regulation B-3.3 constructed in 2009 will not be required to comply with regulation D-2 until its second annual survey, but will have to comply with it not later than 31 December 2011.

❖ **Sweden:** Due to geographical, hydrographical and hydrological conditions, Sweden cannot fully comply with the requirements regarding BW exchange, and will therefore not fully comply with the requirements of the said Convention until the year 2017. In addition, regulation B-3.3 will not be applied until the second yearly survey of ships, but at the latest by the end of December 2011.

BWM Convention Uncertainties

REGULATION B-3.6 – Does not Apply to Ships discharge BW to reception facilities.

What are the requirements for the provision of RF

Article 5 Sediment Reception Facilities

Each Party undertakes to ensure that, in ports and terminals designated by that Party where cleaning or repair of ballast tanks occurs, adequate facilities are provided for the reception of Sediments, taking into account the Guidelines developed by the Organization.

Is there an obligation for providing RF to Ports where cleaning or repair of ballast tanks does not occur ?

BWM Convention Uncertainties

Article 9 .1.c – Sampling: Resolution MEPC.173(58) -
Guidelines for Ballast Water Sampling

- SAMPLING FROM THE BALLAST WATER DISCHARGE LINE
- SAMPLING FROM BALLAST WATER TANKS
- SAMPLING AND ANALYSIS PROTOCOLS
- HEALTH AND SAFETY ASPECTS
- PART 6 RECOMMENDATION FOR A PSC BW SAMPLING KIT

Are samples collected representative ?

Sampling and D1 – How you prove compliance ?

Are PSC Officers in a position to take Samples?

Are there Accredited Laboratories for analyze samples ?

BWM Convention Uncertainties – Way forward

Is it possible to amend a Convention which has never entered into force ?

Examples of

- ✓ MARPOL ANNEX II (MARPOL 73/78.. DIPLOMATIC CONFERENCE)
- ✓ MARPOL ANNEX IV (Tacit Acceptance procedure .. Twice ! !)
- ✓ AFS Convention (similar case with fixed dates, UI at MEPC, no success)

BWM Convention Uncertainties – Way forward

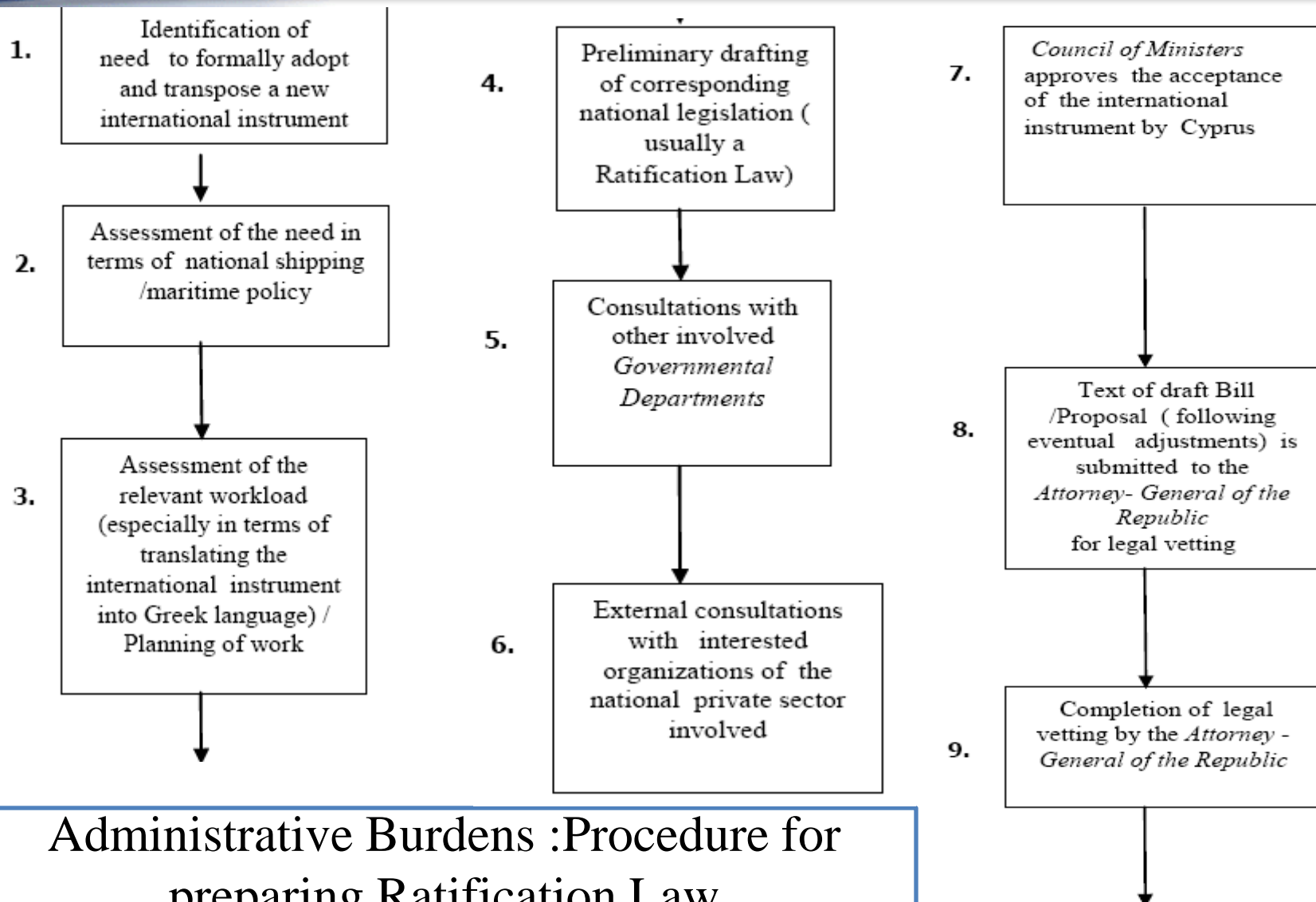
Is it possible to find an acceptable and legally binding way to solve the problem?

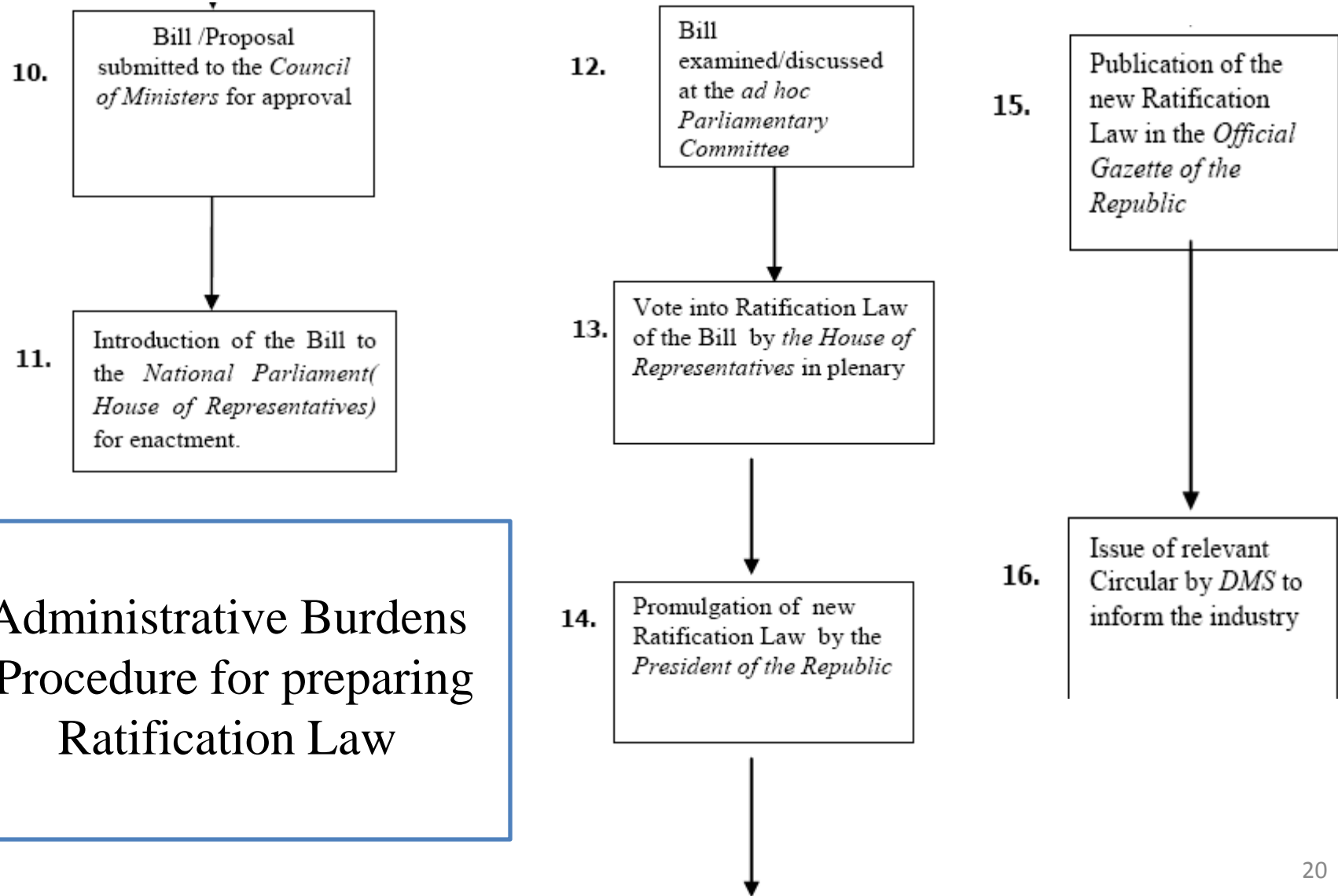
- ✓ BWM.2/Circ.29/Rev.1, 26.09.2011 “Clarification regarding the application dates contained in regulation B-3 of the BWM Convention”
- ✓ RESOLUTION MEPC.188(60), 24.03.2010 “Installation of BWM systems on new ships in accordance with the application dates contained in BWM convention.
- ✓ Resolution A.1005(25), 29.11.2007 “Application of the international convention for the control and management of ships’ ballast water and sediments, 2004”

International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)

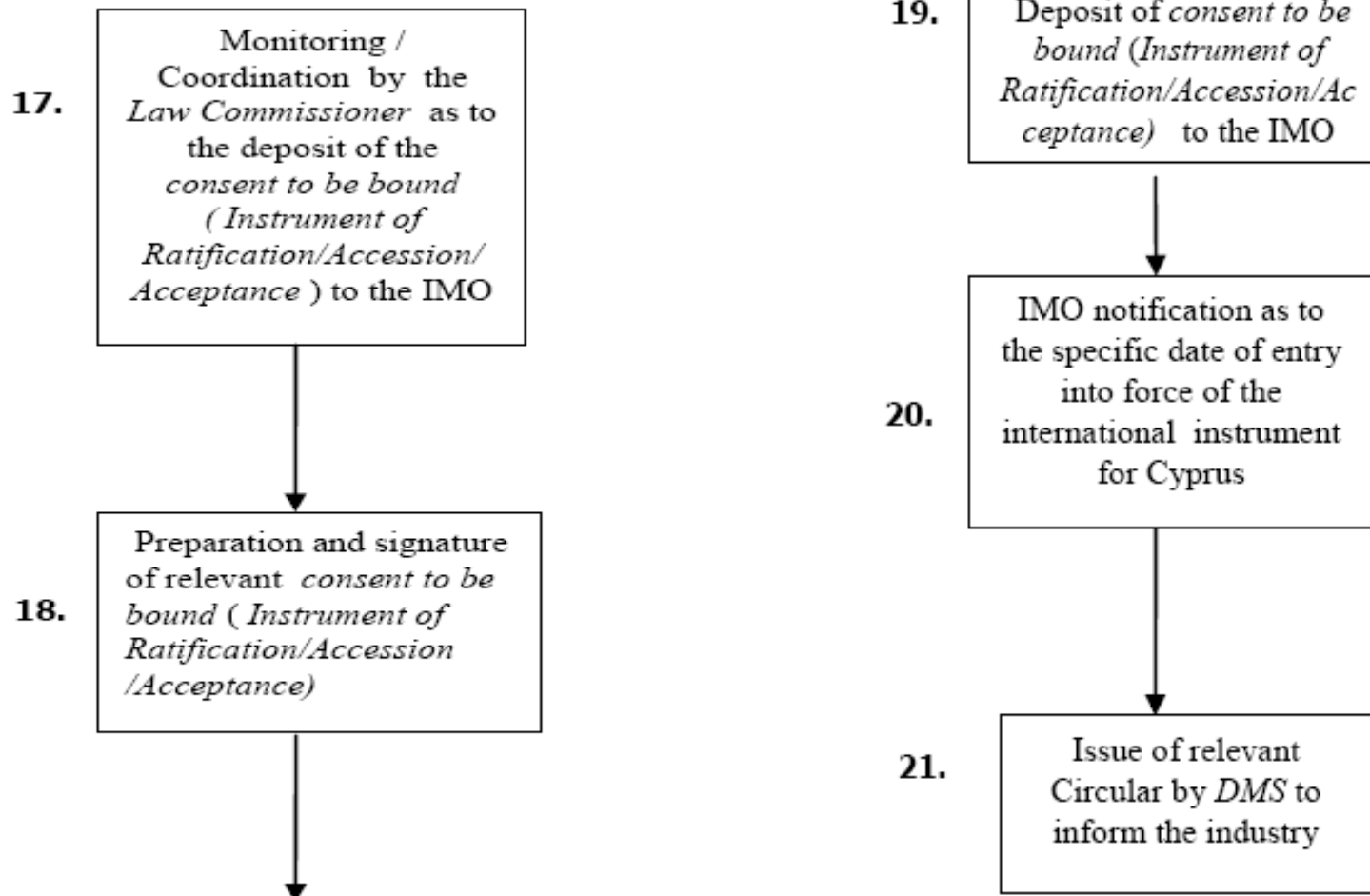
Administrative Burdens :

- ✓ Translation of BWM in our National Language
- ✓ Procedure for preparing Ratification Law
- ✓ Provisions to give full and complete effect to the Convention
- ✓ Status of Guidelines
- ✓ Provision of Reception Facilities
- ✓ Implementation of Regulation D-1 (Coastal State)





Administrative Burdens :Procedure for preparing Ratification Law



Administrative Burdens : Provisions to give full and complete effect to the Convention

- ✓ Training and Empowered of Flag and Port State Control Surveyors
- ✓ Violations: Proceedings, Sanctions (Administrative Penalties, Sanctions)
- ✓ Sampling (Training, Appropriate Equipment, Accredited Laboratories)
- ✓ Detection of violations and Control of Ships (Warn, Detained, Exclude)
- ✓ Delegation of Work (Recognized Organization)

Administrative Burdens : Status of Guidelines

Almost all of 14 Guidelines should be incorporated into National Legislation, otherwise a Party could not give full and Complete Effect to the provisions of the Convention and the Annex (Article 2.1 – General Obligations).

Infrastructure is needed for RF, Approval of BWM Systems (G8), to facilitate local industry, Sampling etc

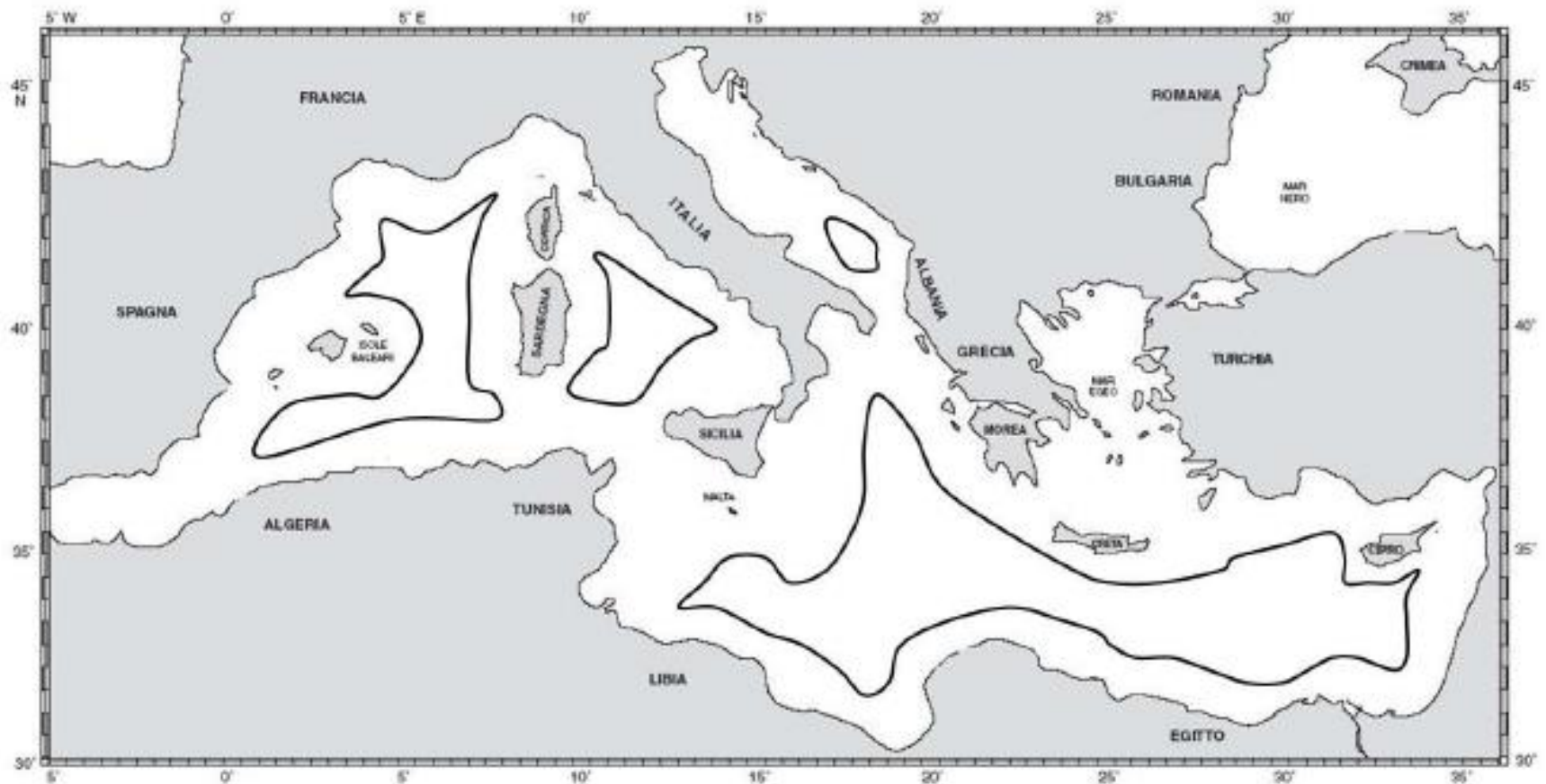
Administrative Burdens : Status of Guidelines

- ✓ MEPC.152(55) SEDIMENT RECEPTION FACILITIES (G1) [ART. 5]
- ✓ MEPC.173(58) BALLAST WATER SAMPLING (G2), [ART. 9.1.C]
- ✓ MEPC.123(53) BW MANAGEMENT EQUIVALENT COMPLIANCE (G3) [REG. A-5]
- ✓ MEPC.127(53) BW MANAGEMENT AND DEVELOPMENT OF BW MANAGEMENT PLANS (G4) [REG. B-1]
- ✓ MEPC.153(55) BW RECEPTION FACILITIES (G5), [REG. B-3.6]
- ✓ MEPC.124(53) BW EXCHANGE (G6), [REG. B-4.1.1]
- ✓ MEPC.162(56) RISK ASSESMENT UNDER REGULATION A-4 OF BWM CONVENTION (G7), [REG. A-4]
- ✓ MEPC.174(58) APPROVAL OF BWM SYSTEMS (G8), [REG. D-3.1]

Administrative Burdens : Status of Guidelines

- ✓ MEPC.169(57) PROCEDURE FOR APPROVAL OF BWM SYSTEMS THAT MAKE USE OF ACTIVE SUBSTANCE (G9), [REG. D-3.2]
- ✓ MEPC.140(54) APPROVAL AND OVERSIGHT OF PROTOTYPE BW TREATMENT TECHNOLOGY PROGRAMMES (G10), [REG. D-4]
- ✓ MEPC.149(55) BW EXCHANGE DESIGN AND CONSTRUCTION STANDARDS (G11), [REG. D-1]
- ✓ MEPC.206(63) DESIGN AND CONSTRUCTION TO FACILITATE SEDIMENT CONTROL ON SHIPS (G12), [REG. B-5.2]
- ✓ MEPC.161(56) ADDITIONAL MEASURES REGARDING BWM INCLUDING EMERGENCY SITUATIONS (G13), [REG. C]
- ✓ MEPC.151(55) DESIGNATION OF AREAS FOR BW EXCHANGE (G14), [REG. B-4.2]
- ✓ MEPC.206(62) PROCEDURE FOR APPROVING OTHER METHODS OF BWM IN ACCORDANCE WITH REGULATION B-3.7

Areas in the Mediterranean Sea meeting the requirements of Regulation B-4.1.2 of the BWM Convention (at least 50 NM from the nearest land in waters of at least 200 meters depth, **Implementation of Regulation D-1 (Coastal State)**)



International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)

When Republic of Cyprus will proceed with the Ratification, acceptance, approval or accession of BWM Convention ?

Thank You For Your Attention !!!!!

Any Comments / Questions

