

ANNEX 5

DRAFT BWM.2 CIRCULAR

**APPLICATION OF THE BWM CONVENTION TO SHIPS OPERATING IN SEA AREAS
WHERE BALLAST WATER EXCHANGE IN ACCORDANCE WITH
REGULATIONS B-4.1 AND D-1 IS NOT POSSIBLE**

1 The Marine Environment Protection Committee, at its seventy-first session (3 to 7 July 2017), approved the circular on Application of the BWM Convention to ships operating in sea areas where ballast water exchange in accordance with regulations B-4.1 and D-1 is not possible, as set out in the annex.

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

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WHERE BALLAST WATER EXCHANGE IN ACCORDANCE WITH REGULATIONS B-4.1
AND D-1 IS NOT POSSIBLE**

1 The purpose of this circular is to provide guidance on the application of the BWM Convention to ships operating in sea areas where ballast water exchange in accordance with regulation B-4.1 is not possible. This guidance is only applicable to ships which are not required to meet the ballast water performance standard, prior to its implementation schedule in accordance with regulation B-3.

2 The Committee recommends that, until the date a ship is required to meet the ballast water performance standard described in regulation D-2 (D-2 standard) in accordance with regulation B-3, a ship operating in a sea area where ballast water exchange in accordance with regulation B-4.1 and D-1 is not possible:

- .1 should not be required to meet the D-2 standard;
- .2 should not be required to meet the D-2 standard regardless if the ship does not comply with regulation B-3.6 (discharge to a ballast water reception facility), B-3.7 (Other methods) or A-4 (Exemptions) of the BWM Convention;
- .3 should not be required to proceed under regulation B-3.6, B-3.7 or A-4 of the BWM Convention; and
- .4 should record the reasons why ballast water exchange was not conducted in accordance with regulation B-4.5.

3 In cases where the port State has established designated areas for ballast water exchange in accordance with regulation B-4.2, regulation B-4.2 should be implemented as referred to in paragraph 10.3 of the *Guidelines on designation of areas for ballast water exchange* (G14) adopted by resolution MEPC.151(55):

- .1 the ship should comply with the terms of use for those areas provided by the port State. In case no terms of use are provided, the ship should not be

required to deviate from its intended voyage, or delay the voyage in order to conduct ballast water exchange; and

- .2 when a ship does not have sufficient time to carry out the exchange for all of its ballast water complying with the standard in regulation D-1, the ship, taking into account the Ballast Water Management plan, should comply with the terms of use for those areas provided by the port State in accordance with paragraph 10.3 of the Guidelines (G14).
