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To relevant departments of CCS Headquarters, CCS surveyors, plan approval centers, related shipowners, ship management companies, shipyards and design units

关于实施 IMO 《2004 年国际船舶压载水及沉积物控制和管理公约》
的信息通告

**Notice on Information regarding Implementation of IMO International
Convention for the Control and Management of Ships' Ballast Water and
Sediments, 2004**

国际海事组织在 2004 年 2 月召开的外交大会上通过了《2004 年国际船舶压载水及沉积物控制和管理公约》（以下简称压载水公约）。虽然目前压载水公约尚未生效，但该公约对现有船舶安装压载水管理系统有追溯要求。为方便业界及时了解公约生效及实施要求现状，现将相关信息通告如下，并附上压载水公约的中英文本，供参照实施。

The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (hereinafter referred to as the Ballast Water Convention) was adopted at a Diplomatic Conference at IMO held in February, 2004. Although the Ballast Water Convention has not yet entered into force, it contains retroactive requirements for installation of ballast water management systems on existing ships. The following information is notified to the industries for understanding the status quo in relation to the entry-into-force and implementation requirements of the Ballast Water Convention in a timely manner. Both the English and Chinese texts of the Ballast Water Convention are also attached for reference.

一、压载水公约生效条件及批准现状

I The condition for entry-into-force of the Ballast Water Convention and status quo of ratification

1. 生效条件：至少有 30 个国家加入，且其商船合计总吨位不少于世界商船总吨位的 35%，在达到上述生效条件后 12 个月生效。

1. The condition for entry-into-force: the Ballast Water Convention will enter into force twelve months after the date on which not less than thirty States, the combined merchant fleets of which constitute not less than thirty-five percent of the gross tonnage of the world's merchant shipping, have ratified it.

2. 批准情况：截止 2009 年 12 月 10 日，有 21 个国家已批准，占世界商船总吨位 22.63%。未达到生效条件。具体加入国家清单附后。

2. Status quo of ratification: As at 10 December 2009, 21 States, the combined merchant fleets of which constitute 22.63% of the gross tonnage of the world's merchant shipping, ratified the Ballast Water Convention. The condition for entry-into-force has not been satisfied. The list of States which has ratified it is attached as an Appendix below.

根据 IMO 及有关方面信息，预计在今后 1-2 年内将达到生效条件。

Based on the information from IMO and relevant parties, it is expected that the condition for entry-into-force will be satisfied in the next one or two years.

二、压载水公约对压载水管理的要求简述

II. Summary of requirements for ballast water management of the Ballast Water Convention

公约生效后，应：

1. 船舶应备有一份经批准的压载水管理计划和压载水记录簿。压载水管理计划的制定应参照 IMO 以 MEPC. 127 (53) 决议通过的压载水管理和制定压载水管理计划导则（G4 导则）。

After the Ballast Water Convention enters into force:

1. Each ship shall have on board a Ballast Water Management Plan and Ballast Water Record Book which shall be approved. The development of Ballast Water Management Plan should refer to Guidelines for Ballast Water Management and Development of Ballast Water Management Plan (G4) adopted by IMO through resolution MEPC.127 (53).

2. 船舶压载水的排放应分阶段符合下述标准：压载水置换标准（D-1 标准）或压载水性能标准（D-2 标准）：

2. The discharge of ballast water shall meet the following standards in stages: ballast water exchange standard (D-1 standard) or ballast water performance standard (D-2 standard):

D-1/D-2 标准的公约规定实施日期

建造日期（年）	压载水容量*（m ³ ）	D1 或 D2 标准实施日期	D2 标准强制实施日期
2009 年前	1500-5000	2014 年前	2014 年**
	<1500 or >5000	2016 年前	2016 年
2009 年及以后	<5000		2009 年***
2009 年及以后但在 2012 年前	≥5000	2016 年前	2016 年**
2012 年及以后	≥5000		2012 年

Date of implementation of D-1 / D-2 standard as prescribed by the Ballast Water Convention

Date of construction (year)	Ballast Water Capacity* (m ³)	Date of implementation of D-1 or D-2 standard	Date of mandatory implementation of D-2 standard
Before 2009	1500-5000	Until 2014	by 2014**
	<1500 or >5000	Until 2016	by 2016
In or after 2009	<5000		by 2009***
In or after 2009, but before 2012	≥5000	Until 2016	by 2016**
In or after 2012	≥5000		by 2012

注：

Note:

* 上述提及的“压载水容量”系指船上用于承载、装填或排放压载水的任何液舱、处所或舱室，包括被设计成允许承载压载水的任何多用途液舱、处所或舱室的总体积容量。

* “Ballast Water Capacity” mentioned above means the total volumetric capacity of any tanks, spaces or compartments on a ship used for carrying, loading or discharging Ballast Water, including any multi-use tank, space or compartment designed to allow carriage of Ballast Water.

** 对于 2009 年前建造的船舶，和 2009 年及以后但在 2012 年前建造的压载水容量 $\geq 5000\text{ m}^3$ 的船舶，上表“D2 标准强制实施日期”栏中注明的“2014 年”和“2016 年”为：该船舶应在不迟于其 2014 年或 2016 年的交船周年日之后的首次期间或换证检验（取早者）时满足 D-2 标准的要求。

**For a ship constructed before 2009 or a ship constructed in or after 2009, but before 2012, with a Ballast Water Capacity of 5,000 cubic metres or more, “by 2014” and “by 2016” indicated in the column of “Date of mandatory implementation of D-2 standard” of the above table means that the ship shall meet D-2 standard 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 2014 or 2016.

*** 考虑到压载水处理技术及经型式认可的系统的可获得性，IMO 在 A25 大会上通过了 A. 1005(25) 决议，对 2009 年建造的压载水容量小于 5000 m^3 的船舶，推迟安装压载水管理系统：根据主管机关决定，对 2009 年间建造的船舶，在其第二个年度检验但不迟于 2011 年 12 月 31 日前，将不要求一定安装压载水管理系统。

*** Considering the availability of ballast water treatment technologies and type-approved systems, resolution A.1005 (25) was adopted by IMO at its 25th Assembly to delay the installation of ballast water management systems on ships constructed in 2009 with a Ballast Water Capacity of less than 5,000 cubic metres. At

the discretion of the Administration, a ship constructed in 2009 will not be required to install ballast water management systems until its second annual survey, but not later than 31 December 2011.

3. D-1 标准要求

进行压载水交换的船舶，应满足公约第 D-1 条的压载水交换标准。压载水容积的交换率应至少为 95%；或对每个压载舱应注入并排出三倍容积的压载水量。参见公约第 D-1 条。

3. Requirements of D-1 standard

Ships performing ballast water exchange shall meet the ballast water exchange standard of Regulation D-1 of the Ballast Water Convention. Ships exchanging ballast water shall do so with an efficiency of at least 95 percent volumetric exchange of ballast water, or pumping through three times the volume of each ballast water tank shall be considered. See Regulation D-1 of the Ballast Water Convention.

4. D-2 标准要求

- (1) 每立方米中最小尺寸大于或等于 50 微米的可生存生物少于 10 个；
- (2) 每毫升中最小尺寸小于 50 微米但大于或等于 10 微米的可生存生物少于 10 个；
- (3) 排放的指示微生物不应超过如下规定的浓度：
 - .1 每 100 毫升小于 1cfu 的有毒霍乱弧菌（01 和 0139）（cfu=菌落形成单位）或小于 1 cfu 1 克的浮游动物样品（湿重）
 - .2 每 100 毫升 250 cfu 的大肠杆菌
 - .3 每 100 毫升 100 cfu 的肠道球菌

4. Requirements of D-2 standard

- (1) less than 10 viable organisms per cubic metre greater than or equal to 50 micrometres in minimum dimension;
- (2) 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;
- (3) discharge of the indicator microbes shall not exceed the specified concentrations described below:

- .1 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;
- .2 *Escherichia coli* less than 250 cfu per 100 millilitres;
- .3 Intestinal Enterococci less than 100 cfu per 100 milliliters.

三、注意事项

III. Considerations

1. 为符合 D-2 标准，船舶须安装由主管机关依据 IMO 制定的《压载水管理系统批准导则》（G8 导则）（MEPC 174（58））认可的压载水管理系统。

1. In order to meet D-2 standard, ballast water management systems which are approved by the Administration in accordance with Guidelines for Approval of Ballast Water Management Systems (MEPC 174(58)) must be installed on ships.

2. 在压载水公约生效前，公约中规定的 D-2 标准实施日期（上述二、2.）不具强制性。但应注意到，一旦公约生效，凡实施时间表中规定的适用船舶必须追溯安装压载水管理系统。例如，在 2009 年建造的压载舱容量小于 5000 m³ 的船舶，虽然 A.1005(25) 决议允许主管机关根据情况推迟安装压载水管理系统，但仍要求不迟于 2011 年 12 月 31 日前安装，这就有可能造成这些船舶需专门安排一次进坞以安装压载水管理系统。

2. Before the entry-into-force of the Ballast Water Convention, the date of implementation of D-2 standard (mentioned in sub-paragraph 2 of paragraph II above) is not mandatory. It is to be noted that once the Ballast Water Convention enters into force, the applicable ships as prescribed in the implementation timetable must have ballast water management systems installed retroactively onboard. E.g., according to resolution A.1005 (25), the Administration is allowed to delay the installation of ballast water management systems on ships constructed in 2009 with a Ballast Water Capacity of less than 5,000 cubic metres as the case may be, but not later than 31 December 2011, thus it is likely that a special dry-docking needs to be arranged for such ships for installation of ballast water management systems.

3. 无论是新造船或现有船，如建造时船上主发电设备的容量未考虑压载水处理设备的电力负荷，安装压载水处理设备后，有可能导致主发电设备的容量不能满足 SOLAS 公约的要求。因此船东对此应尽早安排、准备。

3. Irrespective of newbuildings or existing ships, if the power load of ballast water treatment equipment has not been considered in the capacity of main generating equipment on board the ship during construction, it is likely that the capacity of main generating equipment will fail to comply with requirements of SOLAS after the installation of ballast water treatment equipment, and therefore shipowners should make arrangement and preparation as early as practicable.

3. 由于压载水公约尚未生效，对于新造船，尚不能作为强制性要求。但由于安装压载水管理系统需要综合考虑安装空间、位置、系统所需的功率消耗等影响因素，追溯安装有一定的难度。因此建议船东、设计院所、造船厂及CCS审图中心等相关单位对2010年及以后的新造船考虑安装压载水管理系统，或为船舶后续安装进行相应准备。如，压载水处理设备的安装空间、主发电设备预留压载水处理设备的功率等。

4. As the Ballast Water Convention has not yet entered into force, it may not be used as mandatory requirements for newbuildings. However there is a certain difficulty to install ballast water management systems for traceability, because of the need to take into consideration such factors as installation space, position and power consumption required by the system in a comprehensive manner. Therefore it is recommended that shipowners, design units, shipyards, CCS plan approval centers and related units consider the installation of ballast water management systems on newbuildings constructed in and after 2010, or make preparations for subsequent installation on ships, e.g., installation space of ballast water treatment equipment, the power of ballast water treatment equipment reserved in the main generating equipment, etc.

本通函在本社网站（www.ccs.org.cn）上发布，并由各分社转发所辖区域内的相关船东、船舶管理公司、船厂和船舶设计单位

This Circular is available on www.ccs.org.cn and forwarded by each branch to relevant shipowners, ship management companies, shipyards and ship design units

within its business area.

附录 加入压载水公约的国家清单（截止2009年12月15日）

Appendix List of States which ratified the Ballast Water Convention (until 15
December 2009)

阿尔巴尼亚Albania、安提瓜岛和巴布达岛Antigua and Barbuda、巴巴多斯岛
Barbados、埃及Egypt、法国France、肯尼亚Kenya、基里巴斯Kiribati、利比里亚
Liberia、马尔代夫Maldives、马绍尔群岛Marshall Islands、墨西哥Mexico、尼日
利亚Nigeria、挪威Norway、韩国Republic of Korea、Saint Kitts and Nevis、塞拉
利昂Sierra Leone、南非South Africa、西班牙Spain、瑞典Sweden、叙利亚共和国
Syrian Arab Republic、图瓦卢Tuvalu

附件一：2004 年国际船舶压载水及沉积物控制和管理公约

**Annex 1: The International Convention for the Control and Management of
Ships' Ballast Water and Sediments, 2004**

2004 年国际船舶压载水和沉积物控制和管理公约

本公约各当事国，

忆及《1982 年联合国海洋法公约》(UNCLOS)第 196(1)条规定：“各国应采取一切必要措施以防止、减少和控制由于在其管辖或控制下使用技术而造成的海洋环境污染，或由于故意或偶然在海洋环境某一特定部分引进外来的或新物种致使海洋环境可能发生重大和有害的变化，”

注意到《1992 年生物多样性公约》(CBD)的目标和通过船舶压载水转移和引入有害水生物和病原体威胁到生物多样性的保护和可持续使用以及 1998 年 CBD 当事国会议(COP 4)关于海洋和沿海生态系统的保护和可持续使用的第 IV/5 号决定和 2002 年 CBD 当事国会议(COP 6)关于威胁生态系统、生境或物种的外来物种的第 VI/23 号决定，包括有关侵入种的指导原则，

还注意到 1992 年联合国环境与发展会议(UNCED)要求国际海事组织（本组织）审议通过有关压载水排放的适当规则，

考虑到《环境与发展里约宣言》第 15 条原则中所述的和本组织海洋环境保护委员会于 1995 年 9 月 15 日通过的第 MEPC 67(37)号决议中提及的预防办法，

还考虑到 2002 年可持续发展问题世界首脑会议在其执行计划的第 34(b)款中要求采取所有级别的行动，加速制定处理压载水中侵入外来种的措施，

意识到船舶压载水和沉积物的无节制排放已经导致有害水生物和病原体的转移，对环境、人体健康、财产和资源造成损伤或损害，

认识到本组织透过为处理有害水生物和病原体转移的目的而通过的 1993 年第 A.774(18)号和 1997 年第 A.868(20)号大会决议对此问题所给予的重视，

还认识到若干国家业已采取旨在防止、尽量减少和最终消除通过进入其港口的船舶而引入有害水生物和病原体的风险的单方行动；该问题，因其世界范围的关切，要求基于全球适用的规则及其有效实施和统一解释的指南的行动，

希望继续制定将导致持续防止、尽量减少和最终消除有害水生物和病原体转移的更安全和更有效的压载水管理选择方案，

决定通过船舶压载水和沉积物控制和管理来防止、尽量减少和最终消除有害水生物和病原体的转移对环境、人体健康、财产和资源引起的风险，并避免此种控制造成的有害副作用和鼓励相关知识和技术的发展，

认为缔结《国际船舶压载水和沉积物控制和管理公约》可以最好地实现这些目标，

兹协议如下：

第 1 条

定义

除另有明文规定者外，就本公约而言：

- 1 “主管机关”系指船舶在其管辖下营运的国家的政府。对于有权悬挂某一国家国旗的船舶而言，主管机关关系指该国政府。对于从事勘探和开发沿海国对其自然资源的勘探和开发行使主权的沿海附近的海床和底土的浮动平台，包括浮动储藏装置(FSU)和浮动生产、储藏和卸载装置(FPSO)而言，主管机关关系指有关的沿海国政府。
- 2 “压载水”系指为控制船舶纵倾、横倾、吃水、稳性或应力而在船上摄入的水及其悬浮物。
- 3 “压载水管理”系指旨在消除、无害处置、防止摄入或排放压载水和沉积物中的有害水生物和病原体的机械、物理、化学和生物的统一或综合方法。
- 4 “证书”系指“国际压载水管理证书”。
- 5 “委员会”系指本组织海洋环境保护委员会。
- 6 “公约”系指《国际船舶压载水和沉积物控制和管理公约》。
- 7 “总吨位”系指按照《1969 年国际船舶吨位丈量公约》附件 I 或任何后继公约中所载吨位丈量规则计算的总吨位。
- 8 “有害水生物和病原体”系指如被引入海洋，包括河口，或引入淡水水道则可能危害环境、人体健康、财产或资源、损害生物多样性或妨碍此种区域的其它合法利用的水生物或病原体。
- 9 “本组织”系指国际海事组织。
- 10 “秘书长”系指本组织秘书长。

11 “沉积物”系指船内压载水的沉淀物质。

12 “船舶”系指凡在水环境中运行的任何类型的船舶，包括潜水器、浮动器具、浮动平台、FSU 和 FPSO。

第 2 条

一般义务

1 各当事国承诺充分和全面实施本公约及其附件的各项规定，以便通过船舶压载水和沉积物控制和管理来防止、尽量减少和最终消除有害水生物和病原体的转移。

2 附件为本公约的组成部分。除另有明文规定者外，在提及本公约时即提及其附件。

3 本公约的任何规定均不得解释为禁止某一当事国单独地或与其它当事国一起按照国际法采取更严格措施，通过船舶压载水和沉积物的控制和管理来防止、减少或消除有害水生物和病原体的转移。

4 各当事国应努力为有效实施、遵守和执行本公约进行合作。

5 各当事国承诺鼓励继续制定旨在通过船舶压载水和沉积物控制和管理来防止、尽量减少和最终消除有害水生物和病原体的转移的压载水管理和标准。

6 依照本公约采取行动的各当事国应努力不损伤或损害本国或其它国家的环境、人体健康、财产或资源。

7 各当事国应确保为符合本公约而使用的压载水管理做法对其本国或其它国家的环境、人体健康、财产或资源所造成的损害不大于其所防止者。

8 各当事国应鼓励本公约适用的、有权悬挂其国旗的船舶尽可能避免摄入带有潜在有害水生物和病原体的压载水以及可能含有此类生物的沉积物，包括促进本组织制定的建议书的充分实施。

9 各当事国应在本组织的倡导下努力合作，以便在压载水管理的国家管辖范围之外的地区中处理对敏感、脆弱或受到威胁的海洋生态系统和生物多样性的威胁和风险。

第 3 条

适用范围

1 除本公约中另有明文规定者外，本公约应适用于：

- (a) 有权悬挂某一当事国国旗的船舶；和
- (b) 无权悬挂某一当事国国旗但在某一当事国管辖下营运的船舶。

2 本条不应适用于：

- (a) 设计或建造成不承载压载水的船舶；
- (b) 仅在某一当事国管辖水域内营运的该当事国的船舶，除非该当事国确定此类船舶的压载水排放会损伤或损害本国、相邻或其它国家的环境、人体健康、财产或资源；
- (c) 仅在某一当事国管辖水域内营运、此种免除需经该当事国授权的另一当事国的船舶。如果此种授权会损伤或损害本国、相邻或其它国家的环境、人体健康、财产或资源，则任何当事国不得给予此种授权。不给予此种授权的任何当事国应向有关船舶的主管机关作出本公约适用于该船的通知；
- (d) 仅在一个当事国的管辖水域内和在公海上营运的船舶，但不包括未根据第(c)项给予授权的船舶，除非此当事国确定此类船舶的压载水排放会损伤或损害本国、相邻或其它国家的环境、人体健康、财产或资源；
- (e) 任何军舰、海军辅助船或由国家拥有或营运并在其时仅用于政府非商业服务的其它船舶。但是，每一当事国应通过采用不损害其拥有或经营的此类船舶的作业或能力的适当措施，确保此类船舶在合理和可行时以符合本公约的方式行动；和
- (f) 船上密封舱柜中的不排放的永久性压载水。

3 对于非本公约当事国的船舶，当事国应应用本公约的必要要求，以确保不给予此类船舶更为优惠的待遇。

第 4 条

控制有害水生物和病原体通过船舶压载水和沉积物转移

1 每一当事国应要求：本公约适用的、有权悬挂其国旗或在其管辖下营运的船舶应符合本公约中所载的要求，包括附件的适用标准和要求，并应采取有效措施确保这些船舶符合这些要求。

2 每一当事国应在充分考虑其具体条件和能力的情况下为其管辖港口和水域内的压载水管理制定符合和促进达到本公约目标的国家政策、战略或方案。

第 5 条

沉积物接收设备

1 每一当事国承诺确保在该当事国指定的进行压载水舱清洁或修理的港口和码头提供足够的沉积物接收设备，并计及本组织制定的指南。此类接收设备的运营不应造成船舶的不当迟延，并确保此类沉积物的不损伤或损害本国或其它国家的环境、人体健康、财产或资源的安全处置。

2 每一当事国应根据第 1 款提供的设备被指称为不足的所有情况通知本组织，以便转告其它有关当事国。

第 6 条

科学技术研究和监测

1 各当事国应单独地或联合地努力：

- (a) 促进和便利压载水管理方面的科学技术研究；和
- (b) 监测其管辖水域的压载水管理的效果；

此种研究和监测应包括对任何技术或方法的有效性和负面影响以及对被确定为是通过船舶压载水转移的此类水生物和病原体造成的任何负面影响进行观察、测量、取样、评估和分析。

2 每一当事国为推进本公约的目标，应促进向要求信息的其它当事国提供下列相关信息：

- (a) 压载水管理的科学技术方案和技术措施；和
- (b) 任何监测和评定方案衍生的压载水管理的有效性。

第 7 条

检验和发证

1 每一当事国应确保悬挂其国旗或在其管辖下营运并需接受检验和发证的船舶按附件中的规定进行检验和发证。

2 按照第 2.3 条和附件第 C 节实施措施的当事国不应对另一当事国的船舶要求额外检验和发证，该船舶的主管机关也无义务对另一当事国要求的额外措施进行检验和证实。核实此类额外措施应是实施此类措施的当事国的责任，并不应造成船舶的不当迟延。

第 8 条

违犯事件

1 应禁止对本公约要求的任何违犯；无论违犯事件在何处发生，均应根据有关船舶的主管机关的法律确定处罚。如果主管机关得知此种违犯事件，则应对此事件进行调查，并可要求报告的当事国提供被指称的违犯事件的额外证据。如果主管机关确信有充分证据对被指称的违犯事件提起诉讼，则应按照其法律促使尽快提起此种诉讼。主管机关应将所采取的任何行动立即通知报告被指称的违犯事件的当事国以及本组织。如果主管机关在收到信息后一年内未采取任何行动，则其应将此情况通知报告被指称的违犯事件的当事国。

2 禁止在任何当事国的管辖范围内对本公约要求的任何违犯，并应根据该当事国的法律确定处罚。每当发生此种违犯事件时，该当事国均应：

- (a) 按照其法律促使提起诉讼；或
- (b) 向该船的主管机关提供其可能掌握的业已发生违犯事件的信息和证据。

3 当事国法律根据本条规定的处罚应有足够的严厉性，以阻止在任何地方发生对本公约的违犯。

第 9 条

船舶检查

1 本公约适用的某一船舶，当在另一当事国的任何港口或离岸码头中时，可能要接受该当事国经正式授权的官员的检查，以确定该船是否符合本公约。除本条第 2 款规定者外，任何此种检查均应限于：

- (a) 核实船上持有有效证书；如其有效，则应被接受；和
- (b) 检查压载水记录簿，和 / 或
- (c) 按照本组织将要制定的指南，进行船舶压载水取样。但是，分析样品所需的时间不得被用作不适当地迟延船舶的操作、运动或离开的根据。

2 如果某一船舶未持有有效证书或有明确根据认为：

- (a) 船舶或其设备的状况与证书的细目有重大不符；或

(b) 船长或船员不熟悉压载水管理的重要船上程序或未执行此类程序；

则可进行详细检查。

3 在本条第 2 款规定的情况下，进行检查的当事国应采取步骤确保该船在未能做到排放压载水而不会对环境、人体健康、财产或资源形成损害威胁前不得进行此种排放。

第 10 条

对违犯事件的侦查和对船舶的控制

1 各当事国应在侦查违犯事件和执行本公约规定方面进行合作。

2 如果侦查到某一船舶违犯了本公约，则船舶有权悬挂其国旗的当事国和 / 或船舶在其港口或离岸码头作业的当事国，除第 8 条所述的任何处罚或第 9 条所述的任何行动外，还可采取步骤警告、扣押或驱逐该船。但是，该船在其港口或离岸码头作业的当事国可允许此种船舶离开港口或离岸码头，以便排放压载水或驶往最近的适当修理厂或接收设备，条件是这样做不会有危害环境、人体健康、财产或资源的威胁。

3 如果第 9.1(c)条中所述的取样导致表明该船对环境、人体健康、财产或资源构成威胁的结果或证实从另一港口或离岸码头收到的此种信息，则该船在其水域营运的当事国应禁止此种船舶排放压载水，直至该威胁消除。

4 如果某一当事国收到任何当事国的调查要求并有船舶正以或曾以违犯本公约规定的方式营运的充分证据，则亦可在该船进入其管辖的港口或离岸码头时对其进行检查。此种调查的报告应送交要求调查的当事国和有关船舶的主管机关的主管当局，以便采取适当行动。

第 11 条

控制行动的通知

1 如果依照第 9 或 10 条进行的检查表明有违犯本公约的情况，则应通知该船。报告，包括违犯的任何证据，应提交给主管机关。

2 如果依照第 9.3、10.2 或 10.3 条采取了任何行动，则采取此种行动的官员应将该行动被视为必需的所有情况立即书面通知有关船舶的主管机关或者，如果这样做不可能，有关船舶的领事或外交代表。此外，还应通知负责颁发证书的经认可组织。

3 如果有关的港口国当局不能够采取第 9.3、10.2 或 10.3 条规定的行动，或如果该船已经获准驶往下一个停靠港，则除第 2 款提及的各方外，还应将所有有关该违犯事件的信息通知下一个停靠港。

第 12 条

船舶的不当迟延

1 应作出一切可能的努力，避免根据第 7.2、8、9 或 10 条使船舶被不当扣押或迟延。

2 当船舶根据第 7.2、8、9 或 10 条被不当扣押或迟延时，它应有权对所蒙受的任何损失或损害要求赔偿。

第 13 条

技术援助、合作和区域合作

1 各当事国承诺，视情直接或通过本组织和其它国际机构，在船舶压载水和沉积物控制和管理方面，向要求技术援助的当事国提供下述支持：

- (a) 培训人员；
- (b) 确保提供相关的技术、设备和设施；
- (c) 启动联合研究和开发方案；和
- (d) 采取旨在有效实施本公约和本组织制定的相关指导的其它行动。

2 各当事国承诺，根据其国家法律、规则和政策，在转让船舶压载水和沉积物的控制和管理技术方面积极进行合作。

3 为促进本公约的目标，对保护某一特定地理区域内的环境、人体健康、财产和资源具有共同利益的各当事国，特别是那些毗邻围闭或半围闭海域的当事国，应计及特有的区域特征，努力加强区域合作，包括通过缔结与本公约相符的区域协议。各当事国应寻求与各区域协议的当事国合作，制定协调的程序。

第 14 条

信息通报

1 每一当事国应向本组织报告并在适当时向其它当事国提供下述信息：

- (a) 有关压载水管理的任何规定和程序，包括其法律、规则和本公约的实施指南；

- (b) 用于压载水和沉积物环境安全处置的任何接收设备的配备和位置；和
- (c) 因附件第 A-3 和 B-4 条中所述的原因不能够符合本公约的规定的船舶的任何信息要求。

2 本组织应根据本条收到的任何通报通知各当事国，并将根据本条第 1(b)和(c)项向其通报的任何信息发给所有当事国。

第 15 条

解决争端

各当事国应以谈判、调查、调停、调解、仲裁、司法解决、求助区域机构或协议或自己选择的其它和平手段解决它们之间有关本公约的解释或应用的任何争端。

第 16 条

与国际法和其它协议的关系

本公约中的任何规定均不应损害《联合国海洋法公约》反映的国际惯例法规定的任何国家的权利和义务。

第 17 条

签署、批准、接受、核准和加入

1 本公约应从 2004 年 6 月 1 日至 2005 年 5 月 31 日在本组织总部开放供签署，此后仍应开放供任何国家加入。

2 各国可以下列方式成为本公约的当事国：

- (a) 签署并对批准、接受或核准无保留；或
- (b) 签署而有待批准、接受或核准，随后予以批准、接受或核准；或
- (c) 加入。

3 批准、接受、核准或加入应通过向秘书长交存有关文件作出。

4 如果一国包含两个或更多对本公约中处理的事项适用不同法律制度的领土单元，则它可在签署、批准、接受、核准或加入时声明：本公约应适用于其所有领土单元，或仅适用于其中一个或多个单元，并可随时通过提交另一个声明对该声明加以修改。

5 任何此种声明均应书面通知保管人，并应明确说明本公约适用的一个或多个领土单元。

第 18 条

生效

1 本公约应在其合计商船队不少于世界商船总吨位百分之三十五的至少三十个国家签署了公约并对批准、接受或核准无保留或按第 17 条交存了必要的批准、接受、核准或加入文件之日后十二个月生效。

2 对于在达到本公约生效要求后但在生效日期前交存本公约的批准、接受、核准或加入文件的国家，批准、接受、核准或加入应在本公约生效之日生效或在交存文件之日后三个月生效，以晚者为准。

3 在本公约生效之日后交存的任何批准、接受、核准或加入文件，应在交存之日后三个月生效。

4 在本公约某一修正案根据第 19 条视为已被接受之日后交存的任何批准、接受、核准或加入文件，应适用于经修正的本公约。

第 19 条

修正案

1 可根据下列各款规定的任一程序对本公约进行修正。

2 在本组织内作出审议后的修正案：

(a) 任何当事国均可提议本公约的修正案。提议的修正案应提交给秘书长，然后应由秘书长在对其审议前至少六个月将其分发给各当事国和本组织会员。

(b) 按上述规定提议和分发的修正案应提交给委员会审议。当事国，不论是否为本组织会员国，均应有权参与委员会审议和通过修正案的工作。

(c) 修正案应由在委员会中出席并参加表决的当事国的三分之二多数通过，但在表决时应有至少三分之一的当事国出席。

(d) 按照第(c)项通过的修正案应由秘书长通知各当事国供接受。

(e) 在下列情况下修正案应视为已被接受：

- (i) 本公约某一条款的修正案应在三分之二的当事国向秘书长作出了接受通知之日视为已被接受。
 - (ii) 附件的修正案应在通过之日后十二个月届满时或委员会确定的其它日期视为已被接受。但是，如果到该日期，有超过三分之一的当事国通知秘书长它们反对该修正案，则其应视为未被接受。
- (f) 在下列情况下修正案应生效：
- (i) 本公约某一条款的修正案应在其按照第(e)(i)项视为已被接受之日后六个月对已声明接受该修正案的当事国生效。
 - (ii) 附件的修正案应在其视为已被接受之日后六个月对所有当事国生效，但下列任何当事国除外：
 - (1) 按第(e)(ii)项通知反对该修正案并且未撤销此种反对的当事国；或
 - (2) 在此修正案生效前通知秘书长：该修正案仅应在以后作出接受通知后对其生效的当事国。
- (g) (i) 根据第(f)(ii)(1)项作出反对通知的当事国可在以后向秘书长作出接受该修正案的通知。此种修正案应在其作出接受通知之日后六个月或在该修正案的生效之日，以晚者为准，对此种当事国生效。
- (ii) 如果作出第(f)(ii)(2)项所述通知的当事国向秘书长作出接受某一修正案的通知，则此种修正案应在其作出接受通知之日后六个月或在该修正案生效之日，以晚者为准，对此种当事国生效。

3 会议作出的修正：

- (a) 经某一当事国要求并获得至少三分之一的当事国赞同时，本组织应召开当事国会议审议本公约的修正案。
- (b) 由此种会议经出席并参加表决的当事国的三分之二多数通过的修正案应由秘书长通知所有当事国供接受。
- (c) 除会议另有决定者外，该修正案应分别按第 2(e)和(f)款中规定的程序视为已被接受和生效。

4 拒绝接受附件的某一修正案的任何当事国，仅应就该修正案的实施而言，被视为非当事国。

5 本条规定的任何通知均应书面向秘书长作出。

6 秘书长应将下列事项通知各当事国和本组织各会员：

(a) 生效的任何修正案及其普遍和对每一当事国的生效日期；和

(b) 根据本条作出的任何通知。

第 20 条

退出

1 任何当事国，在从本公约对该当事国生效之日起算的两年届满后，可随时退出本公约。

2 退出应以向保管人提交书面通知的方式作出，在收到通知后一年或通知中可能规定的更长期限生效。

第 21 条

保管人

1 本公约应由秘书长保管。秘书长应将本公约的核证副本发送签署或加入本公约的所有国家。

2 除本公约其它部分规定的职责外，秘书长还应：

(a) 将下列事项通知签署或加入本公约的所有国家：

(i) 每一新的签署或批准、接受、核准或加入文件的交存及其日期；

(ii) 本公约的生效日期；和

(iii) 本公约的任何退出文件的交存及其收到日期和退出生效日期；和

(b) 本公约一经生效，即按《联合国宪章》第 102 条将其文本发送联合国秘书处供登记和公布。

第 22 条
语文

本公约正本一份，以阿拉伯文、中文、英文、法文、俄文和西班牙文写成，每一文本具有同等效力。

二零零四年二月十三日订于伦敦。

下列具名者，均经各自政府正式授权，特签署本公约，以昭信守。

附件

船舶压载水和沉积物控制和管理规则

第 A 节 — 总则

第 A-1 条 定义

就本附件而言：

- 1 “周年日”系指与证书失效日期相应的每一年的月份和日期。
- 2 “压载水容量”系指船上用于承载、装填或排放压载水的任何液舱、处所或舱室，包括被设计成允许承载压载水的任何多用途液舱、处所或舱室的总体积容量。
- 3 “公司”系指船舶的所有人或诸如管理人或光船承租人等接受船舶所有人的船舶营运责任并在接受此种责任时同意接受《国际安全管理规则》¹规定的所有职责和责任的任何其它组织或个人。
- 4 “建造的”，就船舶而言，系指以下建造阶段：
 - .1 安放龙骨；或
 - .2 开始可认同为特定船舶的建造；或
 - .3 开始包括至少 50 吨或所有结构材料的预计质量的百分之一的船舶组装，取较小者；或
 - .4 船舶进行重大改建。
- 5 “重大改建”系指：
 - .1 压载水承载能力的改变达到 15% 或更大的船舶改建；或
 - .2 改变船型的船舶改建；或
 - .3 主管机关认为旨在将船舶寿命延长十年或更长时间的船舶改建；或
 - .4 造成压载水系统的修改而非相同部件更换的船舶改建。就本附件而言，为符合第 D-1 条规定的船舶改建不应视为构成重大改建。

¹ 参看本组织以经修正的第 A.741(18)号决议通过的《ISM 规则》。

6 “距最近陆地”系指距按国际法确定所述领土之领海的基线，但，就本公约而言，“距”澳大利亚东北海岸外的“最近陆地”系指距在澳大利亚海岸沿下列位置点划出的一条线：

从南纬 11°00' 、东经 142°08'
至南纬 10°35' 、东经 141°55'
再至南纬 10°00' 、东经 142°00'
再至南纬 9°10' 、东经 143°52'
再至南纬 9°00' 、东经 144°30'
再至南纬 10°41' 、东经 145°00'
再至南纬 13°00' 、东经 145°00'
再至南纬 15°00' 、东经 146°00'
再至南纬 17°30' 、东经 147°00'
再至南纬 21°00' 、东经 152°55'
再至南纬 24°30' 、东经 154°00'
再至南纬 24°42' 、东经 153°15' 。

7 “活性物质”系指对“有害水生物和病原体”有一般或特定作用或有一般或特定抵抗作用的物质或生物，包括病毒或真菌。

第 A-2 条 **一般适用性**

除另有明文规定者外，压载水排放只应按本附件的规定通过压载水管理进行。

第 A-3 条 **例外情况**

第 B-3 条的要求或当事国根据第 2.3 条和第 C 节采取的任何措施不应适用于：

- 1 为确保紧急情况下的船舶安全或海上人命救助所必需的压载水和沉积物的摄入或排放；或
- 2 船舶或其设备损坏引起的压载水和沉积物的意外排放或进入：
 - .1 但应在发生损害或发现损害或排放之前和之后采取了一切合理的预防措施来防止或尽量减少排放；和
 - .2 除非所有人、公司或负责高级船员有意或鲁莽地造成损坏；或
- 3 在为避免或尽量减少船舶污染事故而使用时的“压载水和沉积物”的摄入和排放；或

- 4 同一压载水和沉积物在公海上的摄入和此后的排放；或
- 5 压载水和沉积物在全部压载水和沉积物的同一起源地的船舶排放并且未与未经管理的、来自其它地区的压载水和沉积物发生任何混合。如发生混合，则应按本附件对来自其它地区的压载水进行压载水管理。

第 A-4 条

免除

1 除本公约其它部分中所载的免除规定外，仅在下列情况下当事国还可在其管辖水域内免除应用第 B-3 或 C-1 条的任何要求：

- .1 此种免除系给予从事在指定港口或地点间航行的船舶或仅在指定港口或地点间营运的船舶；
- .2 此种免除的有效期不超过五年并应接受中期检查；
- .3 此种免除系给予不混合压载水或沉积物的、非从事 1.1 款中规定的港口或地点间航行的船舶；和
- .4 此种免除系根据本组织制定的“风险评定指南”给予。

2 根据第 1 款给予的免除应在向本组织作出通知和向各当事国发出有关信息后方为有效。

3 根据本条给予的任何免除不应损伤或损害邻近或其它国家的环境、人体健康、财产或资源。为解决任何被确定的关切，应与被当事国确定为可能受到有害影响的任何国家协商。

4 根据本条给予的任何免除均应记录在压载水记录簿中。

第 A-5 条

等效符合

总长度小于 50 米、最大压载水容量为 8 立方米的仅用于娱乐或比赛的游船或主要用于搜救的船舶对本附件的等效符合应由主管机关确定并计及本组织制定的指南。

第 B 节 — 对船舶的管理和控制要求

第 B-1 条 压载水管理计划

每一船舶均应在船上携带并实施压载水管理计划。此种计划应由主管机关核准并计及本组织制定的指南。压载水管理计划是各船特定的并应至少：

- 1 详述该船和涉及本公约要求的压载水管理的船员的安全程序；
- 2 详述实施本公约中所载的压载水管理要求和补充性的压载水管理做法所应采取的行动；
- 3 详述沉积物的：
 - .1 海上处置程序；和
 - .2 岸上处置程序；
- 4 包括与将在其水域中进行海上排放的国家的当局协调涉及海上排放的船上压载水管理的程序；
- 5 指定在船上负责确保计划得到正确实施的高级船员；
- 6 载有本公约规定的船舶报告要求；和
- 7 以船舶的工作语文写成。如果使用的语文不是英文、法文或西班牙文，则应包括其中一者的译文。

第 B-2 条 压载水记录簿

- 1 每一船舶均应在船上备有至少载有附录 II 规定信息的压载水记录簿。该记录簿可以是一种电子记录系统，或可以被列入其它记录簿或系统中。
- 2 压载水记录簿的记录事项应在自上次登记后的一个至少两年的期限内保留；此后应在一个至少三年的期限内由公司控制。
- 3 在按第 A-3、A-4 或 B-3.6 条排放压载水时，或在发生本公约未以其它方式予以免除的压载水的其它意外或异常排放时，应在压载水记录簿中作出记录，说明排放的情况和理由。

4 压载水记录簿应在所有合理时间随时可供检查；对于被拖带的无人船舶，可放在拖船上保存。

5 每一压载水作业均应及时在压载水记录簿中作出充分记录。每一记录均应由负责有关作业的高级船员签字，每一被填写页均应由船长签字。压载水记录簿中的记录事项应以该船的工作语文填写。如果该语文不是英文、法文或西班牙文，则该记录事项应载有其中一种语文的译文。当以船舶有权悬挂其国旗的国家的官方国家语文填写的记录事项也被使用时，在发生争端或有不一致时，应以此种记录事项为准。

6 经当事国正式授权的官员，在船舶在该当事国的港口或离岸码头中时，可在本条适用的任何船上检查压载水记录簿，并可制作任何记录事项的副本和要求船长认证：该副本是真实副本。经此种认证的任何副本应在任何诉讼中被允许作为记录事项中所述事实的证据。压载水记录簿的检查和认证副本的制作应在不造成船舶不适当迟延的情况下从速进行。

第 B-3 条


船舶压载水管理

1 2009 年前建造的船舶：

- .1 当压载水容量为 1,500 至 5,000 立方米（包括 1,500 和 5,000 立方米）时，在 2014 年以前应进行至少符合第 D-1 或 D-2 条所述标准的压载水管理，此后它应至少符合第 D-2 条所述标准；
- .2 当压载水容量小于 1,500 或大于 5,000 立方米时，在 2016 年以前应进行至少符合第 D-1 或 D-2 条所述标准的压载水管理，此后它应至少符合第 D-2 条所述标准。

2 第 1 款适用的船舶应在不迟于适用于该船的标准符合年的该船交付周年日后的第一个中期或更证检验，以早者为准，符合第 1 款。

3 在 2009 年及以后建造的、压载水容量小于 5,000 立方米的船舶，应进行至少符合第 D-2 条所述标准的压载水管理。

4 在 2009 年或以后但在 2012 年以前建造的、压载水容量等于或大于 5,000 立方米的船舶，应按第 1.2 款进行压载水管理。

5 在 2012 年或以后建造的、压载水容量等于或大于 5,000 立方米的船舶，应进行至少符合第 D-2 条所述标准的压载水管理。

6 本条要求不适用于将压载水排放到其设计计及本组织为其制定的指南的接收设备中的船舶。

7 压载水管理的其它方法，如能确保对环境、人体健康、财产或资源的同等保护并得到本委员会的原则认可，则也可被接受为第 1 至 5 款所述要求的替代要求。

第 B-4 条 **压载水交换**

1 为符合第 D-1 条的标准而进行压载水交换的船舶：

- .1 凡可能时，均应在距最近陆地至少 200 海里、水深至少为 200 米的地方进行此种压载水交换并应计及本组织制定的指南；
- .2 当船舶不能按第 1.1 款进行压载水交换时，应计及第 1.1 款所述指南，在尽可能远离最近陆地并在所有情况下距最近陆地至少 50 海里、水深至少为 200 米的地方进行此种压载水交换。

2 在距最近陆地的距离或水深不符合第 1.1 或 1.2 中所述参数的海区中，经视情与邻近或其它国家协商并计及第 1.1 款所述指南，港口国可指定船舶进行压载水交换的地区。

3 不应为符合第 1 款的任何特定要求而要求船舶偏离其预定航行或推迟航行。

4 如船长合理地确定：由于恶劣天气、船舶设计或应力、设备失灵或任何异常状况压载水交换会威胁船舶的安全或稳性、其船员或旅客，则应视情不要求进行压载水交换的船舶符合第 1 或 2 款。

5 当船舶被要求进行压载水交换但却未按本条这样做时，其理由应在压载水记录簿中作出记录。

第 B-5 条 **船舶沉积物管理**

1 所有船舶均应按本船的压载水管理计划的规定清除和处置被指定承载压载水的处所中的沉积物。

2 第 B-3.3 至 B-3.5 条中所述船舶的设计和建造应计及本组织制定的指南，在不降低安全或营运效率的情况下做到：将沉积物的摄入和有害夹带减至最低程度、便于沉积物的清除和提供用于沉积物清除和取样的安全通道。第 B-3.1 条所述船舶应在可行的范围内符合本款。

第 B-6 条
高级和普通船员的职责

高级和普通船员应熟知其在实施其供职船舶的特定压载水管理方面的职责并应在与其职责相应的程度上熟知船舶的压载水管理计划。

第 C 节 — 若干地区中的特别要求

第 C-1 条
额外措施

1 如果当事国单独或与其它当事国一起确定需有第 B 节以外的额外措施来防止、减少或消除通过船舶的压载水和沉积物转移有害水生物和病原体，则此种当事国可按国际法要求船舶达到某一规定的标准或要求。

2 在根据第 1 款确定标准或要求前，当事国应与可能受到此种标准或要求影响的邻近或其它国家协商。

3 拟按第 1 款采用额外措施的当事国应：

- .1 计及本组织制定的指南。
- .2 在措施的计划实施日期前至少六个月将制定额外措施的意向通知本组织，但紧急或传染情况除外。此种通知应包括：
 - .1 额外措施适用地点的精确座标；
 - .2 应用额外措施的必要性和理由，可能时包括其好处；
 - .3 对额外措施的陈述；和
 - .4 为促进船舶符合额外措施而可能提供的任何安排。
- .3 视情在《联合国海洋法公约》反映的国际惯例法要求的范围内获得本组织的认可。

4 在采取此种额外措施时，当事国应努力提供所有适当业务，包括但不限于在可行时向船员通报区域、现有和替代航线或港口，以减轻船舶负担。

5 当事国采取的任何额外措施均不能降低船舶的安全和保安并在任何情况下均不应与船舶必须遵守的任何其它公约有冲突。

6 采用额外措施的当事国可在其认为适当的期限或具体情况下免除这些措施。

第 C-2 条

有关在若干地区中的压载水摄入的警告和有关的船旗国措施

1 当事国应努力向海员通知由其管辖的、因已知状况船舶不应摄入压载水的地区。该当事国应在通知中列入此种地区的精确座标和，在可能时，用于压载水摄入的任何替代地区的位置。可对以下地区发出警告：

- .1 已知出现可能与压载水摄入或排放有关的有害水生物和病原体的爆发、感染或繁殖（如有害藻花）的地区；
- .2 靠近污水流出口的地区；或
- .3 潮冲洗差的地区或已知潮流较混浊的时间。

2 除将第 1 款规定的地区通知海员外，当事国还应将第 1 款规定的任何地区 and 此种警告可能有效的时期通知本组织和任何可能受到影响的沿海国。给本组织和任何可能受到影响的沿海国的通知应包括此种地区的精确座标和，在可能时，用于压载水摄入的任何替代地区的位置。该通知应包括给需要在该地区摄入压载水的船舶的建议，陈述为替代供应作出的安排。当某一特定警告不再适用时，该当事国也应向海员、本组织和任何可能受到影响的沿海国作出通知。

第 C-3 条

信息通报

本组织应通过适当手段提供根据第 C-1 和 C-2 条向其通报的信息。

第 D 节 — 压载水管理标准

第 D-1 条

压载水交换标准

1 按本条进行压载水交换的船舶的压载水体积交换效率应至少为百分之九十五。

2 对于使用泵透方法交换压载水的船舶，三倍于每一压载水舱体积的泵透应视为达到第 1 款所述标准。少于该体积三倍的泵透，如船舶能证明达到了至少百分之九十五的体积交换，则也可被接受。

第 D-2 条

压载水性能标准

1 按本条进行压载水管理的船舶的排放应达到小于每立方米 10 个最小尺寸大于或等于 50 微米的可生存生物和小于每毫升 10 个最小尺寸小于 50 微米但大于或等

于 10 微米的可生存生物；并且，指示微生物的排放不应超过第 2 款中所述的规定浓度。

2 作为一种人体健康标准，指示微生物应包括：

- .1 产毒霍乱弧菌(O1 和 O139)：少于每 100 毫升 1 个菌落形成单位(cfu)或小于每一克（湿重）浮游动物样品 1 个 cfu；
- .2 大肠杆菌：少于每 100 毫升 250 个 cfu；
- .3 肠球菌：少于每 100 毫升 100 个 cfu。

第 D-3 条

压载水管理系统的认可要求

1 除第 2 款规定者外，用于符合本公约的压载水管理系统必须由主管机关认可并计及本组织制定的指南。

2 使用活性物质或含有一种或多种活性物质的制剂来符合本公约的压载水管理系统，应由本组织根据本组织制定的程序认可。该程序应陈述对活性物质及其建议的应用方法的认可或该认可的撤销。在撤销认可时，在此种撤销之日后的一年内应禁止使用有关的活性物质。

3 用于符合本公约的压载水管理系统必须对船舶及其设备和船员均安全。

第 D-4 条

原型压载水处理技术

1 对于任何在第 D-2 条的标准本应对其成为有效之日前参加经主管机关认可的测试和评估有希望的压载水处理技术的方案的船舶而言，第 D-2 条的标准在从本应要求该船符合该标准之日起算的五年里不应适用于该船。

2 对于在第 D-2 条的标准对其生效之日后参加由主管机关认可并计及本组织制定的指南、旨在测试和评定有可能导致达到高于第 D-2 条的标准的处理技术的有希望的压载水技术的方案的任何船舶，第 D-2 条的标准应在从确立此种技术之日起算的五年里不适用于该船。

3 在制定和实施任何测试和评估有希望的压载水技术时，各当事国应：

- .1 计及本组织制定的指南；和
- .2 只允许有效测试此种技术所必需的最小数目的船舶参加；和

- 4 在整个测试和评估期间，该处理系统必须以一致的方式按照设计运行。

第 D-5 条

本组织对标准的检查

1 在不迟于第 D-2 条规定的该标准的最早生效日期前三年举行的一次委员会会议上，委员会应进行一次检查，包括确定是否有达到该标准的适当技术、评定第 2 款中的标准和评定社会—经济效益，特别是在发展中国家尤其是小岛发展中国家的需要方面。委员会还应视情进行定期检查，来检查第 B-3.1 条中所述船舶的适用要求以及本附件中涉及的压载水管理的任何其它问题，包括本组织制定的任何指南。

2 对适当技术的此种检查应计及：

- .1 船舶和船员的安全考虑事项；
- .2 环境可接受性，即造成的环境影响不会多于或大于其解决者；
- .3 可行性，即与船舶设计和作业的兼容。
- .4 成本效益，即经济；和
- .5 在清除压载水中的有害水生物和病原体或以其它方式使其无法生存方面的生物有效性。

3 委员会可设立进行第 1 款所述检查的小组。委员会应确定设立的任何此种小组的构成、职责范围和要处理的具体事项。此种小组可制定和推荐修正本附件的提案，供各当事国审议。只有当事国才能参加建议书的制定和委员会修正决定的工作。

4 如根据本条所述检查，各当事国决定通过本附件的修正案，则此种修正案应按本公约第 19 条中的程序通过和生效。

第 E 节 — 压载水管理的检验和发证要求

第 E-1 条

检验

1 本公约适用的、等于和大于 400 总吨的船舶，不包括浮动平台、FSU 和 FPSO，应接受下文规定的检验：

- .1 初次检验。在船舶投入营运前或在首次颁发第 E-2 或 E-3 条要求的证书前进行。该检验应证实：第 B-1 条要求的压载水管理计划及任何相关结构、设备、系统、配件、装置和材料或工艺完全符合本公约的要求。
 - .2 换证检验。按主管机关规定的、不超过五年的间隔进行，但第 E-5.2、E-5.5、E-5.6 或 E-5.7 条适用者除外。该检验应证实：第 B-1 条要求的压载水管理计划和任何相关结构、设备、系统、配件、装置和材料或工艺完全符合本公约的适用要求。
 - .3 中期检验。在证书的第二个周年日之前或之后的三个月内或在其第三个周年日之前或之后的三个月内进行并应取代第 1.4 款规定的某一年度检验。中期检验应确保压载水管理的设备、相关系统和工艺完全符合本附件的适用要求并处于良好工作状况。此种中期检验应在根据第 E-2 或 E-3 条颁发的证书上作出签注。
 - .4 年度检验。在每一周年日之前或之后的三个月内进行。它应包括对第 B-1 条要求的压载水管理计划的相关结构、任何设备、系统、配件、装置和材料或工艺的全面检查，以确保它们已按第 9 款进行保养并仍然适合该船的预定服务。此种年度检验应在根据第 E-2 或 E-3 条颁发的证书上作出签注。
 - .5 额外检验。视情可为全面或部分检验，应在实现完全符合本公约所必需的结构、设备、系统、配件、装置和材料的改变、更换或重要修理后进行。该检验应确保任何此种改变、更换或重要修理被有效作出，从而使船舶符合本公约的要求。此种检验应在根据第 E-2 或 E-3 条颁发的证书上作出签注。
- 2 主管机关应为不受第 1 款的规定约束的船舶制定适当措施，确保本公约的适用规定得到遵守。
- 3 为执行本公约的规定的船舶检验应由主管机关的官员进行。但主管机关可将检验委托给为此目的指定的验船师或由其认可的组织。
- 4 按第 3 款所述指定验船师或认可组织进行检验的主管机关应至少向此种被指定的验船师或经认可的组织作出以下授权²：

² 参看本组织以第 A.739(18)号决议通过的、可由本组织作出修正的指南和本组织以第 A.789(19)号决议通过的、可由本组织作出修正的规范。

- .1 要求其检验的船舶符合本公约的规定；和
 - .2 如当事国的港口国的有关当局提出请求，则进行检验和检查。
- 5 主管机关应将被指定的验船师或经认可的组织的具体责任和授权条件通知本组织，以分发给各当事国，作为其官员的信息。
- 6 当主管机关、被指定的验船师或经认可的组织确定：船舶的压载水管理不符合第 E-2 或 E-3 条要求的证书的细节或使船舶不能做到出海航行而不会对环境、人体健康、财产或资源造成有害威胁时，此种验船师或组织应立即采取纠正措施使船舶符合要求。应立即通知验船师或组织并确保：证书未被颁发或被撤销。如果船舶在另一当事国的港口中，则应立即通知该港口国的有关当局。当主管机关的官员、被指定的验船师或经认可的组织向港口国的有关当局作出通知后，该有关港口国的政府应向此种官员、验船师或组织提供任何必要帮助，以履行本条对其规定的义务，包括第 9 款所述的任何行动。
- 7 每当船舶发生事故或发现对船舶按本公约进行压载水管理的能力有严重影响的缺陷时，该船的所有人、营运人或其它负责人应及早报告负责颁发有关证书的主管机关、经认可的组织或被指定的验船师；后者应启动调查，以确定第 1 款要求的检验是否必要。如当船舶在另一当事国的港口中，则所有人、营运人或其它负责人还应立即报告该港口国的有关当局。被指定的验船师或经认可的组织应确定此种报告已作出。
- 8 在每一情况下，有关主管机关应完全保证检验的完整性和有效性并应承诺确保履行该义务的必要安排。
- 9 应使船舶及其设备、系统和工艺的状况保持符合本公约的规定，确保船舶在所有方面仍然能够做到出海航行而不会对环境、人体健康、财产或资源造成有害威胁。
- 10 在完成了第 1 款规定的任何船舶检验后，未经主管机关同意，不对第 B-1 条要求的并在检验中涉及的压载水管理计划的相关结构、任何设备、配件、装置或材料作任何更改，但此种设备或配件的直接更换除外。

第 E-2 条

证书的颁发或签注

- 1 主管机关应确保在对第 E-1 条适用的船舶成功完成按第 E-1 条进行的检验后，向其颁发证书。一当事国授权颁发的证书应被其它当事国接受，并且，就本公约规定的所有目的而言，应视为与其颁发的证书具有同样效力。

2 证书应由主管机关或由其正式授权的任何人员或组织颁发或签注。在每一情况下，主管机关均对证书承担完全责任。

第 E-3 条

由另一当事国颁发或签注证书

1 应主管机关请求，另一当事国可致使船舶被检验；如确信符合本公约的规定，则应向该船颁发或授权颁发证书，并在适当时按本附件对船舶的该证书作出或授权作出签注。

2 应尽早向作出请求的主管机关发送证书的副本和检验报告的副本。

3 按此方法颁发的证书应载有如下说明：证书系应主管机关请求颁发，它与主管机关颁发的证书具有同样效力并得到同样承认。

4 不应向有权悬挂非当事国国旗的船舶颁发证书。

第 E-4 条

证书格式

证书应使用附录 1 中所载格式，以颁证国的官方语文写成。如果使用的语文不是英文、法文或西班牙文，则条文应包括其中一种语文的译文。

第 E-5 条

证书的期限和效力

1 证书应按主管机关规定的、不超过五年的期限颁发。

2 对于换证检验：

- .1 虽有第 1 款的要求，当换证检验系在现有证书的失效日期之前的三个月内完成时，新证书应从换证检验完成之日起至从现有证书失效之日起算不超过五年的某一日期有效。
- .2 当换证检验系在现有证书的失效日期之后完成时，新证书应从换证检验完成之日起至从现有证书的失效日期起算不超过五年的某一日期有效。
- .3 当换证检验系在现有证书的失效日期之前超过三个月完成时，新证书应从换证检验完成之日起至从换证检验完成之日起算不超过五年的某一日期有效。

3 如果证书系按不足五年的期限颁发，则主管机关可将证书的有效期展至第 1 款规定的最大期限，但应视情进行第 E-1.1.3 条中所述的、按五年期限颁发证书时适用的检验。

4 如已完成换证检验但新证书却不能在现有证书失效之日前颁发或送到船上，则主管机关授权的人员或组织可在现有证书上签注。此种证书应在从失效之日起算不超过五个月的新期限内被接受为有效。

5 如果证书失效时船舶不在其检验港中，则主管机关可延展该证书的有效期，但给予此种展期仅应是为了使船舶完成驶往其检验港的航行并且仅在做是正当和合理时。任何证书的展期不得超过三个月。得到此种展期的船舶，在到达其检验港后，无权因为此种展期而在没有新证书的情况下离开该港口。在换证检验完成后，新证书应以从现有证书在展期前的失效日期起算不超过五年的某一日期以前有效。

6 向未根据本条的上述规定给予展期的、从事短途航行的船舶颁发的证书，可由主管机关在从证书所示失效日期起算最多为一个月的宽限期内予以延展。在换证检验完成后，新证书应在从现有证书在展期前的失效日期起算不超过五年的某一日期以前有效。

7 在主管机关确定的特殊情况下，新证书的起始日期不必是本条第 2.2、5 或 6 款要求的现有证书的失效日期。在此种特殊情况下，新证书应在从换证检验完成日期起算不超过五年的某一日期以前有效。

8 如果在第 E-1 条规定的期限前完成年度检验，则：

- .1 证书上所示的周年日应通过签注修正为在完成检验之日后不超过三个月的某一日期；
- .2 此后第 E-1 条要求的年度或中期检验，应使用新的周年日，按该条规定的期限完成；
- .3 只要视情进行一次或多次年度检验从而使其不超过第 E-1 条规定的最大检验间隔，则失效日期可以保持不变。

9 根据第 E-2 或 E-3 条颁发的证书在下列任何情况下应不再有效：

- .1 对完全符合本公约所必需的结构、设备、系统、配件、装置和材料作出改变、更换或重要修理并且未按本附件对证书作出签注；

- .2 在船舶换挂它国国旗时。新证书仅在颁发新证书的当事国完全确信该船符合第 E-1 条的要求时才应被颁发。在当事国间换挂船旗时，如在换挂发生后的三个月内提出请求，则船舶先前有权悬挂其国旗的当事国应尽早将该船在换挂船旗前携带的证书副本和，有如有的话，有关检验报告的副本送交主管机关；
- .3 未在第 E-1.1 条规定的期限内完成有关检验；或
- .4 未按第 E-1.1 条对证书作出签注。

附录 1

国际压载水管理证书格式

国际压载水管理证书

系根据《国际船舶压载水和沉积物控制和管理公约》（此后称为“本公约”）的规定，经.....政府授权

(国家全名)

由.....颁发。

(根据本公约的规定被授权的主管人员或组织的全名)

船舶细节¹

船名.....

识别编号或字符.....

登记港.....

总吨位.....

IMO 编号².....

建造日期.....

压载水容量（立方米）.....

所用压载水管理方法的详情

所用压载水管理方法.....

安装日期（如适用）.....

厂家名称（如适用）.....

¹ 船舶细节也可横向置于方框内。

² 本组织以第 A.600(15)号决议通过的“IMO 船舶识别号方案”。

船上使用的主要压载水管理方法系：

- ☐ 按照第 D-1 条
- ☐ 按照第 D-2 条
(陈述)
- ☐ 该船应遵守第 D-4 条

兹证明：

- 1 已按本公约附件第 E-1 条对该船进行检验；和
- 2 检验表明该船的压载水管理符合本公约附件。

本证书在.....以前有效，但需进行本公约附件第 E-1 条规定的检验。

本证书依据的检验的完成日期：日 / 月 / 年

颁发地点.....
(证书的颁发地点)

.....
(颁发日期)

(当局的钢印或章印)

.....
(经授权的颁证官员的签字)

* 视情删去。

第 E-5.8.3 条规定的年度 / 中期检验

兹证明在本公约附件第 E-5.8.3 条规定的年度 / 中期*检验中查明该船符合本公约的有关规定。

签字.....

(经授权的官员的签字)

地点.....

日期.....

(当局的钢印或章印)

在第 E-5.3 条适用时有效期不足五年的证书的展期签注

该船符合本公约的有关规定。本证书应按本公约附件第 E-5.3 条在.....以前被接受为有效。

签字.....

(经授权的官员的签字)

地点.....

日期.....

(当局的钢印或章印)

在已完成换证检验并且第 E-5.4 条适用时的签注

该船符合本公约的有关规定。本证书应按本公约附件第 E-5.4 条在.....以前被接受为有效。

签字.....

(经授权的官员的签字)

地点.....

日期.....

(当局的钢印或章印)

* 视情删去。

**在第 E-5.5 或 E-5.6 条适用时直至
抵达港口和在某一宽限期内的证书展期签注**

本证书应按本公约附件第 E-5.5 或 E-5.6* 条在.....以前被接受为有效。

签字.....
(经授权的官员的签字)

地点.....

日期.....

(当局的钢印或章印)

在第 E-5.8 条适用时将周年日提前的签注

按本公约附件第 E-5.8 条, 新的周年日为.....。

签字.....
(经授权的官员的签字)

地点.....

日期.....

(当局的钢印或章印)

按本公约附件第 E-5.8 条, 新的周年日为.....。

签字.....
(经授权的官员的签字)

地点.....

日期.....

(当局的钢印或章印)

* 视情删去,

附录 II

压载水记录簿格式

国际船舶压载水和沉积物控制和管理公约

时期：从.....至：

船名.....

IMO 编号.....

总吨位.....

国旗.....

总压载水容量（立方米）

该船备有压载水管理计划 ☐

注明压载水舱的船舶示意图：

1 前言

按《国际船舶压载水和沉积物控制和管理公约》附件第 B-2 条，应对每一压载水作业作出记录。这包括海上和向接收设备的排放。

2 压载水和压载水管理

“压载水”系指为控制船舶的纵倾、横倾、吃水、稳性或应力而在船上摄入的水及其悬浮物。压载水管理应符合经认可的压载水管理计划并计及本组织制定的指南。³

3 压载水记录簿的记录事项

压载水记录簿的记录事项应在下列每一情况下填写：

3.1 在船上摄入压载水时：

- .1 摄入日期、时间和摄入港口或设备的位置（港口或经纬度）及，如在港口外，水深

³ 参看本组织以第 A.868(20)号决议通过的“旨在尽量减少有害水生物和病原体的转移的船舶压载水控制和管理指南”。

- .2 估计的摄入量（立方米）
- .3 负责该作业的高级船员的签字
- 3.2 每当为压载水管理目的对压载水进行循环或处理时：
 - .1 作业的日期和时间
 - .2 估计的循环或处理量（立方米）
 - .3 是否按压载水管理计划进行
 - .4 负责该作业的高级船员的签字
- 3.3 当压载水被排放到海中时：
 - .1 排放的日期、时间和排放港口或设备的位置（港口或经纬度）
 - .2 估计的排放量（立方米）和剩余量（立方米）
 - .3 在排放前是否实施了经认可的压载水管理计划
 - .4 负责该作业的高级船员的签字
- 3.4 当压载水被排放到接收设备中时：
 - .1 摄入的日期、时间和位置
 - .2 排放的日期、时间和位置
 - .3 港口或设施
 - .4 估计的排放或摄入量（立方米）
 - .5 在排放前是否实施了经认可的压载水管理计划
 - .6 负责该作业的高级船员的签字
- 3.5 压载水的意外或其它异常摄入或排放：
 - .1 发生日期和时间
 - .2 发生时的港口或船舶位置
 - .3 估计的压载水排放量

- .4 摄入、排放、逸出或灭失情况、其原因和一般说明
- .5 排放前是否实施了经认可的压载水管理计划
- .6 负责该作业的高级船员的签字

3.6 额外的操作程序和一般说明

4 压载水数量

应以立方米估计船上的压载水数量。压载水记录簿载有对估计压载水数量的许多提及。认识到估计压载水数量的精确性是有待解释的。

压载水作业记录

压载水记录簿页的示例

船名:

识别编号或字符.....

日期	项目 (编号)	作业记录 / 负责高级船员的签字

船长签字.....

会议通过的决议

决议 1

本组织有关《国际船舶压载水和沉积物控制和管理公约》的今后工作

会议，

通过了《国际船舶压载水和沉积物控制和管理公约》（“本公约”），

注意到本公约第 5 和 9 条和附件第 A-4、A-5、B-1、B-3、B-4、B-5、C-1、D-3 和 D-4 条提及本组织要为其中确定的具体目的制定的指南或程序，

认识到需要制定这些指南来确保对本公约有关要求的全球一致应用，

请本组织作为紧急事项制定：

- .1 第 5 条和第 B-5 条中的沉积物接收设备指南；
- .2 第 9 条中的压载水取样指南；
- .3 第 A-5 条中的游船和搜救船的压载水管理的等效符合指南；
- .4 第 B-1 条中的压载水管理计划指南；
- .5 第 B-3 条中的压载水接收设备指南；
- .6 第 B-4 条中的压载水交换指南；
- .7 第 C-1 条中的额外措施指南和第 A-4 条中的风险评定指南；
- .8 第 D-3.1 条中的压载水管理系统认可指南；
- .9 第 D-3.2 条中的活性物质认可程序；和
- .10 第 D-4 条中的原型压载水处理技术指南，

并尽快但在任何情况下应在本公约生效前予以通过，以促进对本公约的全球一致实施。

决议 2

按第 D-5 条检查标准时使用决策工具

会议，

通过了《国际船舶压载水和沉积物控制和管理公约》（“本公约”），

注意到本公约第 D-5 条要求：在不迟于第 D-2 条规定的标准的最早生效日期前三年举行的某次海洋环境保护委员会会议上，委员会应进行一次检查，包括确定是否有达到这些标准的适当技术、评定第 D-5 条第 2 款中的标准和评定社会—经济效果，特别是在发展中国家尤其是小岛发展中国家的发展需要方面，

认识到在准备复杂的评定时决策工具的价值，

建议本组织在按本公约第 D-5 条对标准进行检查时使用适当的决策工具；和

请各会员国向本组织建议帮助其进行此种检查的任何有关的有力决策工具。

决议 3

促进技术合作和援助

会议，

通过了《国际船舶压载水和沉积物控制和管理公约》（“本公约”），

意识到将要求本公约当事国充分和完全实施其规定，通过对船舶压载水和沉积物的控制和管理来防止、尽量减少和最终消除有害水生物和病原体的转移，

注意到本公约在第 13.1 和 13.2 中规定各当事国，除其它者外，向在船舶压载水和沉积物的控制和管理方面请求技术援助的当事国提供支持，

认识到自 2000 年以来在 GEF/UNDP/IMO 全球压载水管理方案(GloBallast)下与发展中国家合伙开展的有关压载水管理事项的可贵的技术合作活动，

确信促进技术合作会加速各国对本公约的接受、统一解释和执行，

赞赏地注意到，经第 A.901(21)号决议的通过，国际海事组织(IMO)大会：

- (a) 确认 IMO 制定全球海事标准和为其有效实施和执行提供合作的工作能够并且确实有助于可持续发展；和
- (b) 决定，就二千年代的技术合作而言，IMO 的任务陈述是：帮助发展中国家改善其符合国际海上安全和防止与控制海洋污染的规则和标准的能力，对聚焦于特别是通过培训的人力资源开发和机构能力建设的技术援助方案给予优先；

1 请各会员国与 IMO、其它有兴趣的国家和国际机构、主管国际或区域组织和行业方案合作，促进和直接或通过 IMO 向要求下列技术援助的国家提供支援：

- (a) 评定批准、接受、核准或加入以及实施和执行本公约的意义；
- (b) 制定实施本公约的国家立法和机构安排；
- (c) 培训调查、监测和执行方面（如：压载水风险评定、浸入海洋物种调查、监测和早期警报系统、压载水的取样和分析）的科学和技术人员，视情包括提供必要设备和设施，来加强国家能力；
- (d) 在通过压载水和沉积物的控制和管理尽量减少有害水生物和病原体的转移造成的环境和人体健康风险方面的信息交换和技术合作；

(e) 研究和开发改进的压载水管理和处理方法；和

(f) 按照本公约规则第 C 节确定若干地区中的特别要求；

2 还请各国际开发机构和组织支持（包括通过提供必要资源）与本公约相符的压载水控制和管理方面的技术合作方案；

3 请 IMO 技术合作委员会在本组织的技术合作总方案内继续准备有关船舶压载水和沉积物控制和管理的能力建设活动，以支持发展中国家对本公约的有效实施和执行；和

4 敦促所有国家开始上述技术合作措施方面的行动而不必等待本公约的生效。

决议 4

检查《国际船舶压载水和沉积物控制和管理公约》的附件

会议，

通过了《国际船舶压载水和沉积物控制和管理公约》（“本公约”），

认识到，举例而言，由于预见的生效障碍或为了处理本公约附件第 D-2 条规定的标准，可能必须在本公约生效前考虑检查本公约附件，特别是但不限于第 A-4、A-5、B-1、B-3、B-4、C-1、D-1、D-2、D-3 和 D-5 条，

建议海洋环境保护委员会在其认为适当时但不迟于本公约附件第 D-2 条规定的标准的最早生效日期前三年（即 2006 年），检查本公约附件的条款。



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INTERNATIONAL CONFERENCE ON
BALLAST WATER MANAGEMENT FOR
SHIPS

Agenda item 8

BWM/CONF/36
16 February 2004
Original: ENGLISH

**ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS
AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE**

**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF
SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

Text adopted by the Conference

- 1 As a result of its deliberations, as recorded in the Record of Decisions of the Plenary (BWM/CONF/RD/2/Rev.1) and the Final Act of the Conference (BWM/CONF/37), the Conference adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.
- 2 The above-mentioned Convention, as adopted by the Conference, is annexed hereto.

ANNEX**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF
SHIPS' BALLAST WATER AND SEDIMENTS, 2004****THE PARTIES TO THIS CONVENTION,**

RECALLING Article 196(1) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides that “States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto,”

NOTING the objectives of the 1992 Convention on Biological Diversity (CBD) and that the transfer and introduction of Harmful Aquatic Organisms and Pathogens via ships' ballast water threatens the conservation and sustainable use of biological diversity as well as decision IV/5 of the 1998 Conference of the Parties (COP 4) to the CBD concerning the conservation and sustainable use of marine and coastal ecosystems, as well as decision VI/23 of the 2002 Conference of the Parties (COP 6) to the CBD on alien species that threaten ecosystems, habitats or species, including guiding principles on invasive species,

NOTING FURTHER that the 1992 United Nations Conference on Environment and Development (UNCED) requested the International Maritime Organization (the Organization) to consider the adoption of appropriate rules on ballast water discharge,

MINDFUL of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

ALSO MINDFUL that the 2002 World Summit on Sustainable Development, in paragraph 34(b) of its Plan of Implementation, calls for action at all levels to accelerate the development of measures to address invasive alien species in ballast water,

CONSCIOUS that the uncontrolled discharge of Ballast Water and Sediments from ships has led to the transfer of Harmful Aquatic Organisms and Pathogens, causing injury or damage to the environment, human health, property and resources,

RECOGNIZING the importance placed on this issue by the Organization through Assembly resolutions A.774(18) in 1993 and A.868(20) in 1997, adopted for the purpose of addressing the transfer of Harmful Aquatic Organisms and Pathogens,

RECOGNIZING FURTHER that several States have taken individual action with a view to prevent, minimize and ultimately eliminate the risks of introduction of Harmful Aquatic Organisms and Pathogens through ships entering their ports, and also that this issue, being of worldwide concern, demands action based on globally applicable regulations together with guidelines for their effective implementation and uniform interpretation,

DESIRING to continue the development of safer and more effective Ballast Water Management options that will result in continued prevention, minimization and ultimate elimination of the transfer of Harmful Aquatic Organisms and Pathogens,

RESOLVED to prevent, minimize and ultimately eliminate the risks to the environment, human health, property and resources arising from the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments, as well as to avoid unwanted side-effects from that control and to encourage developments in related knowledge and technology,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention for the Control and Management of Ships' Ballast Water and Sediments,

HAVE AGREED as follows:

Article 1 *Definitions*

For the purpose of this Convention, unless expressly provided otherwise:

1 "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of its natural resources, including Floating Storage Units (FSUs) and Floating Production Storage and Offloading Units (FPSOs), the Administration is the Government of the coastal State concerned.

2 "Ballast Water" means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship.

3 "Ballast Water Management" means 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.

4 "Certificate" means the International Ballast Water Management Certificate.

5 "Committee" means the Marine Environment Protection Committee of the Organization.

6 "Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments.

7 "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 or any successor Convention.

8 “Harmful Aquatic Organisms and Pathogens” means 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, impair biological diversity or interfere with other legitimate uses of such areas.

9 “Organization” means the International Maritime Organization.

10 “Secretary-General” means the Secretary-General of the Organization.

11 “Sediments” means matter settled out of Ballast Water within a ship.

12 “Ship” means a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, FSUs and FPSOs.

Article 2 *General Obligations*

1 Parties undertake to give full and complete effect to the provisions of this Convention and the Annex thereto in order to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments.

2 The Annex forms an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Annex.

3 Nothing in this Convention shall be interpreted as preventing a Party from taking, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments, consistent with international law.

4 Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.

5 Parties undertake to encourage the continued development of Ballast Water Management and standards to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments.

6 Parties taking action pursuant to this Convention shall endeavour not to impair or damage their environment, human health, property or resources, or those of other States.

7 Parties should ensure that Ballast Water Management practices used to comply with this Convention do not cause greater harm than they prevent to their environment, human health, property or resources, or those of other States.

8 Parties shall encourage ships entitled to fly their flag, and to which this Convention applies, to avoid, as far as practicable, the uptake of Ballast Water with potentially Harmful Aquatic Organisms and Pathogens, as well as Sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by the Organization.

9 Parties shall endeavour to co-operate under the auspices of the Organization to address threats and risks to sensitive, vulnerable or threatened marine ecosystems and biodiversity in areas beyond the limits of national jurisdiction in relation to Ballast Water Management.

Article 3 *Application*

1 Except as expressly provided otherwise in this Convention, this Convention shall apply to:

- (a) ships entitled to fly the flag of a Party; and
- (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

2 This Convention shall not apply to:

- (a) ships not designed or constructed to carry Ballast Water;
- (b) ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
- (c) ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that this Convention applies to such ship;
- (d) ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to sub-paragraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
- (e) any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention; and
- (f) permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

3 With respect to ships of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 4 *Control of the Transfer of Harmful Aquatic Organisms and Pathogens Through Ships' Ballast Water and Sediments*

1 Each Party shall require that ships to which this Convention applies and which are entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention, including the applicable standards and requirements in the Annex, and shall take effective measures to ensure that those ships comply with those requirements.

2 Each Party shall, with due regard to its particular conditions and capabilities, develop national policies, strategies or programmes for Ballast Water Management in its ports and waters under its jurisdiction that accord with, and promote the attainment of the objectives of this Convention.

Article 5 *Sediment Reception Facilities*

1 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. Such reception facilities shall operate without causing undue delay to ships and shall provide for the safe disposal of such Sediments that does not impair or damage their environment, human health, property or resources or those of other States.

2 Each Party shall notify the Organization for transmission to the other Parties concerned of all cases where the facilities provided under paragraph 1 are alleged to be inadequate.

Article 6 *Scientific and Technical Research and Monitoring*

1 Parties shall endeavour, individually or jointly, to:

- (a) promote and facilitate scientific and technical research on Ballast Water Management; and
- (b) monitor the effects of Ballast Water Management in waters under their jurisdiction.

Such research and monitoring should include observation, measurement, sampling, evaluation and analysis of the effectiveness and adverse impacts of any technology or methodology as well as any adverse impacts caused by such organisms and pathogens that have been identified to have been transferred through ships' Ballast Water.

2 Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

- (a) scientific and technology programmes and technical measures undertaken with respect to Ballast Water Management; and
- (b) the effectiveness of Ballast Water Management deduced from any monitoring and assessment programmes.

Article 7 *Survey and certification*

1 Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are so surveyed and certified in accordance with the regulations in the Annex.

2 A Party implementing measures pursuant to Article 2.3 and Section C of the Annex shall not require additional survey and certification of a ship of another Party, nor shall the Administration of the ship be obligated to survey and certify additional measures imposed by another Party. Verification of such additional measures shall be the responsibility of the Party implementing such measures and shall not cause undue delay to the ship.

Article 8 *Violations*

1 Any violation of the requirements of this Convention shall be prohibited and sanctions shall be established under the law of the Administration of the ship concerned, wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within 1 year after receiving the information, it shall so inform the Party which reported the alleged violation.

2 Any violation of the requirements of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 The sanctions provided for by the laws of a Party pursuant to this Article shall be adequate in severity to discourage violations of this Convention wherever they occur.

Article 9 *Inspection of Ships*

1 A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2 of this Article, any such inspection is limited to:

- (a) verifying that there is onboard a valid Certificate, which, if valid shall be accepted; and
- (b) inspection of the Ballast Water record book, and/or

- (c) a sampling of the ship's Ballast Water, carried out in accordance with the guidelines to be developed by the Organization. However, the time required to analyse the samples shall not be used as a basis for unduly delaying the operation, movement or departure of the ship.

2 Where a ship does not carry a valid Certificate or there are clear grounds for believing that:

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

a detailed inspection may be carried out.

3 In the circumstances given in paragraph 2 of this Article, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not discharge Ballast Water until it can do so without presenting a threat of harm to the environment, human health, property or resources.

Article 10 *Detection of Violations and Control of Ships*

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.

2 If a ship is detected to have violated this Convention, the Party whose flag the ship is entitled to fly, and/or the Party in whose port or offshore terminal the ship is operating, may, in addition to any sanctions described in Article 8 or any action described in Article 9, take steps to warn, detain, or exclude the ship. The Party in whose port or offshore terminal the ship is operating, however, may grant such a ship permission to leave the port or offshore terminal for the purpose of discharging Ballast Water or proceeding to the nearest appropriate repair yard or reception facility available, provided doing so does not present a threat of harm to the environment, human health, property or resources.

3 If the sampling described in Article 9.1(c) leads to a result, or supports information received from another port or offshore terminal, indicating that the ship poses a threat to the environment, human health, property or resources, the Party in whose waters the ship is operating shall prohibit such ship from discharging Ballast Water until the threat is removed.

4 A Party may also inspect a ship when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of a provision in this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that appropriate action may be taken.

Article 11 *Notification of Control Actions*

1 If an inspection conducted pursuant to Article 9 or 10 indicates a violation of this Convention, the ship shall be notified. A report shall be forwarded to the Administration, including any evidence of the violation.

2 In the event that any action is taken pursuant to Article 9.3, 10.2 or 10.3, the officer carrying out such action shall forthwith inform, in writing, the Administration of the ship concerned, or if this is not possible, the consul or diplomatic representative of the ship concerned, of all the circumstances in which the action was deemed necessary. In addition, the recognized organization responsible for the issue of certificates shall be notified.

3 The port State authority concerned shall, in addition to parties mentioned in paragraph 2, notify the next port of call of all relevant information about the violation, if it is unable to take action as specified in Article 9.3, 10.2 or 10.3 or if the ship has been allowed to proceed to the next port of call.

Article 12 *Undue Delay to Ships*

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 7.2, 8, 9 or 10.

2 When a ship is unduly detained or delayed under Article 7.2, 8, 9 or 10, it shall be entitled to compensation for any loss or damage suffered.

Article 13 *Technical Assistance, Co-operation and Regional Co-operation*

1 Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the control and management of ships' Ballast Water and Sediments, to provide support for those Parties which request technical assistance:

- (a) to train personnel;
- (b) to ensure the availability of relevant technology, equipment and facilities;
- (c) to initiate joint research and development programmes; and
- (d) to undertake other action aimed at the effective implementation of this Convention and of guidance developed by the Organization related thereto.

2 Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of the control and management of ships' Ballast Water and Sediments.

3 In order to further the objectives of this Convention, Parties with common interests to protect the environment, human health, property and resources in a given geographical area, in particular, those Parties bordering enclosed and semi-enclosed seas, shall endeavour, taking into account characteristic regional features, to enhance regional co-operation, including through the conclusion of regional agreements consistent with this Convention. Parties shall seek to co-operate with the Parties to regional agreements to develop harmonized procedures.

Article 14 *Communication of information*

1 Each Party shall report to the Organization and, where appropriate, make available to other Parties the following information:

- (a) any requirements and procedures relating to Ballast Water Management, including its laws, regulations, and guidelines for implementation of this Convention;
- (b) the availability and location of any reception facilities for the environmentally safe disposal of Ballast Water and Sediments; and
- (c) any requirements for information from a ship which is unable to comply with the provisions of this Convention for reasons specified in regulations A-3 and B-4 of the Annex.

2 The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under subparagraphs 1(b) and (c) of this Article.

Article 15 *Dispute Settlement*

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice.

Article 16 *Relationship to International Law and Other Agreements*

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea.

Article 17 *Signature, Ratification, Acceptance, Approval and Accession*

1 This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 June 2004 to 31 May 2005 and shall thereafter remain open for accession by any State.

2 States may become Parties to the Convention by:

- (a) signature not subject to ratification, acceptance, or approval; or
- (b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance or approval; or
- (c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

5 Any such declaration shall be notified to the Depositary in writing and shall state expressly the territorial unit or units to which this Convention applies.

Article 18 *Entry into Force*

1 This Convention shall enter into force twelve months after the date on which not less than thirty States, the combined merchant fleets of which constitute not less than thirty-five percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 17.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry in force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to this Convention is deemed to have been accepted under Article 19, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Convention as amended.

Article 19 *Amendments*

1 This Convention may be amended by either of the procedures specified in the following paragraphs.

2 Amendments after consideration within the Organization:

- (a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.
- (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.

- (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
- (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
- (e) An amendment shall be deemed to have been accepted in the following circumstances:
 - (i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
 - (ii) An amendment to the Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
- (f) An amendment shall enter into force under the following conditions:
 - (i) An amendment to an article of this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).
 - (ii) An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
 - (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection; or
 - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
- (g) (i) A Party that has notified an objection under subparagraph (f)(ii)(1) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
- (ii) If a Party that has made a notification referred to in subparagraph (f)(ii)(2) notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

3 Amendment by a Conference:

- (a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
- (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2(e) and (f) respectively.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this Article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

- (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
- (b) any notification made under this Article.

Article 20 *Denunciation*

1 This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

2 Denunciation shall be effected by written notification to the Depositary, to take effect one year after receipt or such longer period as may be specified in that notification.

Article 21 *Depositary*

1 This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

2 In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

- (a) inform all States that have signed this Convention, or acceded thereto, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of this Convention; and

- (iii) the deposit of any instrument of denunciation from the Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
- (b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 22 *Languages*

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this thirteenth day of February, two thousand and four.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments for that purpose, have signed this Convention.

ANNEX

**REGULATIONS FOR THE CONTROL AND MANAGEMENT OF SHIPS'
BALLAST WATER AND SEDIMENTS**

SECTION A - GENERAL PROVISIONS

Regulation A-1 *Definitions*

For the purposes of this Annex:

- 1 “Anniversary date” means the day and the month of each year corresponding to the date of expiry of the Certificate.
- 2 “Ballast Water Capacity” means the total volumetric capacity of any tanks, spaces or compartments on a ship used for carrying, loading or discharging Ballast Water, including any multi-use tank, space or compartment designed to allow carriage of Ballast Water.
- 3 “Company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code¹.
- 4 “Constructed” in respect of a ship means a stage of construction where:
 - .1 the keel is laid; or
 - .2 construction identifiable with the specific ship begins;
 - .3 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
 - .4 the ship undergoes a major conversion.
- 5 “Major conversion” means a conversion of a ship:
 - .1 which changes its ballast water carrying capacity by 15 percent or greater, or
 - .2 which changes the ship type, or
 - .3 which, in the opinion of the Administration, is projected to prolong its life by ten years or more, or
 - .4 which results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a ship to meet the provisions of regulation D-1 shall not be deemed to constitute a major conversion for the purpose of this Annex.

¹ Refer to the ISM Code adopted by the Organization by resolution A.741(18), as amended.

- 6 “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 except that, for the purposes of the Convention, “from the nearest land” off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00′ S, longitude 142°08′ E
to a point in latitude 10°35′ S, longitude 141°55′ E
thence to a point latitude 10°00′ S, longitude 142°00′ E
thence to a point latitude 9°10′ S, longitude 143°52′ E
thence to a point latitude 9°00′ S, longitude 144°30′ E
thence to a point latitude 10°41′ S, longitude 145°00′ E
thence to a point latitude 13°00′ S, longitude 145°00′ E
thence to a point latitude 15°00′ S, longitude 146°00′ E
thence to a point latitude 17°30′ S, longitude 147°00′ E
thence to a point latitude 21°00′ S, longitude 152°55′ E
thence to a point latitude 24°30′ S, longitude 154°00′ E
thence to a point on the coast of Australia
in latitude 24°42′ S, longitude 153°15′ E.

- 7 “Active Substance” means a substance or organism, including a virus or a fungus, that has a general or specific action on or against Harmful Aquatic Organisms and Pathogens.

Regulation A-2 *General Applicability*

Except where expressly provided otherwise, the discharge of Ballast Water shall only be conducted through Ballast Water Management in accordance with the provisions of this Annex.

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; or
- 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; or

- 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 a 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 regulations 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.

Regulation A-5 *Equivalent compliance*

Equivalent compliance with this Annex for pleasure craft used solely for recreation or competition or craft used primarily for search and rescue, less than 50 metres in length overall, and with a maximum Ballast Water capacity of 8 cubic metres, shall be determined by the Administration taking into account Guidelines developed by the Organization.

SECTION B – MANAGEMENT AND CONTROL REQUIREMENTS FOR SHIPS

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 Ballast Water Management as required by this 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 coordinating 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 II.

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 circumstances 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 any 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 Ships*

1 A ship constructed before 2009:

- .1 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 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 a 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 a Ballast Water Capacity of 5000 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 paragraphs 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 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 regulation B-3.3 to B-3.5 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.

Regulation B-6 *Duties of Officers and Crew*

Officers and 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.

SECTION C – SPECIAL REQUIREMENTS IN CERTAIN AREAS

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 or 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 6 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 measure(s), 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 endeavour 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.

Regulation C-2 *Warnings Concerning Ballast Water Uptake in Certain Areas and Related Flag State Measures*

1 A Party shall endeavour to notify mariners of areas under their jurisdiction where ships should not uptake Ballast Water due to known conditions. The Party shall include in such notices the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. Warnings may be issued for areas:

- .1 known to contain outbreaks, infestations, or populations of Harmful Aquatic Organisms and Pathogens (e.g., toxic algal blooms) which are likely to be of relevance to Ballast Water uptake or discharge;
- .2 near sewage outfalls; or
- .3 where tidal flushing is poor or times during which a tidal stream is known to be more turbid.

2 In addition to notifying mariners of areas in accordance with the provisions of paragraph 1, a Party shall notify the Organization and any potentially affected coastal States of any areas identified in paragraph 1 and the time period such warning is likely to be in effect. The notice to the Organization and any potentially affected coastal States shall include the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. The notice shall include advice to ships needing to uptake Ballast Water in the area, describing arrangements made for alternative supplies. The Party shall also notify mariners, the Organization, and any potentially affected coastal States when a given warning is no longer applicable.

Regulation C-3 *Communication of Information*

The Organization shall make available, through any appropriate means, information communicated to it under regulations C-1 and C-2.

SECTION D - STANDARDS FOR BALLAST WATER MANAGEMENT

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 percent 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 percent 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 micrometres 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 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 ;
- .2 *Escherichia coli* less than 250 cfu per 100 millilitres;
- .3 Intestinal Enterococci less than 100 cfu per 100 milliliters.

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.

2 Ballast Water Management systems which make use of Active Substances or preparations containing one or more Active Substances to comply with this Convention shall be approved by the Organization, based on a procedure developed by the Organization. This procedure shall describe the approval and withdrawal of approval of Active Substances and their proposed manner of application. At withdrawal of approval, the use of the relevant Active Substance or Substances shall be prohibited within 1 year after the date of such withdrawal.

3 Ballast Water Management systems used to comply with this Convention must be safe in terms of the ship, its equipment and the crew.

Regulation D-4 Prototype Ballast Water Treatment Technologies

1 For any ship that, prior to the date that the standard in regulation D-2 would otherwise become effective for it, participates in a programme approved by the Administration to test and evaluate promising Ballast Water treatment technologies, the standard in regulation D-2 shall not apply to that ship until five years from the date on which the ship would otherwise be required to comply with such standard.

2 For any ship that, after the date on which the standard in regulation D-2 has become effective for it, participates in a programme approved by the Administration, taking into account Guidelines developed by the Organization, to test and evaluate promising Ballast Water technologies with the potential to result in treatment technologies achieving a standard higher than that in regulation D-2, the standard in regulation D-2 shall cease to apply to that ship for five years from the date of installation of such technology.

3 In establishing and carrying out any programme to test and evaluate promising Ballast Water technologies, Parties shall:

- .1 take into account Guidelines developed by the Organization, and
- .2 allow participation only by the minimum number of ships necessary to effectively test such technologies.

4 Throughout the test and evaluation period, the treatment system must be operated consistently and as designed.

Regulation D-5 *Review of Standards by the Organization*

1 At a meeting of the Committee held no later than three years before the earliest effective date of the standard set forth in regulation D-2, the Committee shall undertake a review which includes a determination of whether appropriate technologies are available to achieve the standard, an assessment of the criteria in paragraph 2, and an assessment of the socio-economic effect(s) specifically in relation to the developmental needs of developing countries, particularly small island developing States. The Committee shall also undertake periodic reviews, as appropriate, to examine the applicable requirements for ships described in regulation B-3.1 as well as any other aspect of Ballast Water Management addressed in this Annex, including any Guidelines developed by the Organization.

2 Such reviews of appropriate technologies shall also take into account:

- .1 safety considerations relating to the ship and the crew;
- .2 environmental acceptability, i.e., not causing more or greater environmental impacts than they solve;
- .3 practicability, i.e., compatibility with ship design and operations;
- .4 cost effectiveness, i.e., economics; and

- .5 biological effectiveness in terms of removing, or otherwise rendering not viable, Harmful Aquatic Organisms and Pathogens in Ballast Water.

3 The Committee may form a group or groups to conduct the review(s) described in paragraph 1. The Committee shall determine the composition, terms of reference and specific issues to be addressed by any such group formed. Such groups may develop and recommend proposals for amendment of this Annex for consideration by the Parties. Only Parties may participate in the formulation of recommendations and amendment decisions taken by the Committee.

4 If, based on the reviews described in this regulation, the Parties decide to adopt amendments to this Annex, such amendments shall be adopted and enter into force in accordance with the procedures contained in Article 19 of this Convention.

SECTION E - SURVEY AND CERTIFICATION REQUIREMENTS FOR BALLAST WATER MANAGEMENT

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, or 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 second Anniversary date or within three months before or after the third Anniversary date of the Certificate, which shall take the place of one of the annual surveys specified in paragraph 1.4. The intermediate surveys shall ensure that the equipment, associated systems and processes for Ballast Water Management fully 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, systems, 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. The survey shall be such as to ensure that any such change, replacement, or significant repair has been effectively made, so that the ship complies with the requirements of 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 ships 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 organizations² to:

- .1 require a ship that they 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 surveyor 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.

² Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

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 I. 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 authorized 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 on 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.

APPENDIX I

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 ship¹

Name of ship

Distinctive number or letters

Port of registry

Gross Tonnage

IMO number²

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)

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15).

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 a survey required by regulation E-1 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)

* Delete as appropriate.

**ANNUAL/INTERMEDIATE SURVEY
IN ACCORDANCE WITH REGULATION E-5.8.3**

THIS IS TO CERTIFY that, at 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 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 this Certificate shall, in accordance with regulation E-5.3 of the Annex to the Convention, be accepted as valid until.....

Signed
(Signature of 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 authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

* Delete 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 or E-5.6* of the Annex to the Convention, be accepted as valid until

Signed
(Signature of 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 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)

* Delete as appropriate

APPENDIX II
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 Guidelines³ 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:

³ Refer to the Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens adopted by the Organization by resolution A.868(20).

- .1 Date, time and location port or facility of uptake (port or lat/long), 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 port or facility of discharge (port or lat/long)
 - .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 to 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
 - .6 Signature of 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 therefore and general remarks.
 - .5 Whether approved Ballast Water Management plan had been implemented prior to discharge
 - .6 Signature of officer in charge of the operation
- 3.6 Additional operational procedure and general remarks

4 Volume of Ballast Water

The volume of Ballast Water onboard 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

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

Signature of master
