



Australian Government
**Department of Agriculture,
Water and the Environment**

GUIDANCE FOR
SURVEY AND CERTIFICATION TO COMPLY WITH THE
REQUIREMENTS OF THE *BIOSECURITY ACT 2015*

VERSION 2
MARCH 2020

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1. Scope

This guidance document applies to activities delegated to Recognised Organisations (ROs) by the Director of Biosecurity (DoB) under chapter 5 of the *Biosecurity Act 2015* (Biosecurity Act). For the purposes of the Biosecurity Act, a DoB delegated RO is an approved 'survey authority'.

This document provides guidance for survey authorities for implementation of the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 (the Convention), which came into force on 8 September 2017.

The Biosecurity Act also introduces nationally consistent domestic ballast water arrangements from 8 September 2017. The domestic arrangements require most domestically operating vessels to meet the ballast water management, record keeping; and survey and certification requirements of the Convention. However, exemptions are in place that may apply to some domestically operating vessels. Further guidance on the criteria for domestically operating vessel exemptions are provided in [Section 8](#) of this document.

2. Purpose

This document provides guidance to survey authorities acting on behalf of the DoB to:

- develop and approve a Ballast Water Management Plan (BWMP)
- conduct surveys in accordance with regulation E-1 of the Convention
- issue a Ballast Water Management Certificate (BWMC) .

The Department of Agriculture, Water and the Environment (the department) will update this document and notify survey authorities if relevant changes are made to the ballast water related provisions of the Biosecurity Act or subordinate instruments. For clarification or to check for the latest version, contact the department's ballast water policy unit at ABWU@awe.gov.au.

3. Ballast water management plans

Under Section 287 of the Biosecurity Act, an approved survey authority may:

- (a) approve a ballast water management plan for the vessel;*
- (b) approve an amendment of the vessel's ballast water management plan;*
- (c) cancel the approval of the vessel's ballast water management plan.*

An action listed above may be taken in relation to a foreign flagged vessel on request by the vessel's administration.

To comply with the requirements of the Biosecurity Act, a BWMP must include the mandatory provisions for a BWMP prescribed by IMO resolution [MEPC.127\(53\)](#) *The Guidelines for Ballast Water Management and Development of Ballast Water Management Plans (G4)*.

[Appendix 1](#) provides guidance on which vessels are required to obtain a BWMP and who can approve these plans.

4. Surveys

Section 290 of the Biosecurity Act states that a survey authority may:

- (a) survey the vessel to determine whether a ballast water management certificate should be issued or endorsed for the vessel;*
- (b) issue a ballast water management certificate for the vessel;*

- (c) *endorse a ballast water management certificate for the vessel;*
- (d) *withdraw a ballast water management certificate for the vessel;*
- (e) *extend the period during which a ballast water management certificate for the vessel is in force;*
- (f) *amend the expiry date on a ballast water management certificate for the vessel.*

The Director of Biosecurity or a survey authority must carry out the appropriate survey of a vessel, as referred to in regulation E-1 of the Annex to the Convention, before:

- a) *issuing, endorsing or withdrawing a BWMC; or*
- b) *extending the period during which a BWMC is in force; or*
- c) *amending the BWMC*

The Biosecurity Act requires a survey to be conducted as prescribed in Regulation E-1.1 of the Convention and IMO Resolution A.1140(31) Survey Guidelines Under the Harmonized System of Survey and Certification (HSSC), 2019.

Appendix 1 provides guidance on which vessels are required to obtain a BWMC. If a survey authority is unsure of the requirements for a specific vessel, they may contact the department at ABWU@awe.gov.au for further guidance.

The general requirement for vessels that are 399 gross tonne and below is that the survey requirements prescribed by Regulation E-1.1 of the Convention must be met if a vessel is required to obtain a BWMC. However, a survey authority or vessel operator may apply to the department for an exemption or delay from the requirement to have a BWMC.

5. Issuance of Ballast Water Management Certificates

Once a survey has been completed, a BWMC may be issued by a survey authority on behalf of the Commonwealth.

For vessels operating internationally and subject to the requirements of the Convention, the certificate should be an International Ballast Water Management Certificate (IBWMC). For vessels operating exclusively as a domestic vessel in Australia, the certificate may be an IBWMC, or a certificate that is equivalent to an IBWMC (for example, a statement of compliance or statement of fact). All certificates must be issued consistent with Regulation E-2 of the Convention and must be in the form prescribed by Appendix I of the Convention.

A vessel's certificate will not be considered valid if the vessel's ballast water equipment undergoes major repairs or is significantly changed. The vessel's survey authority will need to complete an additional survey for the vessel and issue a new certificate that verifies the repairs or changes to the vessel are consistent with the requirements of the Convention.

Potable water

For vessels operating solely under Australia's jurisdiction and the high seas, potable water is considered an acceptable primary method of ballast water management. Vessels using potable water do not require an exemption from the need to meet Regulation D-2 of the Convention when operating in Australian waters.

When issuing a certificate to a vessel using potable water, there is no need to specify the method as meeting the D-1 or D-2 standard on the certificate. In this case, the survey Authority should specify potable water in the '*Method of ballast water management used*' section of the certificate.

Australia may be requested by another vessels administration to survey and certify a vessel flagged to that administration. ROs can only survey and certify a foreign flagged vessel under the Biosecurity Act when requested to do so by the department.

Appendix 1 provides further guidance on which vessels are required to obtain a certificate.

6. Ballast Water Exchange Phase-Out Schedule

Australia is implementing the agreed implementation schedule for the Ballast Water Convention that requires vessels to phase out ballast water exchange in favour of a method that is compliant with the D-2 discharge standard. In order to achieve this, vessels will be required to install an IMO approved BWMS, or use one of the other approved methods of management.

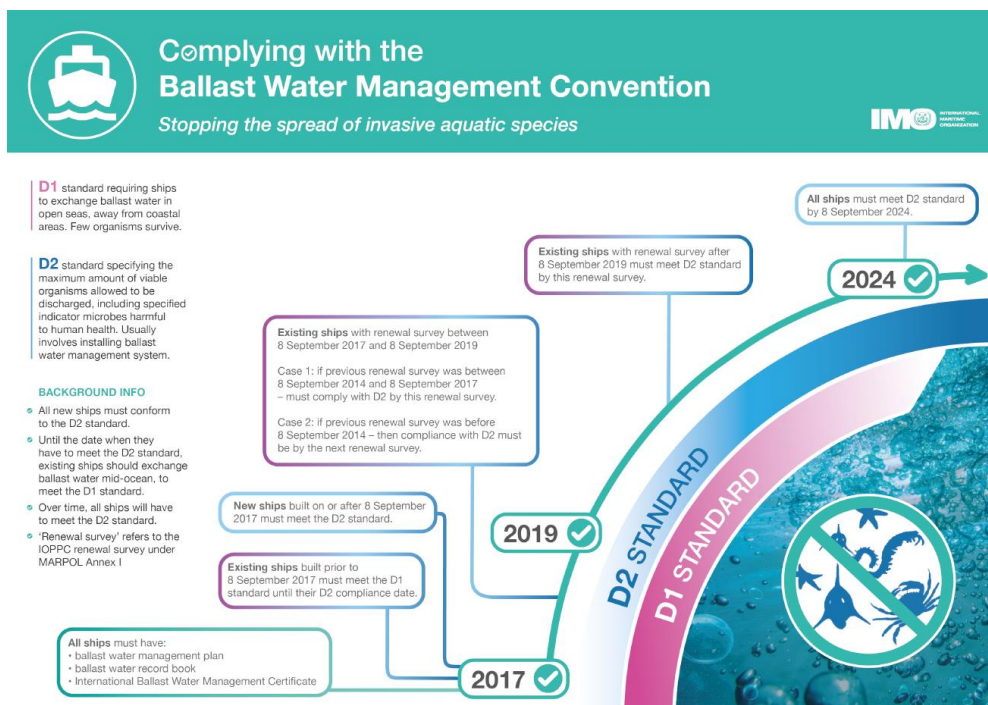
Vessels constructed on or after 8 September 2017

New vessels constructed on or after 8 September 2017, will be required to meet the Regulation D-2 discharge standard from the date they are put into service.

Vessels constructed before 8 September 2017

Vessels constructed before 8 September 2017 will need to comply with the Regulation D-2 standard by either the first or second five-year renewal survey of the vessel associated with the International Oil Pollution Prevention Certificate (IOPP) under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex I.

Vessels must comply with the Regulation D-2 standard by their first renewal survey date, when the first renewal survey takes place on or after 8 September 2019.



7. Ballast Water Management System Commissioning and Certification

In 2019 IMO approved amendments to regulation E-1.1.1 and E-1.1.5 of the Ballast Water Management Convention (BWM Convention). The amendments require an installed ballast water management system (BWMS) to undergo a commissioning test during the initial, or additional, survey, in accordance with the guidelines - BWM.2/Circ.70 on “**Guidance for the commissioning testing of ballast water management systems**”. A copy is listed at **Appendix 2**.

On 1 November 2019 the department issued a shipping circular for Commissioning Testing of Ballast Water Management Systems (Appendix 2). This circular is to inform the industry on the application of BWM.2/Circ.70 for Australian flagged ships to which the Ballast Water Management Convention applies.

The purpose of the commissioning test is to verify that the mechanical, physical, chemical and biological processes of the installed BWMS are working properly. The commissioning test is not intended to validate the type approval of the BWMS.

A written report including methods and detailed results of the commissioning testing should be provided to the attending RO surveyor for verification before an International Ballast Water Management Certificate (IBWMC) can be issued. The report should be provided to the Department of Agriculture, Water and the Environment for information by emailing pestsmarine@agriculture.gov.au.

If the commissioning test cannot be successfully carried out due to the equipment's system design limitation, a short term IBWMC may be issued for a period of not more than three (3) months. This is to allow time for the commissioning test to be carried out to the satisfaction of the attending RO surveyor. No authorisation from the department is required for such cases provided that the attending RO surveyor ensures the following:

- reasons for the commissioning test not being completed successfully are recorded in the ballast water record book;
- the attending RO surveyor is provided with arrangements for the commission test (e.g. date, time, location);
- the ship's ballast water management plan (BWMP) has incorporated appropriate contingency measures in line with the "Amendments to the Guidelines for ballast water management and development of ballast water management plans (G4)" (*Resolution MEPC.306(73)*);
- the ship's Master and the designated ballast water management officer are aware of the "Guidance on contingency measures under the BWM Convention", BWM.2/Circ.62, as may be amended, in particular on the communication between the ship and the port State;
- the ship's Master and the designated ballast water management officer are aware of the reporting requirements to the competent port Authority as per regulation E-1.7 of the BWM Convention when the vessel is calling a foreign port and shall comply with any additional requirements that the port State may impose; and
- The RO surveyor must collect the following information and provide it to the Marine Biosecurity Unit at pestsmarine@agriculture.gov.au as soon as reasonably practical:
 - vessel details, including name and IMO number
 - circumstances which led to incomplete testing, and
 - date for proposed next test.

**Note: (BI) 1.1.3.19 and (BI) 1.1.3.20 of the HSSC now states a surveyor must; Verify that, if applicable, installation commissioning procedures have been completed; and,*

Verify that an operational test of the BWMS was carried out based on the installation commissioning procedures and that documented evidence is provided which shows compliance of the treated discharge ballast water with regulation D-2 through sampling and analysis based on applicable guidelines developed by the Organization.

**Note: The guidance for commissioning tests is the subject of several proposed amendments at MEPC 75.*

8. Ballast water records

All ballast water operations must be logged in a recording system that is consistent with the requirements prescribed under Regulation B-2 of the Convention. The form of the ballast water records are prescribed in Appendix II of the Convention.

9. General policies in regards to plans, surveys and certificates

The Department of Agriculture, Water and the Environment recognises that there will be some vessels with operational profiles that do not meet the broad categories in Appendix 1. A survey authority may contact the department at ABWU@awe.gov.au for further guidance in relation to these vessels.

Any vessel which utilises an IMO Type Approved Ballast Water Management System (BWMS) as the method of ballast water management, must be surveyed in compliance with Regulation E.1.1 of the Convention and obtain a BWMP and a certificate. This applies regardless of the requirements stated in Table 2.

Vessels that have been fitted with spectacle blinds or similar to physically isolate ballast tanks, and do not intend to discharge or uptake ballast water during normal operations, are considered to have sealed tanks and are exempt from the requirements of the Biosecurity Act and the Convention. These vessels do not require a separate exemption from the department.

If a vessel's operational profile would be significantly delayed or impeded as a result of new ballast water management requirements the department will explore options to reduce the impact of any new requirements. The owner or operator of the vessel should be advised to contact the department at ABWU@awe.gov.au.

10. Exemptions and agreements for domestically operating vessels

Table 1 provides a list of available exemptions and agreements for domestically operating vessels. These exemptions and agreements do not apply for internationally operating vessels that must meet the requirements of the Convention. Applications may be lodged on the department's website using the approved application form, with all valid applications assessed within 28 working days of receipt.

A fee for assessment of an application for exemption may apply. Information on fees can be found on the department's website

<http://www.agriculture.gov.au/SiteCollectionDocuments/biosecurity/australia/cost-recovery-arrangements/charging-guidelines-2017.pdf>)

Table 1: Exemptions and agreements prescribed under chapter 5 of the Biosecurity Act.

Section	Application	Legal entity for the application
S.15	For the Director of Biosecurity to determine a lesser distance and/or depth for ballast water exchange	Owner of a vessel
275(c)	An exemption to determine the vessel can continue to utilise ballast water exchange and does not need to meet Regulation D-2 of the Convention	Owner of a vessel

285A(1)	An exemption from the requirement to obtain a BWMP and certificate	Owner of a vessel
278A	Enter an agreement between the owner of the vessel and the Director of Biosecurity	Owner of a vessel

An application for an exemption must include:

- a completed and signed application form
- proof of the legal entity that is the owner of the vessel
- vessel particulars and ballast capacity
- operational profile of the vessel, demonstrating operation solely in Australian waters or the high seas
- if applicable, an approved BWMP detailing ballast operations and methods
- if applicable, an approved certificate.

In the case of vessels that operate predominantly in Australia but travel internationally only for dry-docking, an exemption from the requirement to meet the Regulation D-2 discharge standard may be granted on a case by case basis. However, a vessel owner should verify with other Administrations they intend to visit to ensure the exemption from Regulation D-2 will be acceptable in their jurisdiction.

Please note further information may be required in order to adequately assess the application.

11. Offshore oil and gas industry

Floating Platforms, Floating Storage Units (FSUs) and Floating Production, Storage and Offloading Units (FPSOs) will be required to obtain a ballast water management plan and certificate. The survey schedule required for these vessels is not required to follow the schedule specified in Regulation E.1.1. Certification for Floating Platforms, Floating Storage Units (FSUs) and Floating Production, Storage and Offloading Units (FPSOs) may remain valid for a maximum of five years in-between surveys.

Vessels in the offshore industry that are classified as Floating Platforms, FSUs and FPSOs, may be eligible for exemptions. The department is working with the offshore sector on an industry standard to address specific marine pest biosecurity requirements of the sector.

Floating Platforms, FSUs and FPSOs are currently eligible for an exemption from the requirement to meet the Regulation D-2 discharge standard. An application for exemption must be submitted to the department using the exemption application form available on the department's website.

12. Appropriate ballast water for discharge

Vessels that have taken up ballast water, must ensure the water is considered appropriate for discharge under the requirements of the Biosecurity Act.

The Biosecurity Act provides exceptions that define what ballast water is appropriate for discharge within Australian seas. These exceptions include management methods that are available in [Australia's ballast water management requirements](#). Whilst these methods, including the use of

potable water, are accepted in Australia, survey authorities should refer to jurisdictional specific ballast water requirements if a vessel will be operating in the jurisdiction of other Administrations.

All vessels intending to operate within Australian waters should keep a copy of the Australian Ballast Water Management Requirements with their BWMP for reference.

The options for compliance with the ballast water management requirements of the Convention from the time a ship is required to meet the regulation D-2 performance standard, in accordance with the implementation schedule (regulation B-3), include:

- .1 discharge of ballast water that meets the criteria of any one of the exceptions prescribed in regulation A-3. This does not preclude an Administration or port State determining that the uptake and discharge of ballast water by one ship is necessary to ensure the safety of another ship (regulation A-3.1). In relation to the exception provided for in regulation A-3.5 (discharge at the same location where the whole of that ballast water originated), in the absence of a unified interpretation of 'same location', an Administration or port State may determine the extent of a same location;
- .2 discharge of ballast water that is granted an exemption under regulation A-4, following the Guidelines for risk assessment under regulation A-4 (G7), including within a same risk area (resolution MEPC.289(71) as may be amended);
- .3 discharge of ballast water from a ship that meets the criteria for regulation A-5 (Equivalent compliance);
- .4 discharge of ballast water to a reception facility, in accordance with regulation B-3.6 and the Guidelines for ballast water reception facilities (G5);
- .5 use of an 'other method' of ballast water management following the Procedure for Approving Other Methods of Ballast Water Management in accordance with Regulation B-3.7 of the BWM Convention (resolution MEPC.206(62), as may be amended);
- .6 discharge of ballast water that meets the regulation D-2 performance standard. It should be noted that regulation D-2 itself does not require the use of an on-board ballast water management system. Regulation D-3 of the Convention outlines the approval requirements for an on-board ballast water management system that is used to comply with regulation D-2, however a ship may determine an alternate method to meet regulation D-2. For example, a ship may obtain potable water from a municipal supply that meets the regulation D-2 performance standard. An Administration may seek to confirm that the ballast water complies with the D-2 performance standard through documentary evidence or, if necessary and in line with the Guidelines for Port State Control under the BWM Convention (resolution MEPC.252(67) as may be amended), through sampling;
- .7 discharge of ballast water that meets the regulation D-2 performance standard through use of a temporary ballast water management system when activities are to be undertaken outside those considered normal or routine. Any temporary system should comply with the relevant approval process in accordance with the Convention;

- .8 discharge of ballast water that meets the regulation D-2 performance standard through use of a permanent or temporary ballast water management system installed on board another ship or on shore; or
 - .9 discharge of ballast water that meets the regulation D-2 performance standard through a permanently installed type-approved on-board ballast water management system.
- 1.2. The Convention does not apply to permanent ballast water in sealed tanks on ships that is not subject to discharge (Article 3.2f).

13. Potable water as ballast

Vessels that only utilise potable water as ballast, and only discharge for the purpose of scheduled maintenance, dry-docking or emergency, do not need to obtain a BWMP or IBWMC. These vessels may need to seek an exemption if the tanks are not physically sealed or locked out from discharge and uptake infrastructure.

If a vessel utilises potable water that will be discharged during normal operations, they will be required to obtain a BWMP and BWMC dependant on the type of vessel. Please refer to Appendix 1 for further guidance. If the vessel does not fall within one of the categories in [Appendix 1](#), please contact the department for further guidance.

The use of potable water is considered suitable in Australia as an acceptable ballast water management method. However, other Administrations may not accept the use of potable water without treatment. A survey authority should ensure the Administrations in which the vessel will operate will accept the use of potable water before certifying potable water as an acceptable ballast water management method.

*Note: Discussion at MEPC regarding recognition that Potable water can meet the D-2 standard.

14. Informing the Department of Agriculture, Water and the Environment of Australian vessels that have been surveyed and certified

Survey authorities may provide the department with access to their online databases to verify which Australian vessels have been surveyed and certified. Alternatively, the survey authority should provide a signed or stamped copy of the BWMP, or cover sheet, and a signed or stamped copy of the certificate once an Australian vessel has been surveyed. Hard copies may be mailed to the department or scanned copies may be sent by email.

The department's contact details for plans and certificates:

Marine Biosecurity Unit

Department of Agriculture, Water and the Environment

PO Box 858 Canberra ACT 2601 Australia

ABWU@awe.gov.au

Appendix 1: Requirements for vessel types/classes designed to carry ballast water, to obtain a ballast water management plan and ballast water management certificate.

Scenario number	Ship type/class	Sub-category	Ballast Water Management Plan & Certificate required?	Exemption Policy
1	Ships which use an IMO Type Approved BWMS	Any size	Yes—approved by a survey authority or a Flag State Administration	Not eligible for an exemption
2	Commercial and non-commercial ships (that don't meet table items 1, 3, 4 or 7)	Greater than 400 gross tonnes	Yes—approved by a survey authority or a Flag State Administration	Exemption may be available on a case-by-case basis. Vessel must manage ballast water
3	Ships using potable water, Vessels with no power source	Any size	Yes—approved by a survey authority, registered surveyor or Flag State Administration.	Exemption may be available on a case-by-case basis. Vessel must manage ballast water.
4	Ships that are covered by Equivalent Compliance	(Regulation A-5) of the Ballast Water Convention ¹	Yes—approved by a survey authority, registered surveyor or Flag State Administration.	Exemption may be available on a case-by-case basis. Vessel must manage ballast water
5	Commercial ships	Less than 400 gross tonnes	Yes—approved by a survey authority, registered surveyor or Flag State Administration.	Exemption may be available on a case-by-case basis. Vessel must manage ballast water.
6	Non-commercial ships	Less than 400 gross tonnes	No (application for exemption <u>not</u> required)	Exempt from this requirement. Vessel must manage ballast water.
7	Ships considered to have sealed tanks ²	Any size	No (application for exemption <u>not</u> required)	Exempt from this requirement. Must still manage ballast water.
8	Government and defence vessels	Used only for non-commercial purposes	No (application for exemption <u>not</u> required)	Exempt from this requirement

¹ The *Guidelines for Ballast Water Management Equivalent Compliance (G3)* apply to pleasure craft used solely for recreation or competition or craft used primarily for search and rescue less than 50 metres in overall length and with a maximum ballast water capacity of eight cubic metres. Overall length means the length of the hull excluding bowsprits, booms, bumpkins, pulpits.

² Sealed Tanks - Ballast tanks that are permanently sealed and unable to receive or discharge ballast water from the environment. Vessels that have been fitted with spectacle blinds or similar, and do not intend to discharge or uptake ballast water during normal operations, are considered to have sealed tanks.

10/18/2019



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DEPARTMENT OF AGRICULTURE
SHIPPING CIRCULAR

NO. 01 OF 2019

Who does this notice affect?

Shipowners, ship managers, operators, Masters of Australian flagged ships, Recognised Organisations (ROs), ballast water management equipment manufacturers, testing laboratories and shipyards

COMMISSIONING TESTING OF BALLAST WATER MANAGEMENT SYSTEMS

1. This circular is to inform the industry on the application of BWM.2/Circ.70 on “**Guidance for the commissioning testing of ballast water management systems**” for Australian flagged ships to which the Ballast Water Management Convention applies.
2. The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) approved the proposed amendments to regulation E-1.1.1 and E-1.1.5 of the Ballast Water Management Convention (BWM Convention) which are expected to enter into force at a later date¹. The amendments require an installed ballast water management system (BWMS) to undergo a commissioning test during the initial, or additional, survey.
3. The purpose of the commissioning test is to verify that the mechanical, physical, chemical and biological processes of the installed BWMS are working properly, taking into account guidelines developed by the IMO (i.e. the BWM.2/Circ.70, as may be amended). The commissioning test is not intended to validate the type approval of the BWMS.
4. The commissioning test shall be carried out for BWMS that are installed on board applicable Australian Flagged Ships² of 400GT and above after **8 September 2019**. Applicable ships of less than 400GT may undergo the commissioning test voluntarily.
5. The commissioning test shall be carried out to the satisfaction of the attending RO surveyor after a complete installation of the BWMS, and after all ballasting equipment (e.g. pumps and piping) has been fully tested as appropriate. The commissioning testing should be carried out in accordance with the Annex of BWM.2/Circ.70 - Guidance for the commissioning testing of ballast water management systems.
6. The ballast water samples collected for the commissioning test should be a representative sample, analysed using at least an appropriate indicative analysis method³. The commissioning test is considered to be successful if the analysis indicates that the sample does not exceed the D-2 standard and the self-monitoring equipment of the BWMS indicates correct operation of all sensors and related equipment.

¹Amendments to the Biosecurity (Ballast Water and Sediment) Determination 2017 shall be made accordingly.

²Ships that are required to meet the D2 performance standards as per Ballast Water Management Convention Regulation B3, as amended.

³List of indicative analysis methods are listed in table 3 of BWM.2/Circ.42/Rev.1, as may be amended

7. A written report including methods and detailed results of the commissioning testing should be provided to the attending RO surveyor for verification before an International Ballast Water Management Certificate (IBWMC) can be issued. The report should be provided to the Australian Department of Agriculture (Agriculture) for information.

8. The arrangement for conducting the test and any commercial dealings pertaining to the commissioning test shall be between the shipowners/manager/shipyard/contractor and the manufacturer. Agriculture does not carry out approval of any specific testing facility. The testing facility engaged to conduct the commissioning test shall be independent of the manufacturer of the BWMS and accepted by the RO which issues the IBWMC.

9. If the commissioning test cannot be successfully carried out due to the equipment's system design limitation, a short term IBWMC may be issued for a period of not more than three (3) months. This is to allow time for the commissioning test to be carried out to the satisfaction of the attending RO surveyor. No authorisation from Agriculture is required for such cases provided that the attending RO surveyor ensures the following:

- reasons for the commissioning test not being completed successfully are recorded in the ballast water record book;
- the attending RO surveyor is provided with arrangements for the commission test (e.g. date, time, location);
- the ship's ballast water management plan (BWMP) has incorporated appropriate contingency measures in line with the "Amendments to the Guidelines for ballast water management and development of ballast water management plans (G4)" (*Resolution MEPC.306(73)*);
- the ship's Master and the designated ballast water management officer are aware of the "Guidance on contingency measures under the BWM Convention", BWM.2/Circ.62, as may be amended, in particular on the communication between the ship and the port State; and
- the ship's Master and the designated ballast water management officer are aware of the reporting requirements to the competent port Authority as per regulation E-1.7 of the BWM Convention when the vessel is calling a foreign port and shall comply with any additional requirements that the port State may impose.
- The RO surveyor must collect the following information and provide it to the Marine Biosecurity Unit at pestsmarine@agriculture.gov.au as soon as reasonably practical:
 - vessel details, including name and IMO number
 - circumstances which led to incomplete testing, and
 - date for proposed next test.

10. If the commissioning test is not completed within the three (3) months of the short term IBWMC, Agriculture's approval for an extension is to be sought.

11. Any queries to this circular should be directed the Marine Biosecurity Unit at pestsmarine@agriculture.gov.au

Further information

- a) [BWM.2/Circ.70](#) - Guidance for the commissioning testing of ballast water management systems
- b) [Resolution MEPC.306\(73\)](#) - Amendments to the Guidelines for ballast water management and development of ballast water management plans (G4)
- c) [BWM.2/Circ.62](#) - Guidance on contingency measures under the BWM Convention
- d) [Proposed amendments](#) to regulation E-1.1.1 and E-1.1.5 of the BWM Convention

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BWM.2/Circ.70
1 November 2018

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

Guidance for the commissioning testing of ballast water management systems

1 The Marine Environment Protection Committee (MEPC), at its seventy-third session (22 to 26 October 2018), approved *Guidance for the commissioning testing of ballast water management systems*, as set out in the annex.

2 Member Governments and international organizations are invited to bring the annexed Guidance to the attention of all parties concerned.

DRAFT AMENDMENTS TO REGULATION E-1 OF THE BWM CONVENTION

Survey and certification requirements for ballast water management

(Proposed amendments are shown in additions/deletions.)

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. This survey shall confirm that a commissioning test has been conducted to validate the installation of any ballast water management system to demonstrate that its mechanical, physical, chemical and biological processes are working properly, taking into account guidelines developed by the Organization.*

- .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. When an additional survey is undertaken for the installation of any ballast water management system, this survey shall confirm that a commissioning test has been conducted to validate the installation of the system to demonstrate that its mechanical, physical, chemical and biological processes are working properly, taking into account guidelines developed by the Organization.*

* Refer to the *Guidance for the commissioning testing of ballast water management systems* (BWM.2/Circ.70), as may be amended by the Organization.

6 In any case, the ship is required to do its best to correct malfunction of the Ballast Water Management system as soon as possible and submit its repair plan to the port State control authorities and the flag State.

7 The port State, the flag State and the ship should work together to agree on the most appropriate solution to allow for the discharge of ballast water found to be non-compliant.

8 The ship and the port State should take appropriate measures, bearing in mind that ballast water sampling is still under development, as noted in the *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42/Rev.1) and the agreement on non-penalization during the EBP (MEPC.290(71)).

Review

9 The guidance on contingency measures should be kept under review in the light of experience gained through the EBP.

ANNEX

GUIDANCE ON CONTINGENCY MEASURES UNDER THE BWM CONVENTION

Definition

1 *Contingency measure* means a process undertaken on a case-by-case basis after a determination that ballast water to be discharged from a ship is not compliant, in order to allow ballast water to be managed such that it does not pose any unacceptable risks to the environment, human health, property and resources.

Purpose

2 The goal of this Guidance is to support ships and port States to apply sound and practical measures in the case of a ship unable to manage ballast water in accordance with its approved Ballast Water Management plan to meet the D-1 or D-2 standard, with a view to ensuring the protection of the marine environment and ship, safety and minimizing any impacts on the continuity of port and ship operations.

Implementation of contingency measures

3 In the case of non-compliant ballast water, communication between the ship and the port State should occur. The ship and the port State should consider the following as possible contingency measures:

- .1 actions predetermined in the Ballast Water Management plan of the ship;
- .2 discharging ballast water to another ship or to an appropriate shipboard or land-based reception facility, if available;
- .3 managing the ballast water or a portion of it in accordance with a method acceptable to the port State;
- .4 ballast water exchange carried out to an approved plan in accordance with regulation B-4 to meet the standard in regulation D-1. The ship and the port State should consider the potential disruption to the cargo handling operation plan of the ship and the potential impact to relating parties including port operators and cargo owners; or
- .5 operational actions, such as modifying sailing or ballast water discharge schedules, internal transfer of ballast water or the retention of ballast water on board the ship. The port State and the ship should consider any safety issues and avoid possible undue delays.

4 Having considered all of the options in paragraph 3 above, the ballast water may be discharged in the port or any suitable area, as acceptable to the port State. Port State consideration may include environmental, safety, operational and logistical implications of allowing or disallowing the discharge. The discharge of ballast water is subject to any conditions of the port State.

5 The port State should report information on the use of contingency measures in accordance with the experience-building phase (EBP) associated with the BWM Convention (resolution MEPC.290(71)).

ANNEX

**AMENDMENTS TO THE GUIDELINES FOR BALLAST WATER MANAGEMENT AND
DEVELOPMENT OF BALLAST WATER MANAGEMENT PLANS (G4)**

1 Paragraph 4.3 is added in part B:

"4.3 The ballast water management plan may include contingency measures developed taking into account guidelines developed by the Organization".

* Refer to the *Guidance on contingency measures under the BWM Convention* (BWM.2/Circ.62, as may be amended).

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BWM.2/Circ.62
26 July 2017

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

Guidance on contingency measures under the BWM Convention

1 The Marine Environment Protection Committee, at its seventy-first session (3 to 7 July 2017), approved *Guidance on contingency measures under the BWM Convention* to support ships and port States to apply sound and practical measures in situations where a ship is unable to manage its ballast water as required, as set out in the annex.

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

RESOLUTION MEPC.306(73)
(adopted on 26 October 2018)

**AMENDMENTS TO THE GUIDELINES FOR BALLAST WATER MANAGEMENT AND
DEVELOPMENT OF BALLAST WATER MANAGEMENT PLANS (G4) (RESOLUTION
MEPC.127(53))**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through ballast water management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that regulation B-1 of the Annex to the Ballast Water Management Convention provides that each ship shall have on board and implement a ballast water management plan approved by the Administration, taking into account Guidelines developed by the Organization,

NOTING FURTHER that, at its fifty-third session, the Committee adopted, by resolution MEPC.127(53), the *Guidelines for ballast water management and development of ballast water management plans* (G4),

HAVING CONSIDERED, at its seventy-third session, proposed amendments to the Guidelines (G4),

- 1 ADOPTS amendments to the *Guidelines for ballast water management and development of ballast water management plans*, as set out in the annex to the present resolution;
- 2 INVITES Governments to apply the Guidelines, as amended, as soon as possible;
- 3 AGREES to keep the Guidelines, as amended, under review.

- .1 a sample should be collected during a ballast water uptake to characterize the ambient water, by any means practical (e.g. in-line sample port or direct harbour sample). The ambient water should be accepted for testing regardless of the level of challenge it poses to the BWMS;
- .2 a sample should be collected during the corresponding ballast water discharge after the full treatment has been applied. Samples should be taken in accordance with the *Guidelines on ballast water sampling (G2)*;
- .3 the representative samples should be analysed for all size classes included in the D-2 standard using indicative analysis methods listed in table 3 of BWM.2/Circ.42/Rev.1; and
- .4 the applicable self-monitoring parameters (e.g. flow rate, pressure, TRO, UV intensity, etc.) of the BWMS should also be assessed, taking into account the System Design Limitations of the BWMS, and the correct operation of all sensors and related equipment should be confirmed.

5 The validation is successful if the analysis indicates that the discharge sample does not exceed the D-2 standard and the self-monitoring equipment indicates correct operation.

6 In the case that the ambient water is not appropriate for the operational testing during the commissioning of the BWMS (e.g. salinity of ambient water is outside the SDL of the BWMS), testing should be evaluated to the satisfaction of the Administration.

Documentation

7 A written report including methods and detailed results of the commissioning testing should be provided to the Administration.

ANNEX

**GUIDANCE FOR THE COMMISSIONING TESTING OF BALLASTWATER
MANAGEMENT SYSTEMS**

Context

1 The purpose of commissioning testing is to validate the installation of a ballast water management system (BWMS) by demonstrating that its mechanical, physical, chemical and biological processes are working properly. Commissioning testing is not intended to validate the design of type-approved BWMS that are approved by the Administration.

2 The following Guidance for the commissioning testing of BWMS has been developed for use by persons fitting and verifying the installation of BWMS in accordance with:

- .1 regulation E-1.1.1 of the Convention, which requires, inter alia, that an initial survey verify that any structure, equipment, systems, fitting, arrangements, material or processes comply fully with the requirements of the Convention;
- .2 regulation E-1.1.5 of the Convention which requires, inter alia, that an additional survey be made after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with the Convention;
- .3 paragraph 8.2.5 of the BWMS Code, which requires that the Administration issuing the International Ballast Water Management Certificate verify that installation commissioning procedures are on board the ship in a suitable format;
- .4 paragraph 8.3.6 of the BWMS Code, which requires that the installation commissioning procedures have been completed;
- .5 paragraph 1.18 of resolution MEPC.174(58), which provides that, when a type-approved ballast water management system is installed on board, an installation survey according to section 8 should be carried out; and
- .6 paragraph 1.1.2.19 of annex 4 of the HSSC Guidelines (resolution A.1120(30)), which includes, "verifying that an operational test of the ballast water management system was carried out based on the installation commissioning procedures and that documented evidence is provided which shows compliance of the treated discharge ballast water during the above mentioned test with regulation D-2 through sampling and analysis based on applicable guidelines developed by the Organization."

3 For the purposes of this Guidance, commissioning testing refers to an operational test of the ballast water management system carried out based on the installation commissioning procedures referred to in paragraph 2.6.

Validating compliance

4 The following steps should be undertaken following installation of the BWMS on board the ship, and after all ballasting equipment (e.g. pumps and piping) has been fully installed and tested as appropriate:
