



Transport Malta

PORTS AND YACHTING DIRECTORATE

Port Notice Number 09/17

Our Ref: TM/PYD/50/01II

Malta Transport Centre
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Malta

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**Notice to: Masters
Ship Owners and Operators
Ship Agents
Marine Terminals and Marine Facilities**

Ballast Water Management Convention

The Authority for Transport in Malta wishes to notify that the International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004 came into force on the 8th of September, 2017 and is applicable to Maltese territorial waters. The Convention has been given force of law in Malta in terms of the Merchant Shipping (Ballast Water Management) Regulations, 2017 (S. L. 234.55).

The Ballast Water Convention aims to prevent the spread of harmful aquatic organisms from one region to another by establishing standards and procedures for the management and control of ships' ballast water and sediments.

All Masters, Owners, Operators and Agents of ships to which the Regulations and Convention apply are to ensure compliance with the provisions of the Regulations and the applicable requirements of the Convention when such ships call Maltese territorial waters. Port State Control inspections shall verify such compliance accordingly.

The Authority further notifies that in the event of contingency measures under the Convention or where ballast water exchange in terms of the Convention is not possible, the attached BWM.2/Circ.62 and BWM.2/Circ.3 respectively will be applicable.

In this respect, all Masters are to ensure that during de-ballasting operations, only clean ballast water is discharged in the sea. The discharge of dirty ballast water containing oil, chemicals, sediment, silt or any other contaminant that pollutes and/or causes discoloration of the surrounding water is strictly prohibited. Furthermore, all Marine Terminals and Marine Facilities are obliged to monitor such discharges and to immediately stop any de-ballasting operation and inform the Authority if the above directions are not being adhered to.

Port Notice 06/2016 is hereby being revoked.

Capt David Bugeja
Chief Officer
Ports and Yachting Directorate

19 September 2017

4 ALBERT EMBANKMENT
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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.

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)).

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.

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BWM.2/Circ.63
27 July 2017

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

**Application of the Convention to ships operating in sea areas where ballast water
exchange in accordance with regulations B-4.1 and D-1 is not possible**

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

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

ANNEX

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

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

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

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

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

- .1 the ship should comply with the terms of use for those areas provided by the port State. In case no terms of use are provided, the ship should not be required to deviate from its intended voyage, or delay the voyage, in order to conduct ballast water exchange; and
- .2 when a ship does not have sufficient time to carry out the exchange for all of its ballast water complying with the standard in regulation D-1, the ship, taking into account the Ballast Water Management plan, should comply with the terms of use for those areas provided by the port State in accordance with paragraph 10.3 of the Guidelines (G14).

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