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Ballast Water Management Convention

1.0 Introduction

This Technical Circular establishes policies for the Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) on the Ballast Water Management (BWM) Convention for survey and certification of:

- ships less than 400 gross tonnage (GT) pursuant to Regulation E-1 paragraph 2;
- floating platforms, Floating Storage Units (FSUs), and Floating Production, Storage and Offloading (FPSO) Units; and
- classed and unclassed pleasure craft of any size.

This circular addresses:

- the renewal survey of the International Oil Pollution Prevention (IOPP) Certificate;
- implementation of the draft amended regulation B-3;
- D-2 compliance date for Non-IOPP ships;
- approval of Ballast Water Management Plans (BWMP); and
- Ballast Water Management Systems (BWMS) failures.

This revision addresses Ballast Water Management Failures in §6.0.

2.0 Survey and certification

The Administrator’s policy is that, regardless of GT, if the ship requires an International Ballast Water Management (IBWM) Certificate then this may be issued after a survey has been satisfactorily completed.

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2.1 Vessels less than 400 GT

In accordance with BWM Convention Regulation E-1, Regulation 2, the Administrator has determined that all vessels less than 400 GT must be surveyed and certified.

2.1.1 Compliance with the pleasure craft requirements will be assessed on a case-by-case basis in consultation with the Administrator, taking into consideration International Maritime Organization (IMO) Resolution MEPC.123(53), Guidelines for Ballast Water Management Equivalent Compliance (G3), as appropriate.

2.1.2 Survey and certification of offshore support vessels must generally follow Section E of the BWM Convention, taking into consideration IMO Circulars BWM.2/Circ.44, Options for ballast water management for Offshore Support Vessels in accordance with the BWM Convention and BWM.2/Circ.52/Rev.1, Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party.

2.1.3 Vessels that are not pleasure craft or support vessels may also apply the optional methods of compliance laid out in IMO Circular BWM.2/Circ.44. They must undergo survey and certification generally following section E of the BWM Convention.

2.2 Floating platforms, FSUs, and FPSO Units

2.2.1 Floating platforms, FSUs, and FPSOs are included within the BWM Convention's definition of a ship. Therefore, like other ships, they will require an IBWM Certificate after successful survey in accordance with BWM Convention Regulations E-1 and E-2, as applicable, unless they are covered by the exclusions, exemptions, exceptions, or equivalencies set out respectively in Article 3 – *Application* (paragraph 2), Regulation A-3 – *Exceptions* (paragraph 4 and 5), Regulation A-4 – *Exemptions*, and Regulation A-5 – *Equivalent compliance*.

2.2.2 Floating platforms, FSUs, and FPSOs may not need ongoing certification because they operate in a single location. IMO Circular BWM.2/Circ.52/Rev.1 should be considered with the repositioning and dry-docking voyages of these ship types.

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2.3 Classed and Unclassed Pleasure Craft of any Size

Classed pleasure craft to which the convention applies must be surveyed and certified by a Classification Society. Unclassed pleasure craft of any size to which the BWM Convention applies must be surveyed and certified by an Appointed Representative (AR).

2.4 Some ships, such as Mobile Offshore Units (MOUs), including Mobile Offshore Drilling Units (MODUs), may not need ongoing certification because they operate in a single location. See IMO Circular BWM.2/Circ.52/Rev.1, *Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party*, should be applied for these ship types.

3.0 D-2 Compliance for Non-IOPP Ships

A ship constructed before 08 September 2017 and which is not required to hold an IOPP Certificate, must conduct Ballast Water Management that meets the standard described in regulation D-2 not later than 08 September 2024. Until then, the ship is required to comply by employing one of the other BWM practices in the Convention.

4.0 Decoupling or Recoupling the IOPP Renewal Survey

4.1 The Administrator is viewing this situation as pragmatically as it can to the extent that, under appropriate circumstances, de-harmonizing or re-harmonizing may be allowed. The resultant potential further extension of the due date before 'D-2 compliance' is required, is not viewed as being negative but rather as a positive opportunity that provides time for shipowners to achieve D-2 compliance that is effective and will be long term compliant with the Convention as well as United States Coast Guard (USCG) requirements should that be considered important.

4.2 In particular, it is considered that the installation of a Ballast Water Management System (BWMS) type approved under the 2016 G8 Guidelines or the BWMS Code and also USCG type approval requirements, will, in the long run, be more beneficial to the environment than the installation of a BWMS type approved under the G8 Guidelines.

4.3 Allowing decoupling or recoupling is not mandated. It is an option that the shipowner may decide to take or not. Such a decision should be taken in collaboration with the ship's Classification Society.

4.4 Decoupling

4.4.1 The Administrator allows for early renewal and decoupling of the IOPP renewal survey from other statutory surveys and certificates covered in IMO

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Assembly Resolution [A.883\(21\)](#), *Global and Uniform Implementation of the Harmonized System of Survey and Certification (HSSC)*. No special authorization from the Administrator is required to carry out an early IOPP renewal survey, or to issue the new certificate.

4.4.2 In accordance with the International Convention of the Prevention of Pollution from Ships I, regulation 10, paragraph 7, the Administrator authorizes ROs to issue certificates that are not dated from the date of expiry of the existing certificate. In all cases, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

4.5 Recoupling

4.5.1 The IOPP certificate expiry date if decoupled can be recoupled with other certificates.

4.5.2 If the IOPP Certificate is to be recoupled in order to take advantage of the dates for compliance with D-2 emanating from MEPC 71, then the following should be carried out:

- .1 The decoupled IOPP certificate is to be withdrawn.
- .2 A new IOPP Certificate is to be issued using the date of last survey and expiry date taken from the previous harmonized IOPP certificate. The issue date must be the actual date of issue of this new certificate.
- .3 Any Annual or Intermediate (A/I) surveys that had been completed and endorsed on the previous harmonized IOPP certificate are to be endorsed on the new certificate.
- .4 If the Renewal survey carried out for decoupling was carried out within the window of an A/I on the harmonized IOPP certificate and the A/I survey was not otherwise completed, it can now be used to credit and endorse the A/I survey on the new certificate.
- .5 If the Renewal survey carried out for decoupling was carried out within the window of an A/I on the harmonized IOPP certificate and the A/I survey had also been completed, the Renewal survey for decoupling should be recorded as an occasional survey.
- .6 If the Renewal survey carried out for decoupling was carried out prior to the window of an A/I on the harmonized IOPP certificate

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and the A/I survey would now be overdue, then an A/I survey is to be completed and the new certificate endorsed accordingly.

- 4.5.3 The decoupling survey stated in the above scenarios, when credited as an occasional, is not considered to be the one described in Regulation B-3.10.1.2 of the BWM Convention.
- 4.5.4 Scenarios other than the above are to be considered on a case by case basis by the RO and a recommendation made to the Administrator.

5.0 BWMP

- 5.1 The BWMP must be reviewed and approved by the ship's RO, taking into consideration the Guidelines (G4) contained in IMO Resolution [MEPC.127\(53\)](#), as amended.
- 5.2 Plans which have been approved prior to the amendments of IMO Resolution [MEPC.306\(73\)](#) do not need re-approval, unless changes are proposed to the plan.
- 5.3 Contingency measures (IMO Circular [BWM.2/Circ.62](#)) may be incorporated into the ship's emergency preparedness procedures rather than the BWMP. This is because the contingency measures (when it is determined that the ballast water to be discharged is not in compliance with the D-2 Standard) are contained in the G4 Guidelines' non-mandatory section, as amended by IMO Resolution MEPC.306(73).
- 5.4 IMO Circular [BWM.2/Circ.40](#) allows for a BWMP approved in accordance with IMO Assembly Resolution [A.868\(20\)](#) to remain valid until it requires revision due to the installation of a BWMS.
- 5.5 The BWMP must be reviewed and approved by the ship's RO, taking into consideration the Guidelines (G4) contained in IMO Resolution MEPC.127(53), as amended by IMO Resolution MEPC.306(73).
- 5.6 IMO Circular BWM.2/Circ.40 allows for a BWMP approved in accordance with IMO Assembly Resolution A.868(20) to remain valid until it requires revision due to the installation of a BWMS.

6.0 BWMS Failures

- 6.1 Where the ship's IBWM certificate is annotated for both D-1 and D-2, the RO may issue without further authorization from the Administrator:
 - 6.1.1 a short term (D-1 and D-2) certificate valid for not more than two months, pending verification of the BWMS repairs. The certificate must include a

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footnote that the BWMS is inoperative, and D-1 will be used until repairs are completed and satisfactorily verified; or,

6.2.2 full-term D-1 certificate with a maximum validity until the vessel's D-2 compliance date.

6.2 Where the certificate is only annotated for D-2, the RO may issue, without further authorization from the Administrator, a short term (D-2) certificate valid for not more than two months, pending verification of the BWMS repairs. The certificate must include a footnote that the BWMS is inoperative and contingency measures will be used for managing non-compliant ballast water discharges, until repairs are completed and satisfactorily verified.

The Administrator accepts BWE in lieu of using the BWMS when this method is included as a contingency measure in the ship's approved BWMP. However, agreement from the coastal State must be obtained before this option is exercised.

7.0 Questions

Questions on this Technical Circular may be sent to: technical@register-iri.com.