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CIRCULAR LETTER
No: 559 from 20 October 2017

**INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF
SHIP'S BALLAST WATER AND SEDIMENTS**

**TO: SHIPOWNERS, SHIPS' OPERATORS AND MANAGERS, MASTERS
AND SURVEYORS TO THE FLAG STATE ADMINISTRATION
RECOGNIZED ORGANIZATIONS.**

APPLICABLE TO: ALL SHIPS TO WHICH THE CONVENTION APPLIES

EFFECTIVE AS FROM: 8th September 2017

1. General

The International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Ballast Water Management Convention) will be effective as from 8th September 2017. Most ships will have to install an on-board system to treat ballast water and eliminate unwanted organisms. More than 60 type-approved systems are already available.

2. Applicability of the Convention

On 8th September 2017, all Republic of Moldova ships (i.e. vessels of any type operating in the aquatic environment, including submersibles, floating craft, floating platforms, floating storage units (FSUs) and floating production, storage and offloading (FPSO) units) will be requested to:

- have an approved ballast water management plan on board;
- maintain a ballast water record book;

- manage their ballast water on every voyage by performing ballast water exchange (or by treating it using an approved ballast water treatment system); and
- undertake an initial survey and have a **Statement of Compliance with International Ballast Water Management Convention** issued (for ships of 400 gross tonnage and above to which the Convention applies).

The Convention does not normally apply to:

- ships not carrying ballast water;
- ships engaged in national voyages
- ships that only operate in waters under the jurisdiction of one party and on high seas, subject to a written authorization of that Party for such exclusion;
- warships, naval auxiliary or other ships owned or operated by a State provided it is used only on government non-commercial service;
- ships with permanent ballast water in sealed tanks and therefore not subject to discharge at any time; or
- pleasure craft which are less than 50 m in overall length and which have a maximum ballast water capacity of eight (8) m³.

3. Requirements

Ships will be required to carry on board the following:

- “**Ballast Water Management Plan**” approved by the Recognized Organization on behalf of this Administration, according to a process developed by the IMO;
- “**Ballast Water Record Book**” for the recording of each operation concerning ballast water management; and
- “**International Ballast Water Management Statement of Compliance**” with five (5) year validity and subject to annual, intermediate and renewal surveys.

4. Implementation of Ballast Water Treatment Requirement (D-2)

Implementation of the D-2 requirement of Ballast Water Management Convention was decided at MEPC 71 held between 3rd and 7th July 2017.

Ships built (keel-laid) on or after 8th September 2017 should comply with the D-2 standard upon delivery.

Existing ships should comply with D-2 on the first IOPP renewal following the implementation if:

- 1) this survey is completed on or after 8th September 2019, or
- 2) a renewal IOPP survey has been completed on or after 8th September 2014 but before 8th September 2017.

Furthermore, the ship should comply with D-2 on the second IOPP renewal survey following the implementation, if the first renewal survey following the date of the implementation of the Convention is completed prior to 8th September 2019 and if conditions 1 or 2 above are not met.

This means that a ship which is due for an IOPP renewal survey between 8th September 2017 and 8th September 2019 cannot decouple its IOPP survey for a

second renewal before 8th September 2019 without then having to comply with the D-2 standard.

Ships built before 8th September 2017 and delivered (including the initial IOPP survey) after that date, need to comply with the D-2 standard at the first IOPP renewal survey after delivery.

The agreement implies that vessels with the last IOPP renewal carried out before 8th September 2014 have nothing to gain by decoupling, but instead risk losing up to two years on the D-2 implementation date by doing so.

The IMO Resolution containing the changes to the BWM Convention has not been formally published yet, but the agreed text of the changes is annexed to this Circular.

The IMO will in due course circulate the agreed text for the amendments to the BWMC to reflect the above implementation schedule.

This Administration strongly recommends that owners contact their vessels' ROs early in order to carefully examine and consider their vessels' individual IOPP Renewal dates in order to ensure compliance with the above schedule.

5. International Ballast Water Management Statement of Compliance

All ships over 400 GT to which the Convention applies will be requested to be surveyed and issued with an **International Ballast Water Management Statement of Compliance** valid five (5) years, subject to annual and intermediate surveys.

When the Convention is ratified by Republic of Moldova any Statements of Compliance issued to Republic of Moldova ships by a Recognized Organizations should be replaced without survey with an International Ballast Water Management Certificate. The expiry date will correspond to the validity of the existing Statement of Compliance.

It will be possible to issue an International Ballast Water Management Statement of Compliance prior the entry into force of the Convention (8th September 2017) provided that it is annotated to state that the validity begins as from 8th September 2017. (Refer to IMO Circular BWM.2/Circ.40)

6. Exemptions

Under regulation A-4, this Administration, in waters under its jurisdiction, may grant exemptions in addition to exemptions contained elsewhere in the Convention but only where they are granted:

- to ship(s) on voyage(s) between specified ports or locations;
- to ships which operate exclusively between specified ports or locations;

- to ships which do not mix ballast water or sediments other than between the specified ports or locations;
- any exemption granted should be based on the IMO G7 Guidelines on risk assessment and will not be valid for more than five (5) years. An exemption may be withdrawn at any time for breach of condition or in emergency situations.

7. IOPP renewal survey and harmonisation of statutory certification

In general, this Administration has no objection to de-harmonize the IOPP certificate, anticipate its renewal survey before the date of entry into force of the Convention and to re-align it to the other statutory certificates at the first opportunity, provided the request is justified.

The RO should forward the completed form to this Administration for further evaluation. The RO should clearly indicate their support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.

Subject to positive evaluation, this Administration will authorize the RO to perform a renewal survey for IOPP and to issue a new full term IOPP Certificate upon satisfactory completion of the said survey.

Owners are reminded that the above does not supersede requirements of the Coastal State where the vessel is/will be operating.

8. Ballast Water Management Plans

All ships with ballast water capacity and which are subject to the Ballast Water Management Convention Article 3 should have on board an approved ship-specific Ballast Water Management Plan and a Ballast Water Record Book to comply with the BWM Convention. The Ballast Water Management Plan is requested to:

- assist the ship in complying with international regulations to minimise the risk of the transfer of harmful aquatic organisms and pathogens in ships' ballast water and associated sediments
- identify the ship's Ballast Water Management Officer
- consider ship safety elements, provide information to PSC Officers on the ship's ballast handling system and confirm that ballast water management can be effectively planned
- include training on BWM operational practices
- be written in the working language of the ship. If this language is not English, then a translation into English should be included.

Ballast Water Record Book entries should be maintained on board the ship for a minimum period of two (2) years after the last entry has been made and thereafter in the Shipowner's/Ship's Operator's/Manager's control for a minimum period of three (3) years.

9. Actions to be taken by Shipowners, Ship's Operators and Managers

Shipowners, Ship operators and Managers should conform to the following steps in order to comply with the Convention:

- To review the ship's plans and ballast systems to ensure compliance with the BWM convention;
- To develop a BWM plan;
- To install an approved ballast water treatment system as applicable;
- To submit the BWM plan for approval to the Recognized Organization responsible for statutory certification of the vessel on behalf of this Administration
- To arrange for an initial survey to be carried out by the Recognized Organization responsible for the vessel's statutory certification on behalf of this Administration and to obtain an International Ballast Water Management Statement of Compliance;
- To train the ship's staff in BWM operations; and
- To maintain records in the ballast water record book as per the BWM plan including sediment management.

10. Ships to which the IOPP renewal survey does not apply

It has been agreed at MEPC 71st meeting that a ship to which the IOPP renewal survey does not apply (generally ships less than 400 GT in size) should comply with D-2 no later than 8th September 2024.

11. Requirements for ships (including pleasure and commercial yachts) of less than 400 GT

As from 8th September 2017, all ships (including pleasure and commercial yachts) of less than 400 GT, designed / constructed to carry ballast water should comply with the following:

- Carry onboard a Ballast Water Management Plan, approved by an authorised RO on behalf of this Administration, in accordance with Regulation B-1.
- Carry onboard a Ballast Water Record Book, in accordance with Regulation B-2 and manage their ballast water on every voyage by performing ballast water exchange, or by treating water using a type approved ballast water treatment system.

• **Pleasure/private yachts** used solely for recreation or competition or **crafts used primarily for search and rescue**, less than 50 metres in length overall, and with a maximum Ballast Water capacity of eight (8) cubic metres does not have to comply with this paragraph provided that they comply with the following equivalent measures:

- They should exchange Ballast Water outside port waters and as far from the coast as practically possible;
- when loading Ballast Water, every effort should be made to avoid the uptake of potentially harmful aquatic organisms, pathogens and sediments that may contain such organisms;
- Ballast Water should be exchanged prior to discharge in accordance with regulation B-4 of the Convention; and
- any chemical treatment should only use Active Substances approved by the International Maritime Organization.
- Ships of less than 400 GT are likely to be required to transition from D-1 to D-2 by 8th September 2024, as per recent amendments to the Convention.

Annex: Guidelines and guidance documents related to the implementation of the International Convention for the Control and Management of ships' Ballast Water and Sediments, 2004.

MEPC 71/WP.11/Rev.1

Sincerely yours,

Harbour Master Giurgiulesti
Victor ANDRUSCA

