

CIRCULAR NO. 77

PORTUGUESE MARITIME ADMINISTRATION

SUBJECT | Applicability of International Convention for the control and management of Ship's Ballast Water and Sediments. Requirements, exceptions, and malfunctions of Ballast Water Treatment System (BWTS).

To | Recognized Organizations, Surveyors, Companies, Shipowners, Operators and Masters of Portuguese flagged vessels

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1. OBJECTIVE

The aim of this Circular is to provide guidance to the vessel masters, owners, operators, agents and persons in charge of Portuguese flagged ships subjected to the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Ballast Water Management Convention).

The scope of this circular is to apply on ships registered in Portuguese Conventional Register of Ships (RC) and ships registered in Madeira International Shipping Register (MAR).

2. APPLICABILITY OF THE CONVENTION

The BWM Convention entered into force on 8 September 2017. From the date of entry into force, ships are required to manage their ballast water to avoid the transfer of potentially invasive species and will be requested to:

- Have a valid International Ballast Water Management Certificate (IBWMC) on board;
- Have an Approved Ballast Water Management Plan (BWMP) on board - specific to each ship, the ballast water management plan includes a detailed description of the actions

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PORTUGUESE MARITIME ADMINISTRATION

to be taken to implement the ballast water management requirements and supplemental ballast water management practices.

BWMP should take into account IMO Resolution MEPC.127(53) and shall be approved by this administration or by a RO that has a delegation of statutory tasks signed with the DGRM.

- In case of transfer of class with change of Flag, the gaining Society shall proceed with verification of existing BWMP on board and consequently with its re-approval.
- In case of transfer of class without change of Flag, then the BWMP shall be only subjected to gaining Society to confirm of no alteration/modification to the vessel.
- Have a Ballast Water Record Book (BWRB) properly filled including exemptions if granted
 - to record when ballast water is taken on board; circulated or treated for ballast water management purposes; and discharged into the sea. It should also record when ballast water is discharged to a reception facility and accidental or other exceptional discharges of ballast water;
- Officers and crew to be familiar with their duties in the implementation of the BWMP;
- The crew to manage ballast water sediments in accordance with the BWMP;
- Have the Ballast Water Treatment System operational on board;
- To manage their ballast water to meet the so-called D-1 standard or D-2 standard.

The D-1 standard requires ships to conduct the exchange of ballast water such that at least 95% of water by volume is exchanged far away from the coast where it would be released. Ideally, this means at least 200 nautical miles from land and in water at least 200 metres deep. By doing this, fewer organisms will survive and so ships will be less likely to introduce potentially harmful species when they release the ballast water.

The D-2 standard requires ballast water management to restrict to a specified maximum the amount of viable organisms allowed to be discharged and to limit the discharge of specified indicator microbes harmful to human health.

Draft amendments to the treaty approved by the MEPC clarify when ships must comply with the requirement to meet the D-2 standard. Under the approved amendments, issued after the entry into force of the BWM Convention on 8 September 2017 new ships, i.e., ships constructed on or



PORTUGUESE MARITIME ADMINISTRATION

after 8 September 2017, shall conduct ballast water management that at least meets the D-2 standard from the date they are put into service.

For existing ships, i.e., ships constructed before 8 September 2017, the date for compliance with the D-2 standard is linked with the renewal survey of the ship associated with the International Oil Pollution Prevention Certificate under MARPOL Annex I.

For existing ships this would be the first or second five-year renewal survey after 8 September 2017:

- By the first renewal survey: this applies when that the first renewal survey of the ship takes place on or after 8 September 2019 or a renewal survey has been completed on or after 8 September 2014 but prior to 8 September 2017.
- By the second renewal survey: this applies if the first renewal survey after 8 September 2017 takes place before 8 September 2019. In this case, compliance must be by the second renewal survey (provided that the previous renewal survey has not been completed in the period between 8 September 2014 and 8 September 2017).

All ships shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date not later than 8 September 2024.

3. EXCEPTIONS

While the Portuguese authorities do not determine that the discharge of ballast water from ships sailing between the mainland and the islands of Madeira and the Azores may cause damage or deteriorates the environment, human health, goods or resources, whether themselves or others States, ships assigned to Portuguese national cabotage (national/island), in service and operating only in Portuguese national waters, or on the high seas (e.g.: traffic between the mainland and the Autonomous Regions of Madeira and the Azores), will be excluded from the application of the requirements of the Convention subject to the following assumptions:



PORTUGUESE MARITIME ADMINISTRATION

Conditions for authorizing exclusions:

- I. Authorization to exclude the requirements of the Convention will be subject to compliance with the following assumptions:
 - a) There must be a Ballast Water Management Plan on board (according to Rule B-1), approved by this administration or by a RO that has a delegation of statutory tasks signed with the DGRM taking into account the lines developed by the IMO, and a Ballast Water Record Book (Rule B-2).
- II. Each exclusion will be dealt individually. The request must be submitted via RO to administration, accompanied by documentation evidencing compliance with the provisions of the previous number;
- III. Ships to which exclusion is granted cannot call at ports other than those considered for exclusion, operating without an International Certificate for Ballast Water Management, for which purpose a Declaration attesting to exclusion is issued;
- IV. The voyage shall be performed with change of ballast water carried out in accordance with the rules B-4 and D-1 and the approved Ballast Water Management Plan. All ballast operations must be recorded in the Ballast Water Record Book;
- V. The exclusions are valid for a period not exceeding 5 years and while the Portuguese authorities do not determine that the discharge of ballast water may cause damage or deteriorates the environment, human health, goods or resources. If the studies carried out determine that there is a risk of incompatibility between the species in the waters of the different ports, the exclusion may be cancelled.

4. EXEMPTIONS

- I. In case of a ship that only operates in waters under Portuguese jurisdiction is requested to perform one single voyage to a port of other Party, then an agreement for exemption shall be achieved between all parties involved prior the intended voyage.
- II. In case of a ship that only operates between specified ports or locations in waters under jurisdiction of another Party, then an exemption from requirements B-3 or C-1 of the IBWM Convention may be granted by Portuguese Administration upon a written authorization



PORTUGUESE MARITIME ADMINISTRATION

from that party allowing the ship to operate under that conditions or conditions defined by the Party, is provided to Portuguese Administration.

5. MALFUNCTION OF BALLAST WATER TREATMENT SYSTEM (BWTS)

In case of malfunction of Ballast Water Treatment System or in a situation when the BWTS fails to operate properly such as when sediments in water are too high for successful treatment, procedures and practical measures shall apply according to BWM.2/Circ.62, 'Guidance on Contingency Measures under the BWM Convention'. Thus, Portuguese administration advises ship owners to follow the IMO guidance circular on contingency measures BWM.2/Circ.62, in addition to the ones already established by the approved "Ballast Water Management Plan", as listed below:

- Alternative measures (BW exchange in compliance with reg. D1 and B4) as agreed with the coastal state shall be implemented accordingly;
- The vessel shall communicate to the respective coastal State, prior to the carriage of BWE in waters falling under their jurisdiction;
- Proper entry is made in the Ballast Water Record Book regarding this malfunctions and contingency measures adopted;
- Should the vessel be operating in a region whereby ballast water exchange accordance with the regulations B-4.1 and D-1 is not possible, reference shall be made of the guidance offered in IMO BWM.2/Circ.63;
- Actions predetermined in the Ballast Water Management plan of the ship.

The administration is to be informed via RO about the ballast water treatment system malfunction and the ship's repair plan (scheduled date for repair). The vessel shall have a repair plan. A conditional IBWM certificate shall be issued for the period strictly necessary for the repair of the BWTS unit.

5.1 IN CASE THE BALLAST WATER TREATMENT SYSTEM CANNOT WORK PROPERLY OR THERE IS A SERIOUS RISK OF DAMAGE ON BWTS, DUE TO BAD QUALITY OF WATERS

In case the BWTS cannot operate properly in a specific port or location or there is a serious risk of damage on unit, due to bad quality of waters, e.g. dirty waters, damage waters, then



PORTUGUESE MARITIME ADMINISTRATION

Administration shall be promptly informed by ISM Company about the issue and the procedures in accordance with approved Ballast Water Management Plan (BWMP) shall be implemented.

In addition local authorities shall be informed and their instructions be followed. An entry shall be made in Ballast Record Book.

Lisbon, 12 January 2024

The General Director of Natural Resources, Safety and Maritime Services

More information

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