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BWM.2/Circ.41
5 March 2013
English/Spanish

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

Communication received from the Administration of Colombia

1 A communication has been received from the Administration of Colombia concerning resolution No. 0477/2012, which adopts measures and control procedures for ballast water and sediment management in waters under the jurisdiction of Colombia.

2 At the request of the Administration of Colombia, the above-mentioned communication annexed hereto is circulated to Member States for their information and future action as appropriate.



ANNEX

**RESOLUTION RECEIVED FROM THE REPUBLIC OF COLOMBIA ON MEASURES
AND CONTROL PROCEDURES FOR BALLAST WATER AND SEDIMENT
MANAGEMENT IN WATERS UNDER THEIR JURISDICTION**

Translation from Spanish

MINISTRY OF DEFENCE

DIRECTORATE-GENERAL FOR MARITIME AFFAIRS

Resolution 0477/2012 of 6 September 2012,

Adopting and establishing measures and a control procedure for verifying the management of ballast water and sediments on board domestic and foreign ships and maritime craft in Colombian jurisdictional waters.

THE DIRECTOR-GENERAL FOR MARITIME AFFAIRS,

in exercise of his legal powers granted under paragraphs 5 and 19 of article 5 of Decree Law No. 2324 of 1984, in accordance with paragraphs 2, 4 and 5 of article 2 of Decree No. 5057 of 2009, and

WHEREAS

Paragraphs 5 and 19 of article 5 of Decree Law No. 2324 of 1984 identify the functions and powers of the Directorate-General for Maritime Affairs as the regulation, management and monitoring of activities related to the safety of navigation in general and the safety of life at sea, and the application, coordination, supervision and enforcement of domestic and international standards aimed at preserving and protecting the marine environment, respectively;

Paragraphs 2, 4 and 5 of article 2 of Decree No. 5057 of 2009 provide that the Director-General for Maritime Affairs is responsible for the following:

"2. (...) signing decisions, resolutions, rulings and other documents for which he/she is responsible in accordance with his/her functions. (...)

4. Issuing technical regulations on maritime activities, the safety of life at sea and prevention of marine pollution from ships, as well as identifying the internal procedures necessary for fulfilling the objectives and functions of the Directorate-General for Maritime Affairs.

5. Planning, managing, coordinating and evaluating the regulations necessary to undertake, monitor and supervise maritime activities." (Italics inserted);

The introduction of invasive marine species into different ecosystems, through ships' ballast water and sediments or attached to their hulls or by other means, has been identified by the United Nations as one of the four greatest threats currently facing the oceans of the world together with overexploitation of marine resources, destruction of habitat and marine pollution produced by land-based sources;

The Marine Environment Protection Committee (MEPC 42) of the International Maritime Organization, as of July 1999, developed technical guidelines for action to control and manage ships' ballast water with a view to minimizing the impact caused by the transfer of harmful aquatic organisms and pathogens, which led to the adoption of the International Convention for the Control and Management of Ships' Ballast Water and Sediments in 2004;

Through resolution 5 of the Sixth Meeting of the Regional Network on Co-operation among Maritime Authorities (ROCRAM) of South America, Cuba, Mexico and Panama, held in Viña del Mar from 2 to 6 November 1992, the Latin American Agreement on Port State Control of Vessels (Viña del Mar Agreement) was created, of which section 3 establishes procedures for the inspection, rectification and detention of ships by port State control officers in each maritime authority of the region;

It has become necessary to establish administrative and operational procedures for the verification and control of ballast water and sediments on board ships and maritime craft in Colombian jurisdictional waters;

RESOLVES THE FOLLOWING:

CHAPTER I GENERAL

Article 1 – Aim: To adopt and establish measures and a procedure for verification and monitoring of the management of ballast water and sediments on board domestic and foreign ships and maritime craft in Colombian jurisdictional waters, and for the receipt, handling and disposal of sediments in shipyards and ship repair workshops under the jurisdiction of the National Maritime Authority, so as to minimize the risk of introducing or transferring harmful aquatic organisms and pathogens.

Article 2 – Definitions: For the purposes of defining the scope and application of the present resolution, the following definitions shall apply:

Ballast water: Water with its suspended matter taken on board a ship or maritime craft to control its trim, list, draught, stability or structural stresses.

Document of compliance in the management of ballast water and sediments: Authorizes the onboard management of ballast water and sediments, conducted by the crew.

Management of ballast water and sediments: Mechanical (including replacement through dilution, sequentially or with a continuous flow), physical, chemical and biological processes used individually or in combination to remove or neutralize harmful aquatic organisms and pathogens within ballast water and sediments, or to prevent their uptake or discharge.

Harmful aquatic organisms and pathogens: Those whose introduction into the sea, into estuaries or into fresh water courses may damage the environment, human health, property or resources, impair biological diversity or interfere with other legitimate uses of such areas.

Sediment: Matter which settles at the bottom of tanks, contained in the ballast water that is placed in them.

Colony forming unit (cfu): The numerical value indicating the level of microbiological pollution of the environment, and which is used to measure the growth of a colony over a specific period.

Article 3 – Scope of application: The present resolution applies to domestic or foreign ships and maritime craft arriving at or leaving domestic ports or transiting jurisdictional waters, and that are fitted with tanks or holds for carrying ballast water continuously or occasionally.

Article 4 – Exceptions: Ships and maritime craft of less than 50 gross registered tonnage are exempt from compliance with the present resolution, as are the following:

1. **Colombian warships and naval auxiliaries:** or any other ship or maritime craft owned by the State or operated by it temporarily for official, non-commercial service.
2. **Ships with permanently sealed ballast water tanks:** the shipowner shall request this exception in advance from the Directorate-General for Maritime Affairs.
3. **Port services:** exclusively under the terms defined in resolution No. 220 of 2012, *National Regulation on Cataloguing, Survey and Certification of Colombian-Flagged Ships and Maritime Craft*, issued by the National Maritime Authority, or any other regulations that may amend it.
4. **Ships in the process of construction whose characteristics do not permit ballast exchange:** the shipowner shall request and justify this exception in advance from the Directorate-General for Maritime Affairs.
5. **Semi-submersible or floating platforms:** this exception applies from the time of installation at their place of operation for as long as they remain there.

CHAPTER II STANDARDS APPLICABLE TO BALLAST WATER MANAGEMENT

Article 5 – Ballast water exchange: Ships and maritime craft conducting ballast water exchange in accordance with these standards shall do so with an efficiency of at least 95 per cent volumetric exchange of water.

For ships exchanging ballast water by the pumping-through method, pumping through three times the volume of each ballast water tank shall be considered to meet the provisions of the previous paragraph. It may be acceptable to pump through less, provided that the ship or maritime craft can demonstrate that at least 95 per cent volumetric exchange is achieved.

Article 6 – Ballast water performance standard: Ballast water performance shall be determined according to the following standard:

1. Ships and maritime craft conducting ballast water exchange in accordance with this standard shall discharge fewer than 10 viable organisms per cubic metre whose minimum dimension is greater than or equal to 50 micrometres, and fewer than 10 viable organisms per millilitre whose minimum dimension is less than 50 micrometres and greater than or equal to 10 micrometres; discharge of the indicator microbes shall not exceed the concentrations specified in the next paragraph.
2. Indicator microbes, as a human health standard, shall include:
 - i. Toxicogenic *Vibrio cholerae* (O1 and O139): less than 1 colony-forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples;

- ii. *Escherichia coli*: less than 250 cfu per 100 millilitres;
- iii. Intestinal Enterococci: less than 100 cfu per 100 millilitres.

Article 7 – Ballast water management systems: Systems used to comply with this resolution must be approved by the Directorate-General for Maritime Affairs to verify that they are safe for the ship or maritime craft, its equipment and the crew.

Article 8 – Control of ballast water management: Ships and maritime craft that arrive in Colombian jurisdictional waters are subject to survey by the National Maritime Authority to ensure that they duly comply with the present resolution.

The National Maritime Authority may install safety seals to prevent the use or manipulation of systems (valves) for discharging ballast water, until it is established whether there is a contravention of the standards stipulated in the present resolution.

CHAPTER III BALLAST WATER MANAGEMENT PLAN

Article 9 – Ballast water management plan: Colombian-flagged ships and maritime craft to which these provisions apply shall, implement a ballast water management plan approved by the Directorate-General for Maritime Affairs, for the purpose of ensuring safe and efficient procedures.

This plan must be included in the documentation of the ship or maritime craft, be specific to each vessel and contain the following elements:

- a. Detailed safety procedures for the ship or maritime craft and crew involved in the management.
 - b. A detailed description of the management procedures.
 - c. An indication of the sampling points for the ballast water, showing the ballast being transported by the ship.
 - d. Designation of an officer on board in charge of ensuring that the plan is properly implemented.
- 1) For foreign-flagged ships and maritime craft, the ballast water management plan shall be written in the working language. If the language used is not English or Spanish, a translation into one of these languages shall be included.
- 2) Ships and maritime craft operating alone in Colombian jurisdictional waters must carry a management plan in Spanish.

CHAPTER IV OBLIGATIONS RELATING TO BALLAST WATER MANAGEMENT

Article 10 – Obligations relating to Ballast Water Management: Masters, owners and operators of domestically- or foreign-flagged ships and maritime craft in Colombian jurisdictional waters or inland waterways carrying ballast water and sediments shall comply with the following:

1. Ships and maritime craft engaged in international navigation from a foreign port and intending to deballast in Colombian waters or ports must either do so or conduct a total exchange of ballast water in oceanic waters at a distance of not less than 200 nautical miles and at a depth of not less than 200 metres, except when coming from the Caribbean Sea, in which case the distance shall be not less than 50 nautical miles and the depth not less than 200 metres.
2. The master of the ship or maritime craft shall provide the harbour master's office with the "Ballast Water Reporting" form together with the arrival notice, before discharging the ballast water in accordance with Annex A, which shall form an integral part of the present resolution.
3. Ships and maritime craft carrying ballast water and sediments must establish safe and effective procedures for their exchange, without risking the safety of the crew or the ship or craft, so as to help minimize the transfer of harmful aquatic organisms and pathogens.
4. Shipyards, repair workshops or dry docks, the nature of whose activities involves them in the handling of sediments or mud deposited in the ballast tanks of the ships and maritime craft that they receive and assist, shall have reception facilities and submit a management plan, which shall have the prior approval of the National Maritime Authority.
5. The National Maritime Authority shall verify the existence on board ships and maritime craft of the corresponding ballast water management plan as well as the sailing plan for the voyage and the corresponding entries in the "Ballast Water Reporting" form.
6. The National Maritime Authority shall not allow deballasting activities in areas other than those established by administrative act or in areas which have been declared or may be declared as particularly sensitive, except for reasons of safety and safeguarding of life at sea or in the face of an imminent proven risk of major harm.
7. Ships and maritime craft that cannot or choose not to comply with the above-mentioned conditions relating to deballasting operations shall retain their ballast water on board and seal the ballast-water discharge valves until they have travelled beyond the limits indicated in paragraph 1 of the present article.
8. In order to discharge ballast water at ports with reception facilities, the owner or master of the ship or maritime craft may, directly or through the shipping agency, request authorization from a harbour master's office - either that of the destination port or that with responsibility for the area - stating the following in its initial request:
 - (a) Place of origin of the ballast to be discharged;
 - (b) Type of treatment applied to the ballast water and the authority which approved that system;
 - (c) Identification and capacity (volume) of all the tanks involved in the operation, in cubic metres or tonnes;
 - (d) Identification of all tanks that will hold ballast water and the quantity held in each, in cubic metres or tonnes;
 - (e) Position of the ship or maritime craft, in latitude and longitude, at the time of submission of the request;

- (f) Estimated date and time of arrival in port (ETA);
- (g) Method used to exchange ballast water during the voyage previous to that on which the request is being submitted, and the treatment applied, if applicable;
- (h) Whether sediments were removed during the previous operation;
- (i) Ships and maritime craft bound for a Colombian port shall inform the relevant harbour master's office of the condition of the ballast on board, through the shipping agency representing them, by sending the "Ballast Water Reporting" form together with the arrival notice.

Deballasting shall begin once it has been authorized by the National Maritime Authority through the harbour master's office. Performing it without authorization shall be subject to investigation and shall be punishable under Decree Law No. 2324 of 1984 and any other regulations that may amend it.

If a ship suffers an accident or a fault is discovered that seriously affects its ability to undertake ballast water management in accordance with the present resolution, the owner, operator or person in charge of the ship shall as soon as possible inform the Directorate-General for Maritime Affairs and/or the recognized organization responsible for issuing the relevant document of compliance.

Article 11 – Functions of officers and crew members: Officers and crew members must be familiarized with their ballast water management functions and with the management plan of the ship or maritime craft on which they are serving.

Article 12 – Submission of reports: The master of a ship or maritime craft bound for Colombian jurisdictional waters shall submit to the Directorate-General for Maritime Affairs the "Ballast Water Reporting" form — which must contain the information indicated in the attached model form, which forms an integral part of the present resolution — together with the arrival notice. A copy of each form must be kept on board for 24 months following its submission.

Article 13 – Removal of sediments: The ship or maritime craft shall not discharge into Colombian jurisdictional waters any sediments arising from ballast water management involving the daily cleaning of ballast tanks. However, such discharge shall be permitted where reception facilities exist.

CHAPTER V

BALLAST WATER MANAGEMENT SURVEY

Article 14 – Surveys: Ships and maritime craft shall be subject to surveys as specified below.

1. An initial survey is conducted when a ship or maritime craft is first certified with the Directorate-General for Maritime Affairs and shall consist of a general survey of the structure, equipment and systems, their arrangement and materials used, to verify that they comply with the requirements of the present resolution.

2. A renewal survey is conducted before a new certificate is issued, reviewing the state of the structure, equipment and systems, their arrangement and materials used, on the basis of the requirements established by the Directorate-General for Maritime Affairs for the

purpose of ensuring that the condition of a ship or maritime craft is adequate and that it is fit to continue providing the service for which it was intended. This survey involves the issuing of a new certificate after the expiry of the previous one and may be brought forward to within three months before its expiry date.

3. An annual survey comprises a general review of the state of the structure, equipment and systems, their arrangement and materials used, on the basis of the requirements established by the Directorate-General for Maritime Affairs, in order to ensure that they have been maintained in accordance with the relevant requirements. It must be conducted within three months before or after the anniversary date, in order to ensure that the state of the ship or maritime craft and its equipment is being maintained, and that they are fit to sail without presenting any risk to the marine environment.

4. An intermediate survey takes the place of one of the annual surveys between the second and third anniversary dates of the issue of the relevant certificate. This survey shall ensure that the equipment and associated systems and procedures for ballast water management comply fully with the applicable requirements of this article and are in good working order. The surveys shall be endorsed in the document of compliance.

5. An occasional survey for follow-up or technical purposes shall be conducted as ordered by the Directorate-General for Maritime Affairs for the purposes of verifying the technical condition of domestic or foreign ships or maritime craft before they set sail, an emergency stop owing to damage to any of the systems or safety status after a period of inactivity longer than 60 days, when there is clear evidence of deficiencies in the hull, structure, machines or equipment, or for any other reasons determined by the Directorate-General for Maritime Affairs or at the request of the shipowner.

Any modification to the structure, equipment, fittings, arrangements and materials on ships and maritime craft pursuant to this article shall be authorized in advance by the Office of the Director-General for Maritime Affairs.

CHAPTER VI

CERTIFICATION OF COMPLIANCE

Article 15 – Document of compliance in ballast water management: The National Maritime Authority shall issue a document of compliance in ballast water management, with a maximum validity of five years, to domestically-flagged ships and maritime craft that it has surveyed and that comply with the provisions of the present resolution.

It must be presented to the Maritime Authority when the ship or maritime craft is surveyed or when its certificates are required to be shown.

Article 16 – Issue or endorsement: The document of compliance shall be issued in Spanish with an English translation, as established in Annex B, which forms an integral part of the present resolution.

Article 17 – Onboard documents: Once it has been verified that the ship is satisfactorily managing the ballast water on board, it must carry the following documents and information as testimony:

1. Certificate or document of compliance in ballast water management;
2. Ballast water management plan;

3. Ballast water record book;
4. Sailing plan for the voyage under way;
5. "Ballast Water Reporting" form with the corresponding records.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 18 – Exceptions in emergencies: The following emergency situations exempt those concerned from applying the general guidelines identified in the present resolution, provided that the National Maritime Authority is informed immediately:

1. When the uptake or discharge of ballast water and sediments is necessary to ensure the safety of the ship or maritime craft or the persons on board or to safeguard life at sea.
2. When there is an accidental discharge of ballast water and sediments resulting from damage to the ship or maritime craft that is not caused by negligence on the part of the operator or responsible officer on board, provided that all reasonable precautions are taken before and afterwards to minimize or prevent the discharge.
3. When the uptake or discharge of ballast water and sediments is intended to minimize pollution incidents caused directly by the ship or maritime craft.
4. When the discharge of ballast water and sediments is conducted at the same location from where it was taken (harbour, mooring or anchorage), provided that no mixing occurs with unmanaged ballast water and sediments from other areas.
 - 1) Ships and maritime craft coming from abroad and planning to deballast in Colombian jurisdictional waters shall, before arriving at the first Colombian port, conduct a total exchange of ballast water in oceanic waters, at a distance of not less than 200 nautical miles and at a depth of not less than 200 metres, except when coming from the Caribbean Sea, in which case the distance shall be not less than 50 nautical miles and the depth not less than 200 metres.
 - 2) An exception to the general rules also applies to ships and maritime craft transiting between the two coasts – Pacific and Atlantic – or on the same coastline where there are two or more areas whose environmental conditions differ from each other.

Article 19 – Transition period: The owners of domestically-flagged ships and maritime craft shall have a period of six months from the date of publication of this resolution in the Official Journal to comply with all of its provisions.

Article 20 – Power of sanction: Failure or refusal to comply with the provisions of the present resolution shall be considered to be a violation of merchant marine regulations, leading to the application, following administrative proceedings as established in the new Code of Administrative Procedure, of the corresponding sanctions in accordance with article 80 *et seq.* of Decree Law No. 2324 of 1984 and other regulations that may amend it, in particular resolution No. 220 of 2012, *National Regulation on Cataloguing, Survey and Certification of Colombian-Flagged Ships and Maritime Craft*, issued by the National Maritime Authority in relation to ballast water management.

FOR PUBLICATION AND COMPLIANCE
Done in Bogotá, 6 September 2012

[Signed]
Rear Admiral ERNESTO DURÁN GONZÁLEZ
Director-General for Maritime Affairs

ANNEXES:

Annex A: "Ballast Water Notification" form

Annex B: Ballast water management Document of Compliance



DIRECCION GENERAL MARITIMA
NOTIFICACION DE AGUAS DE LASTRE
BALLAST WATER NOTIFICATION

IS THIS AN AMENDED BALLAST REPORTING FORM? ☐ YES ☒ NO

[illegible]

REPÚBLICA DE COLOMBIA
REPUBLIC OF COLOMBIA



Documento No.
Document No. _____

DIRECCIÓN GENERAL MARITIMA
GENERAL MARITIME DIRECTORATE

DOCUMENTO DE CUMPLIMIENTO DE GESTION DEL AGUA DE LASTRE
BALLAST WATER MANAGEMENT DOCUMENT OF COMPLIANCE

Expedido en virtud de las disposiciones de la

Resolución No. 0477 de 06 SET. de 2012 por la cual se adoptan y establecen las medidas y el procedimiento de control para verificar la gestión del agua de lastre y sedimentos a bordo de buques nacionales y extranjeros que ingresan a puerto o transitan en el territorio marítimo y fluvial bajo jurisdicción de la Dirección General Marítima (en adelante denominada la "Resolución").

Issued under the provisions of the Resolution No. 0477 of 06 SET. OF 2012 by which adopts and determining measures and the control procedure to verify the management of ballast water and sediments on board domestic and foreign vessels entering port or transit in the maritime and fluvial territory under the jurisdiction of the general maritime directorate (hereinafter the "Resolution").

Nombre del Buque (Name of Ship)	_____
Número OMI (IMO Number)	_____
Señal Distintiva (Distinctive Number or Letters)	_____
Matrícula (Official Number)	_____
Puerto de matrícula (Port of Registry)	_____
Bandera (Flag)	_____
Arqueo bruto (Gross Tonnage)	_____
Capacidad de Aguas de lastre (en metros cúbicos)	_____
ballast water Capacity (in cubic meters)	_____ m ³

Datos relativos al método o métodos utilizados en la gestión del agua de lastre. Details of ballast water management method(s) used

Método Utilizado en la gestión del agua de Lastre

Method of ballast Water management Used

Fecha de instalación (Si procede) / Date
Installation (if it Proceeds)

Nombre del fabricante (Si procede) /
Name of Builder (if Proceeds)

Los Métodos principales utilizados en este buque en la gestión del agua de lastre son los siguientes:

The principal Ballast Water management method(s) employed on this ship is/are:

De conformidad con el artículo 4.1/ in accordance/ with the article 4.1.

De
conformidad con el
artículo 4.2(describir)
/a
accordance with the
article 4.2 (describe)

el buque está sujeto a el artículo 4.4/ the ship is subject to the article 4.4

SE CERTIFICA QUE: (THIS IS TO CERTIFY:)

1 Que el buque ha sido objeto de reconocimiento de conformidad con lo prescrito en el artículo 6.1 de la Resolución; y

That the ship has been surveyed in accordance with the requirements of the article 6.1 of the resolution; and :

2 Que el reconocimiento ha puesto de manifiesto que la gestión del agua de lastre del buque, cumple las prescripciones de la resolución

That the survey shows that ballast water management of the ship complies with the prescriptions of the resolution

Este Documento de Cumplimiento es válido hasta: (This document of compliance is valid until).

Sujeto a que se efectúen los pertinentes reconocimientos de conformidad con el artículo 6.1 de la resolución.

(Subject to surveys and inspections in accordance with article 6.1 of the resolution)

Fecha en que se realizó la inspección en la cual se basa este Documento de Cumplimiento.

(Completion date of the survey on which this Document of Compliance is based)

<p>Lugar y fecha de expedición (Place and date of issue)</p>	<p>Autoridad Marítima (Maritime Authority)</p>
<p><small>Nota: Este Documento dejará de ser válido si se han hecho alteraciones o modificaciones significativas al equipo, plantas e instalaciones, sin la aprobación de la Autoridad Marítima. Note: This Statement shall cease to be valid if significant alterations have been made to the equipment, plants and facilities, without the approval of the Maritime Authority.</small></p>	
<p>REGISTRO DE INSPECCIONES ANUALES E INTERMEDIAS RECORD FOR ANNUAL AND INTERMEDIATE SURVEYS</p>	<p>D Documento No. D Document No.</p>
<p>SE CERTIFICA que en el reconocimiento efectuado de conformidad con lo prescrito en el artículo 6.1 de la resolución, se ha comprobado que el buque cumple con las prescripciones pertinentes del mismo. THIS IS TO CERTIFY that a Survey required by the article 6.1 of the resolution the Ship was found to comply with the relevant provisions of the resolution</p>	
<p>Reconocimiento anual correspondiente al Período: <i>Annual survey:</i> the Period:</p>	<p>Refrendo <i>Endorsement for</i></p>
<p>Lugar, Fecha / Place, date</p>	<p>Sello / Stamp</p>
<p>Firma (Signature Autoridad Marítima (Maritime Authority))</p>	
<p>Reconocimiento Refrendo correspondiente al Período: <i>Annual*Intermediate*</i> Endorsement for the Period:</p>	<p>anual*/intermedio*: survey:</p>

<p style="text-align: center;">Lugar, Fecha / Place, date</p>	<p style="text-align: center;">Sello / Stamp</p>
<p>Firma /Signature</p> <p>Autoridad Marítima (Maritime Authority)</p>	
<p>Reconocimiento Refrendo correspondiente al Período: Annual*Intermediate* Endorsement for the Period:</p>	<p>anual*/Intermedio*; survey:</p>
<p style="text-align: center;">Lugar, Fecha / Place, date</p>	<p style="text-align: center;">Sello / Stamp</p>
<p>Firma /Signature Autoridad Marítima (Maritime Authority)</p>	
<p>Reconocimiento anual- correspondiente al Período: Annual survey: the Period;</p>	<p>Refrendo Endorsement for</p>
<p style="text-align: center;">Lugar, Fecha / Place, date</p>	<p style="text-align: center;">Sello / Stamp</p>
<p>Firma /Signature Autoridad Marítima (Maritime Authority)</p>	
<p>*Táchese según proceda /Delete as appropriate</p>	