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BWM.2/Circ.14
28 August 2008

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

Communication received from the Administration of the United Kingdom

A communication has been received from the Administration of the United Kingdom, on behalf of the Contracting Parties to the OSPAR and Helsinki Conventions (Belgium, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Russian Federation, Spain, Sweden, Switzerland and the United Kingdom), concerning the general guidance on the voluntary interim application of the Ballast Water Exchange Standard contained in regulation D-1 of the BWM Convention in the North-East Atlantic and the Baltic Sea.

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

ANNEX



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Your ref:
Our ref:

22 July 2008

Dear Miguel,

Re: General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea.

On behalf of the Contracting Parties to the OSPAR and Helsinki Conventions who are also Member States of the IMO, the United Kingdom and Sweden would like to inform the IMO of the development of the attached General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea for vessels entering the OSPAR and Helsinki Convention Areas. The Contracting Parties to the OSPAR and Helsinki Conventions who are also Member States of the IMO are – Belgium, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Iceland, Ireland, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Please note these Guidelines are also supported by the European Commission.

The issue of Non-indigenous Species Invasion through Ballast Water in the North-East Atlantic and the Baltic Sea areas is of great concern to the Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) and the Convention on the Protection of the Marine Environment of the Baltic Sea (Helsinki Convention). To address these risks both the Commissions supervising the OSPAR and Helsinki Conventions have been developing Ballast Water Management Strategies for their respective areas. After discussion, the two Commissions realised that there were key management options common to both strategies. This has resulted in the development of General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea.

This guidance forms part of the two interim strategies being developed and is based on the ballast water exchange requirements of the International Maritime



*An executive agency of the
Department for
Transport*

Organisation's International Convention for the Control and Management of Ships' Ballast Water and Sediments. It will therefore be phased out slowly once the Convention is ratified and ships are required to treat Ballast Water.

These guidelines are being made under paragraph 3 of Article 13 of the Ballast Water Management Convention. Vessels entering the maritime areas of the OSPAR and Helsinki Conventions, that is:

- the internal waters and the territorial seas of Contracting Parties to the OSPAR and Helsinki Commission, who are also Member States of the IMO, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within the following limits:

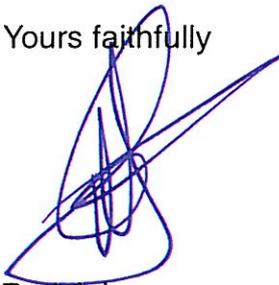
those parts of the Atlantic and Arctic Oceans and their dependent seas, including the Baltic Sea, which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;

- that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

...are requested to apply these guidelines on a voluntary basis, to reduce the risk of non-indigenous species entering and moving round these areas through the vector of ballast water. These guidelines have been in use in the Contracting Parties to the OSPAR and Helsinki Conventions since April 2008 and information is being provided directly to the vessels flagged to each of these Contracting Parties, by the countries concerned. Please could you promulgate this information to other flag States, through the mechanisms of the IMO Secretariat.

Thank you in advance for your help.

Yours faithfully



Rod Johnson

Assistant Director Coastal Safety & Chief Coastguard

cc Mr Dandu Pughiuc, IMO Secretariat.

General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea.

1. In anticipation of the coming into force of the International Maritime Organization's International Convention for the Control and Management of Ship's Ballast Water and Sediments (the Ballast Water Management Convention), vessels entering the marine areas of:
 - the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); and,
 - the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)

would be expected to apply on a voluntary basis, as from 1st April 2008, the following guidelines to reduce the risk of non-indigenous species invasion through ballast water. The guidelines are addressed to those vessels covered by Article 3 of the Ballast Water Management Convention, taking into account the exceptions in Regulation A-3 of that Convention. These Guidelines do not replace the requirements of the Ballast Water Management Convention, but provide the first part of interim Ballast Water Regional Management Strategies for the North-East Atlantic and the Baltic Sea under Article 13 (3). These Guidelines will no longer apply when a ship is in a position to apply the D-2 Standard of this Convention, or the Ballast Water Management Convention comes into force and a ship has to apply the D-2 Standard.

2. If the safety of the vessel is in any way jeopardised by a ballast water exchange, it should not take place. Additionally these guidelines do not apply to the uptake or discharge of ballast water and sediments for ensuring the safety of the vessel in emergency situations or saving life at sea in the waters of the North East Atlantic and the Baltic Sea.
3. Such Waters are defined as
 - the internal waters and the territorial seas of Contracting Parties to the OSPAR and Helsinki Conventions who are also Member States of the IMO*, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within the following limits:

those parts of the Atlantic and Arctic Oceans and their dependent seas, including the Baltic Sea, which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;
 - that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.
4. Each vessel entering these waters should have a Ballast Water Management Plan which complies with the Guidelines for ballast water management and development of ballast water management plans (G4) (IMO resolution MEPC.127(53)).
5. Each vessel entering these waters should keep a record of all ballast water operations.
6. Vessels entering these waters should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep. This includes vessels transiting the Atlantic, or entering the areas of the OSPAR and Helsinki Conventions from routes passing the West African Coast. It does not apply to vessels entering the area from the Mediterranean Sea. A map identifying these areas can be found in Figure 1.

7. If this has not been undertaken, vessels will be expected to exchange (to the D-1 Standard) in waters at least 200 nautical miles from the nearest land in water at least 200 metres deep within the North-East Atlantic. (If this is not possible for operational reasons then such exchange should be undertaken as far from the nearest land as possible, and in all cases in waters at least 50 nautical miles from the nearest land in waters of at least 200 metres depth). It should be noted that nowhere in the Baltic Sea fulfils these criteria. A map identifying these areas can be found in Figure 1.
8. The release of sediments during the cleaning of ballast tanks should not take place within 200nm of the coastline of the North-East Atlantic or within the Baltic Sea.

* The Contracting Parties of OSPAR and/or the Helsinki Convention, who are also Member States of the IMO, are as follows: Belgium, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Iceland, Ireland, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. These Guidelines are also supported by the European Commission.

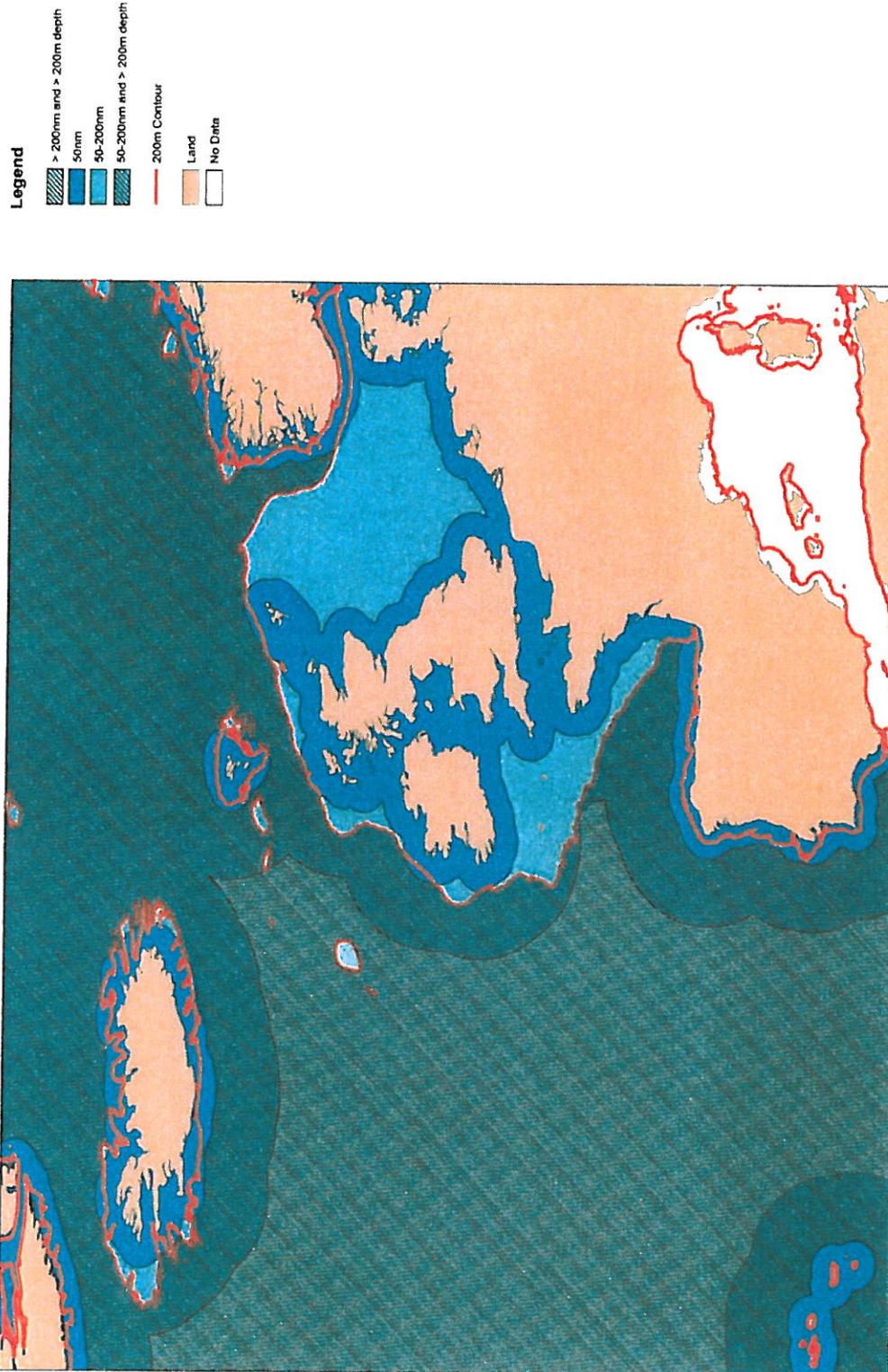


Figure 1: Map of North West Europe showing the 200nm and 50nm contours and the 200m depth contour.