ANNEX 1

RESOLUTION MEPC.123(53)

Adopted on 22 July 2005

GUIDELINES FOR BALLAST WATER MANAGEMENT EQUIVALENT COMPLIANCE (G3)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that Regulation A-5 of the Annex to the Ballast Water Management Convention provides that equivalent compliance with its provisions for pleasure craft used solely for recreation or competition or craft used primarily for search and rescue, less than 50 metres in length overall, and with a maximum Ballast Water capacity of 8 cubic metres, shall be determined by the Administration taking into account Guidelines developed by the Organization,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invites the Organization to develop these Guidelines as a matter of urgency,

HAVING CONSIDERED the draft Guidelines for ballast water management equivalent compliance developed by the Ballast Water Working Group and the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its ninth session,

1. ADOPTS the Guidelines for ballast water management equivalent compliance, as set out in the annex to this resolution;

2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and

3. AGREES to keep the Guidelines under review.

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1 Administrations shall take these Guidelines into account in determining whether ships satisfy the requirements of *Regulation A-5, Equivalent compliance* of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. Ships subject to these Guidelines should, insofar as practicable, comply with the Convention, and if that is not practicable, shall achieve equivalent compliance in accordance with Regulation A-5 and these Guidelines.

Definitions

2 For the purpose of these Guidelines the definitions in the Convention apply.

Application

3 These Guidelines apply to pleasure craft used solely for recreation or competition or craft used primarily for search and rescue less than 50 metres in overall length and with a maximum ballast water capacity of eight cubic metres. Overall length means the length of the hull excluding bowsprits, booms, bumpkins, pulpits, etc.

Exceptions

4 These Guidelines do not apply to the uptake or discharge of ballast water and sediments:

.1 necessary for the purpose of ensuring the safety of a ship in emergency situations or saving life at sea;

.2 when being used for the purpose of avoiding or minimizing pollution incidents from the ship; and

.3 on the high seas of the same ballast water and sediments.

5 In addition, these Guidelines do not apply to:

.1 the accidental discharge or ingress of ballast water and sediments resulting from damage to a ship or its equipment provided that all reasonable precautions have been taken before and after the occurrence of the damage or discovery of the damage or discharge for the purpose of preventing or minimizing the discharge and the owner or the person in charge did not wilfully cause such damage;

.2 the discharge of ballast water and sediments from a ship at the same location where the whole of that ballast water and those sediments originated provided that no mixing with unmanaged ballast water from other areas has occurred. In the context of these Guidelines, "same location" shall be taken to mean the same harbour, mooring or anchorage; and

.3 the discharge of ballast water and sediments if the master reasonably decides that compliance with these Guidelines would threaten the safety or stability of the ship, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other extraordinary condition.

Precautionary practices to minimize the uptake or transfer of harmful aquatic organisms and pathogens

Uptake of ballast water

6 Wherever possible, ballast water should be taken up outside of port waters and as far from the coast as practicable. In addition, consideration should be given to the use of dockside water supplies (e.g. water not taken directly from the harbour; such as fresh water, potable water, etc.) as the source for ballast water.

7 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. The uptake of ballast water should be minimized or, where practicable, avoided in areas and situations such as:

.1 in areas identified by the port State in connection with warnings provided by ports concerning ballast uptake and any other port contingency arrangements in the event of emergency situations;

.2 in darkness when organisms may rise up in the water column;

.3 in very shallow water;

.4 where propellers may stir up sediment;

.5 areas with current large phytoplankton blooms (algal blooms, such as red tides);

.6 nearby sewage outfalls;

.7 where a tidal stream is known to be more turbid;

.8 where tidal flushing is known to be poor; or

.9 in areas close to aquaculture.

8 If it is necessary to take on and discharge ballast water in the same location, care should be taken to avoid unnecessary discharge of ballast water that has been taken up in another location.

Discharge of ballast water

9 To prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens to the maximum extent practicable taking into account the nature of the ship Ballast Water should either be exchanged prior to discharge in accordance with Regulation B-4 or otherwise managed in accordance with the requirements of the Administration. Any chemical treatment shall only use Active Substances approved by the Organization pursuant to Regulation D-3 of the Convention.

Sediment control

10 Where practicable, routine cleaning of the ballast tank to remove sediments should be carried out under controlled arrangements, and suitable arrangements made for the environmentally sound disposal of any resulting sediments.

Compliance with other guidelines

11 Nothing in these Guidelines shall prevent a ship to which these Guidelines apply from using any method of Ballast Water Management approved under any other Guidelines issued by the Organization. If suitable new and emergent treatments and technologies prove viable, these should be evaluated with a view to be incorporated, as appropriate, into these Guidelines.

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