



Date: 30th September 2020

Circular no.: 0047C/TG/09/20

To: All Owners / Managers / Operators / Agents / Deputy Registrars / Recognized organizations certifying vessels on behalf of the Togolese Administration / Port state control officers

SUBJECT: “BALLAST WATER MANAGEMENT CONVENTION & BALLAST WATER MANAGEMENT CODE (IMO RES. MEPC.300(72) REQUIREMENTS AND IMPLEMENTATION”¹.

Scope: Aiming to further increase the qualitative application of IMO International Conventions to vessels registered with the International Ship Registry of Togo and further to Circular no.: 0030CTECH/TG/04/19, this Merchant Marine Circular aims to emphasize and recall certain technical aspects related to implementation procedures of the “International Convention for the Control and Management of Ships’ Ballast Water and Sediments (the Ballast Water Management or BWM Convention)” and also remind all interested parties concerned that Ballast Water Management Systems (BWMS) installed on and after 28 October 2020, shall be Type Approved according to the latest requirements laid down in IMO Res. MEPC.300(72) “BWM Code”.

References:

- International Ship Registry of Togo Circular No. 0030CTECH/TG/04/19, dated 16/04/2019.
- I.M.O. Res. MEPC.300(72) BWM Code.
- I.M.O BWM.1/Circ.62 17 April 2019.
- I.M.O. BWM.2/Circ.66/Rev.1, 24 May 2019, “Unified interpretation of Appendix I (Form of the International Ballast Water Management Certificate) of the BWM Convention”.

Applicability: All vessels registered in the International Ship Registry of Togo, to which the BWM Convention applies.

1. General

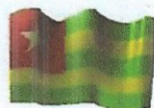
In February 2004, the IMO adopted the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (the Ballast Water Management or BWM Convention) to regulate discharges of ballast water and reduce the risk of introducing non-native species from ships’ ballast water.² To complement the BWM Convention, the IMO adopted over 15 sets of guidelines and other documents contained in its Marine Environmental Protection Committee (MEPC) resolutions and circulars.³

¹IMO Res. MEPC.300(72) BWM Code. <http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-%28MEPC%29/Documents/MEPC.300%2872%29.pdf>

² After more than 14 years of complex negotiations between IMO Member States, the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention) was adopted by consensus at a Diplomatic Conference held at IMO Headquarters in London on 13 February 2004.

³ “GUIDELINES AND GUIDANCE DOCUMENTS RELATED TO THE IMPLEMENTATION OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS’ BALLAST WATER AND SEDIMENTS, 2004”,





The BWM Convention imposes a challenging ballast water discharge standard. In response to this, several technologies have been developed and commercialized by different vendors. These systems must be tested and approved under the relevant IMO Guidelines. The BWM Convention entered into force globally on 8 September 2017. The convention applies to ships registered under contracting Parties to the BWM Convention, which take up and use ballast water during international voyages. All ships are required to have an approved BWM plan onboard and a ballast water record book. All ships of 400 gross tonnes (GT) and above must be surveyed and issued with an International Ballast Water Management Certificate. The International Ship Registry of Togo as per Circ. 0030CTECH/TG/04/19,16/04/2019 has ratified the Convention's requirements and associated amendments which came into force for Togo since 17 December 2018.

2. Application requirements

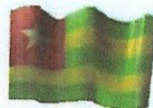
Ships in international traffic are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan. Specifically, ships must carry:

- a. A ballast water management plan - All ships of 400 GT and above are required to have onboard an approved Ballast Water Management Plan and a Ballast Water Record Book to comply with the BWM Convention. Specific to each ship, the ballast water management plan includes a detailed description of the actions to be taken to implement the ballast water management requirements and supplemental ballast water management practices. Since the entering into force date of the Convention for the Togolese Republic (17 December 2018) all ships to which the Convention applies are required to carry on board a "Ballast Water Management Plan" approved by the Flag Administration or RO on behalf of the International Ship Registry of Togo, detailing safety procedures and actions to be taken to implement the ballast water management requirements;⁴
- b. A ballast water record book - 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; and
- c. An International Ballast Water Management Certificate: The BWM Convention requires all ships of 400 GT and above to have international certification. Considering that Togo has ratified the Convention, vessels listed with the International Ship Registry of Togo require an International Ballast Water Management Certificate. The International B.W.M. Certificate for vessels flying the flag of Togo is issued on behalf of the International Ship Registry of Togo by the Recognised Organisations(RO's) and certifies that the ship carries out ballast water management in accordance with the BWM Convention and specifies which standard the ship is complying with, as well as the date of expiry of the Certificate.⁵

<http://www.imo.org/en/OurWork/Environment/BallastWaterManagement/Documents/Compilation%20of%20relevant%20Guidelines%20and%20guidance%20documents%20-%20May%202018.pdf>

⁴ RO's are delegated for the review and approval of the necessitated BWMP on behalf of the International Ship Registry of Togo according to the Convention's requirements.

⁵ In addition, for the installation approval BWTS installations on board - Statutory type approval including Ballast Water Treatment Systems (B.W.T.S.): Recognized Organizations, can type approve BWTS on behalf of the International Ship Registry of Togo as part of the IMO's treatment system approval process. Technologies developed for ballast water treatment are subject to approval through specific IMO processes and testing guidelines. These are designed to ensure that such technologies meet the



3. Type approval of Ballast Water Management Systems

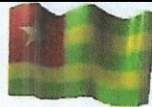
- (I) The International Ship Registry of Togo, would like to remind all those concerned that Ballast Water Management Systems (BWMS) “installed” on and after 28 October 2020⁶, shall be Type Approved according to the latest requirements laid down in IMO Res. MEPC.300(72) BWM Code.⁷ The Code for Approval of Ballast Water Management Systems (BWMS Code) is aimed primarily at Administrations, or their designated bodies, to assess whether ballast water management systems (BWMS) meet the standard set out in regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Convention). Besides, the Code is intended for manufacturers and shipowners as a reference on the evaluation procedure that equipment will undergo, and the requirements placed on BWMS. It is to be taken for granted that the interpretation of the installation date, shall be in line with the unified interpretation contained in IMO Circular BWM.2/Circ.66 Rev.1, whereby in the absence of the contractual date of delivery of the BWMS to the ship, this has to be taken as being the physical delivery of the BWMS.⁸
- (II) Such systems to be installed on or after 28 October 2020 must be approved under the IMO Code for Approval of Ballast Water Management Systems (BWMS Code), as required by BWM Convention Regulation D-3 and the BWMS Code (IMO Res. MEPC.300(72). Noting that BWMS approved under the 2016 Guidelines (G8) adopted by resolution MEPC.279(70) are deemed to be in accordance with the BWMS Code. Such BWMS would have been type-approved before 28 October 2018, taking into account IMO G8 guidelines (IMO Res. MEPC.174(58)). If the installation can only take place after 28 October 2020, owners will need to arrange for the installation of a system having an IMO Type Approval Certificate under the BWMS Code.
- (III) It is recommended that owners/managers keep a copy of the contract (order) and delivery note of the BWMS, along with a copy of the IMO circular on board, in case this matter may be raised during an inspection

relevant IMO standards, are sufficiently robust, have minimal adverse environmental impact and are suitable for use in the specific shipboard environment

⁶ RESOLUTION MEPC.300(72) (adopted on 13 April 2018) CODE FOR APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS (BWMS CODE), par. 4 “DECIDES that ballast water management systems approved not later than 28 October 2018, taking into account the Guidelines (G8) adopted by resolution MEPC.174(58), may be installed on board ships before 28 October 2020”;

⁷ BWMS PAR. 3.2, Regulation D-3 of the Convention covers approval requirements for ballast water management systems. Ballast water management systems must be approved by the Administration taking into account IMO Guidelines. Revised Guidelines for approval of ballast water management systems (G8) were adopted in 2016 and have been reworked as a mandatory Code for approval of ballast water management systems (BWMS Code), adopted by MEPC 72 in April 2018. The BWMS Code includes robust test and performance specifications as well as detailed requirements for type approval reporting and control and monitoring equipment. Ballast water management systems which make use of Active Substances or preparations containing one or more Active Substances must in addition be approved by IMO, in accordance with the Procedure for approval of ballast water management systems that make use of Active Substances (G9).

⁸ Circular BWM.2/Circ.66 Rev.1, par. 2 indicates two dates, i.e. the contractual date of delivery or the actual date of delivery, may exist in relation to installing a ballast water management system.



4. Ballast Water Management Plan

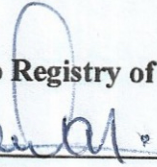
- (I) The BWMP must be reviewed and approved by the ship's RO, taking into consideration the Guidelines (G4) included in IMO Resolution MEPC.127(53), as amended.
- (II) IMO Circular BW.M.2/Circ.40 allows for a BWMP approved as per IMO Assembly Resolution A.868(20) to remain valid until it requires revision due to the installation of a BWMS.

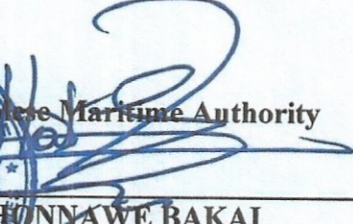
5. Ship's compliance check – Port State Control Procedures

Ships may be subject to port State control in any port or offshore terminal of a Party to the BWM Convention. This inspection may include verifying that there is onboard a valid Certificate and an approved ballast water management plan; inspection of the ballast water record book; and/or sampling of the ship's ballast water, carried out following the Guidelines for ballast water sampling (G2). If there are concerns, then a detailed inspection may be carried out and "the Party carrying out the inspection shall take such steps as will ensure that the ship shall not discharge Ballast Water until it can do so without presenting a threat of harm to the environment, human health, property or resources. All possible efforts shall be made to avoid a ship being unduly detained or delayed .

6. Epilogue

All parties concerned with the International Ship Registry of Togo are urged to be guided as appropriate with the content of this circular.


For the International Ship Registry of Togo

Vera N. Medawar
Ship Registrar


For the Togolese Maritime Authority

MATCHOUNAWE BAKAI
Director

Encl.:

1. IMO Res. MEPC.300(72), *Code for Approval of Ballast Water Management Systems*.
2. IMO Guidelines and Guidance Documents related to the implementation of the International Convention for the control and management of ships' Ballast Water and Sediments, 2004.
3. International Ship Registry of Togo Circular 0030CTECH/TG/04/19 dated 16/4/2019.