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IMO

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Ref. T5/1.22

BWM.2/Circ.22
14 August 2009

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

Communication received from the Administration of Sweden

A communication has been received from the Administration of Sweden, 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 by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations.

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

ANNEX



SWEDISH
TRANSPORT
AGENCY

1 (2)

Date	Our reference
7 July 2009	06.04.02-TSS-2009-3268
Your date	Your reference

International Maritime Organization
4, Albert Embankment
London
United Kingdom
SE1 7SR

Dear Sir,

Re: General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations

On behalf of the Contracting Parties to the Helsinki and OSPAR Conventions who are also Member States of the IMO, 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 by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations. The Contracting Parties to the Helsinki and OSPAR Conventions who are also Members states of 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 that this Guidance is also supported by the European Commission.

The issue of Non-indigenous Species Invasion through Ballast Water in the Baltic Sea and the North-East Atlantic areas is of great concern to the Contracting Parties to the Convention on the Protection of the Marine Environment of the Baltic Sea (Helsinki Convention) and the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention). To address these risks the Helsinki Commission and OSPAR supervising the Helsinki Convention and the OSPAR Convention, respectively, 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, of which the IMO has already been informed and which has been communicated to the IMO Member States in circular BWM.2/Circ.14. General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations is complementary measure to the above mentioned Guidance.

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Date
7 July 2009

Our ref
06.04.02-TSS-2009-3268

This guidance forms part of the two interim strategies being developed and is based on the ballast water exchange requirements of the International Maritime 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 leaving the maritime areas of the Helsinki Convention and transiting through the North East Atlantic, 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,

to other destinations are requested to apply this guidance on a voluntary basis from 1 January 2010 to reduce the risk of non-indigenous species entering and moving round these areas through the vector of ballast water. Information will be provided directly to the vessels flagged to Contracting Parties to the Helsinki and OSPAR Conventions by the countries concerned. Please could you promulgate this information to other flag States, through the mechanisms of the IMO Secretariat.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Per Nordström', written over a light blue horizontal line.

Per Nordström
Maritime Director

General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations

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 leaving the marine areas of:

- the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)

and transiting through the area of:

- the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)

would be expected to apply on a voluntary basis, as from 1 January 2010, the following guidelines to reduce the risk of non-indigenous species invasion through ballast water. The guidelines are addressed to the vessels covered by Article 3 of the Ballast Water Management Convention, taking into account the exceptions in Regulation A-3 of that Convention. This Guidance does not replace the requirements of the Ballast Water Management Convention, but provide the part of interim Ballast Water Regional Management Strategies for the Baltic Sea and the North-East Atlantic under Article 13 (3). The Guidance 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 Baltic Sea and the North East Atlantic.

3. Such Waters are defined as

- the internal waters and the territorial seas of Contracting Parties to the Helsinki and OSPAR 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 in these waters leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations 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 in these waters leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations should keep a record of all ballast water operations.
6. Vessels in these waters leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations 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 outside the North-East Atlantic. A map identifying these areas can be found in Figure 1.
7. If this is not to be 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). A map identifying these areas can be found in Figure 1. It should be noted that nowhere in the Baltic Sea fulfils these criteria (Figure 2).
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.

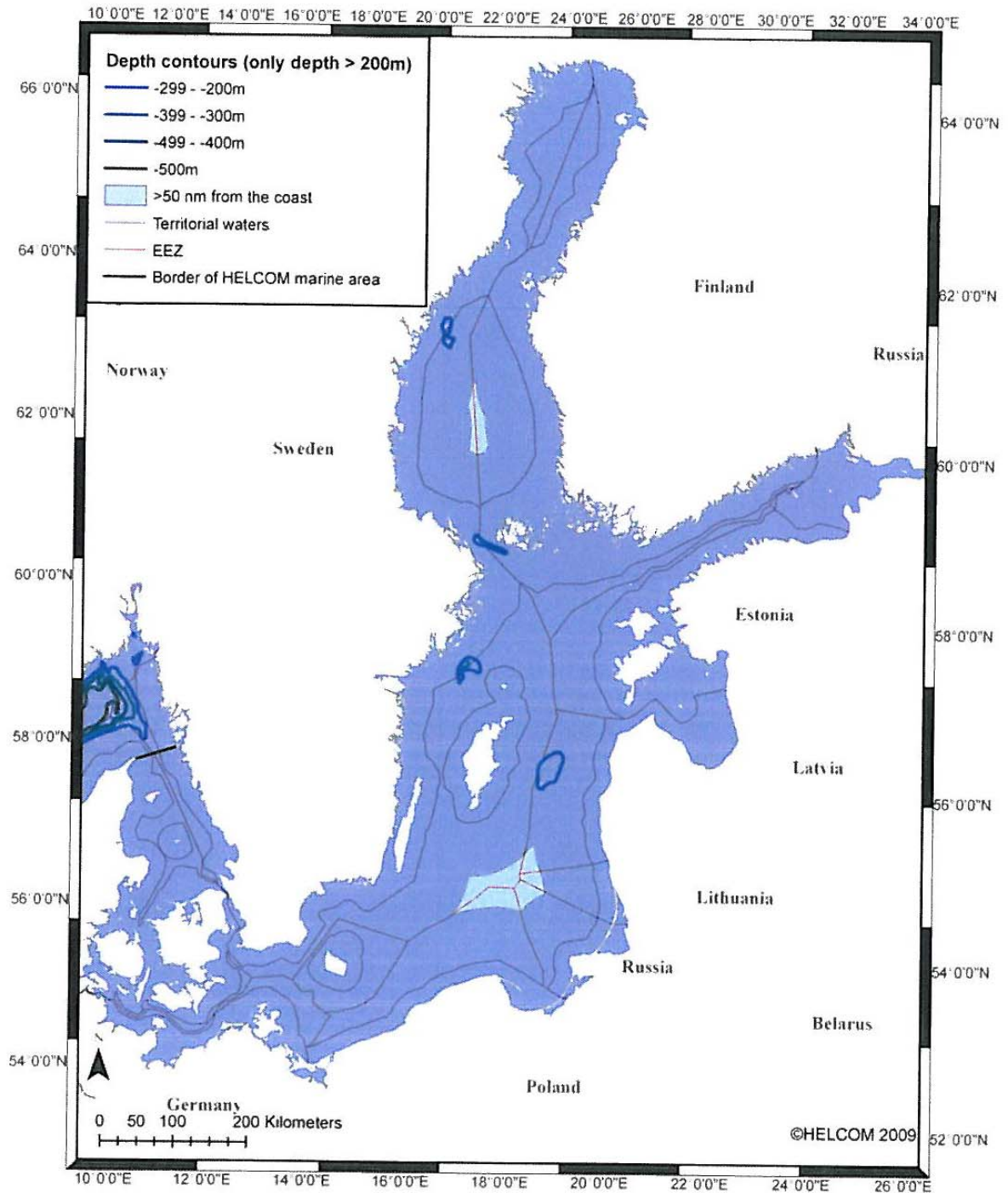


Figure 2: Map of the Baltic Sea showing areas of more than 50nm from the nearest land and areas of 200m deep.