Regulation of 7 July 2009 No. 992 concerning the prevention of transfer of alien organisms via ballast water and sediments from ships (the Ballast Water Regulation)

Laid down by the Ministry of the Environment on 7 July 2009 pursuant to the Act of 16 February 2007 No. 9 relating to Ship Safety and Security (the Ship Safety and Security Act) Sections 2, 6, 31, 32 and 33 and Act 19 June 2009 No. 100 relating to the management of biological, geological and landscape diversity (Nature Diversity Act) Section 28 fourth paragraph. Amended by Regulations of 27 November 2009 No. 1415, 10 June 2010 No. 795.

Chapter 1

General provisions

§ 1
Scope of application

This Regulation shall apply in Norwegian territorial waters, including the territorial waters surrounding Svalbard and Jan Mayen, and in the Norwegian economic zone for all ships constructed to carry ballast water. Submersible vessels and mobile offshore units under transport are also regarded as ships.

This Regulation does not apply to:

a) ships trading exclusively in Norwegian territorial waters and in the Norwegian economic zone,

b) ships with permanent ballast water in sealed tanks, and

c) craft of less than 50 metres in length overall and with maximum ballast water capacity of 8 cubic metres, which is used solely for recreation, competition or craft used primarily for search and rescue. However, such crafts shall exchange ballast water outside port waters and as far from the coast as practically possible.

Enters into force on 1 July 2010.

§ 2
Definitions

For the purpose of this Regulation, the following definitions shall apply:

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

b) Ballast water capacity: The total volumetric capacity of any tanks, spaces or compartments on a ship used for carrying, loading or discharging ballast water, including any multi-use tank, space or compartment designed to allow carriage of ballast water.

c) Sediments: Matter settled out of ballast water.

Enters into force on 1 July 2010.

§ 3
Exceptions

This Regulation shall not apply in the event of an 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 for the purpose of preventing or

minimizing the discharge before and after the occurrence of the damage, or after the discovery of the damage.

The ballast water and sediments management requirements of this Regulation shall not apply in the event of emergencies when the uptake and discharge of ballast water and sediments is necessary with respect to the safety of the ship, the health of those on board or to save life at sea.

The Norwegian Maritime Directorate may under special circumstances with an increased risk of introduction of alien species, for instance in the event of algal blooms, impose more stringent ballast water and sediments management requirements than those laid down in this Regulation.

Enters into force on 1 July 2010.

§ 4

Exemptions

The Norwegian Maritime Directorate may, in individual cases and upon written application, grant exemption from the requirements of this Regulation. There must be special reasons that make the exemption necessary and it must be justifiable in terms of safety. Exemptions can only be granted where they do not contravene international agreements to which Norway has acceded.

Enters into force on 1 July 2010.

Chapter 2

Requirements for ballast water management

§ 5

Ballast water management

Ships which are to discharge ballast water, and which have taken on board ballast water from areas outside the region in point 1.1 of Annex 1, or from another area within the region than the area in which it is to be discharged, shall manage ballast water by employing exchange, treatment or delivery to reception facilities pursuant to this chapter.

Enters into force on 1 July 2010.

§ 6

Exchange of untreated ballast water

When exchanging ballast water, at least 95 percent of the volume in all ballast tanks to be used for port calls shall be exchanged. Pumping through three times the volume of each ballast water tank shall be considered equal to this requirement.

Ballast water exchange shall only be conducted at least 200 nautical miles from the nearest land and in water at least 200 metres in depth. If this is not possible, such ballast water exchange can be conducted in water at least 200 metres in depth at least 50 nautical miles from the nearest land. The nearest land is measured from the baseline from which the territorial water is established.

In sea areas where the distance from the nearest land or the depth does not meet the criteria of the second paragraph, ballast water exchange shall be conducted in exchange areas as contained in point 1.2 of Annex 1 to this Regulation. If this is not possible, ballast water exchange shall be conducted before the ship arrives in Norwegian territorial waters.

The requirements for ballast water exchange shall not apply if the ship must deviate from its intended voyage or is unnecessary delayed. Exchange of ballast water shall still be conducted as far from the coast as possible

The requirements for exchange of ballast water shall not apply if the master reasonably decides that such exchange 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.

Enters into force on 1 July 2010. Amended by Regulation of 10 June 2010 No. 795.

§ 7

Ballast water treatment

Ballast water shall be treated with technology approved in accordance with the IMO Guidelines before it is discharged.

Treated ballast water that is discharged, shall contain less than 10 viable organisms per cubic metre greater than or equal to 50 micrometres in minimum dimension, and less than 10 viable organisms per millimetre less than 50 micrometres in minimum dimension and greater than or equal to 10 micrometres in minimum dimension.

The discharge of indicator microbes shall not exceed the following concentrations:

a) *Vibrio cholerae* O1 and O139 (toxicogenic cholera bacteria): less than 1 colony forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples

b) *Escherichia coli* (*E. coli*; intestinal bacteria): less than 250 cfu per 100 millilitres

c) Intestinal Enterococci (intestinal bacteria): less than 100 cfu per 100 millilitres

The requirements of the first to third paragraphs shall not apply to ships that participate in a programme to test new ballast water technology the first five years after the ship has installed such technology or should have installed approved ballast water technology. The programme must be approved in accordance with the IMO Guidelines.

Enters into force on 1 July 2010.

§ 8

Ballast water discharge to reception facilities

Ballast water shall be discharged to reception facilities in compliance with Chapter 20 of the Regulations of 1 June 2004 No. 931 relating to pollution control (Pollution Regulations).

Enters into force on 1 July 2010.

§ 9

Ballast water and sediments management plan

Each ship shall have on board a ballast water and sediments management plan.

The plan shall be specific to each ship and shall provide a detailed description of the actions to be taken and the routines to be utilised to implement the ballast water and sediments management requirements as set forth in this Regulation.

The plan shall include an identification of the officers on board who are in charge of ensuring that the plan is properly implemented.

The plan shall be written in the working language of the ship. If the language used is not English, French or Spanish, a translation into one of these languages shall be included.

The programme must be approved in accordance with the IMO Guidelines.

Enters into force on 1 July 2010.

§ 10

Ballast water record book

For Norwegian ships the ballast water record book shall be kept in accordance with the Regulation of 15 September 1992 No. 693 concerning the Form and Keeping of Log Books for Ships and Mobile Offshore Units.

For foreign ships, entries shall be made in the Ballast Water record book or in the deck log book in accordance with the following requirements:

a) The Ballast Water record book shall contain the information specified in Annex 2.

b) The entries in the Ballast Water record book shall be in a working language of the ship. If that language is not English, the entries shall contain a translation into English.

c) In the event of the discharge of Ballast Water to a reception facility or in the event of other accidental or exceptional discharge of Ballast Water, an entry shall be made in the Ballast Water record book describing the circumstances of, and the reason for, the discharge.

d) Each operation concerning Ballast Water shall be fully recorded without delay in the Ballast Water record book Each entry shall be signed by the officer in charge of the operation concerned and each completed page shall be signed by the master.

e) When a ship is required to conduct Ballast Water exchange and does not do so in accordance with § 6, the reasons shall be entered in the Ballast Water record book.

f) Except on unmanned ships under tow, log books shall be safe-kept on board so as to be readily available for inspection at all reasonable times. Ballast Water record book entries shall be maintained on board the ship for a minimum period of two years after the last entry has been made and thereafter in the company‘s control for a minimum period of three years If the ship is sold, the ship’s owner (the seller) shall retain the log books ashore.

Enters into force on 1 July 2010. Amended by Regulation of 10 June 2010 No. 795.

§ 11

Survey and certification

Norwegian ships utilising ballast water treatment technologies and with a gross tonnage of 400 or above, shall be surveyed and certified by the Norwegian Maritime Directorate. This requirement shall not apply to mobile offshore units.

Enters into force on 1 July 2010.

Chapter 3

Concluding provisions

§ 12

Entry into force

This Regulation enters into force on 1 July 2010.

Amended by Regulation of 27 November 2009 No. 1415.

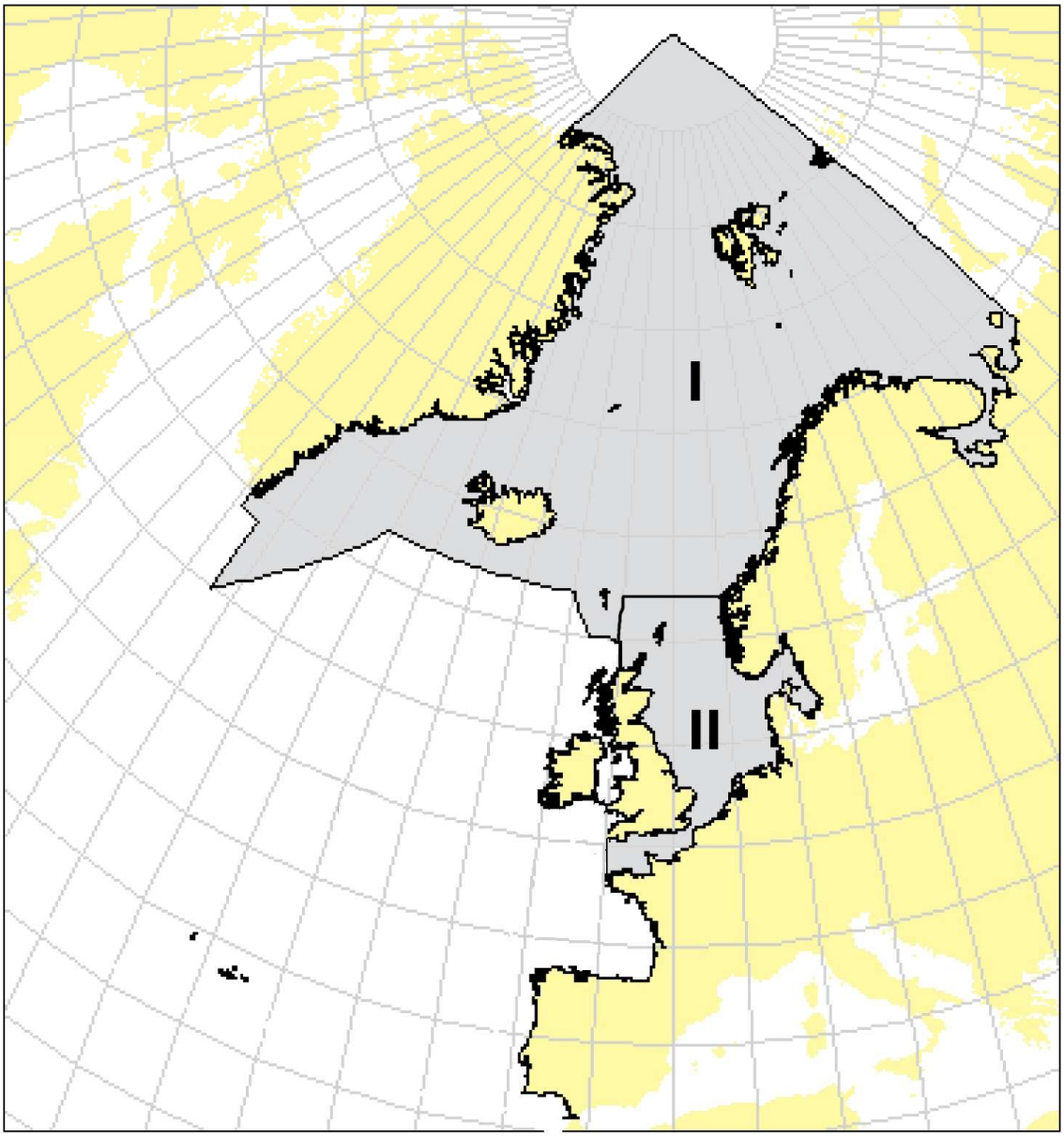
ANNEX 1

1.1 Region for uptake of ballast water:

The region consists of the following areas;

I: The Barents Sea, the Norwegian Sea

II: The North Sea



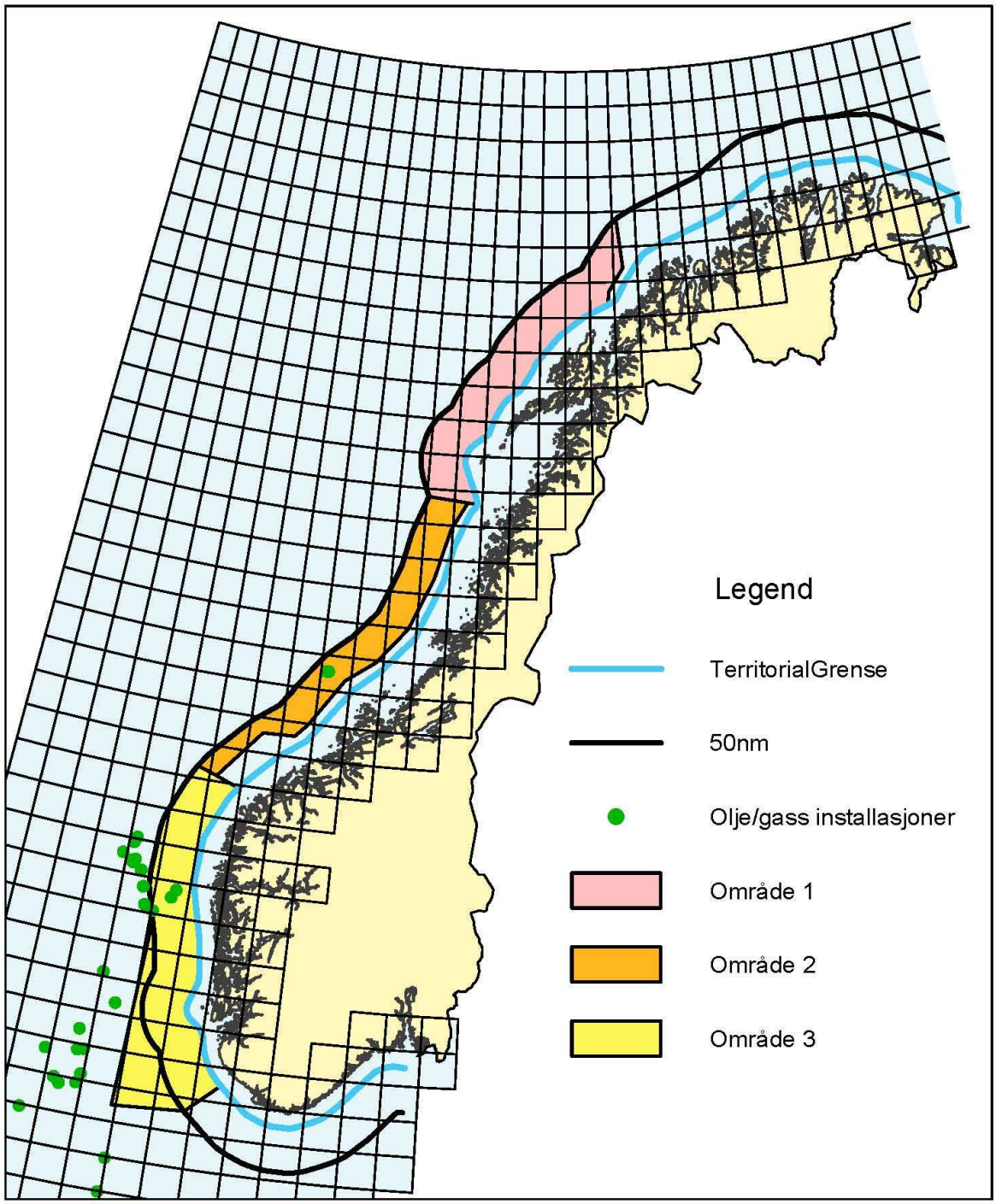
Coordinates of the region and the areas;

Area:	***Northern border***	***Eastern border***	***Southern border***	***Western border***
Area I The Barents Sea The Norwegian Sea	The North Pole	51°E from the North Pole to the Russian coast, further south along the Russian and Norwegian coast to 62°N	From the Norwegian coast westwards along 62°N to 05°W From 62°N 05°W southwards along 05°W to 60°N From 60°N 05°W westwards along 60°N to 08°W From 60°N 08°W north-westwards to 62°N to 10°W From 62°N to 10°W westwards to 62°N to 30°W From 62°N 30°W : draw a line to St. John's Newfoundland The line will cross 42°W close to 55°N From 59°N 42°W to 59°N 44°W	South of 59°N: 42°W North of 59°N : 44°W and Greenland's coastline
Area II The North Sea	62°N	In the Kattegat, northwards by a line drawn from Hasenore Hoved (DK) to Gniben Spids and from Giljberg Hoved (DK) to Kullen (S) Moreover, the Norwegian, Danish, German, Dutch, Belgian and French coastline	48°N from the coast of Brittany to 48°N 05°W	05°W and the British coastline

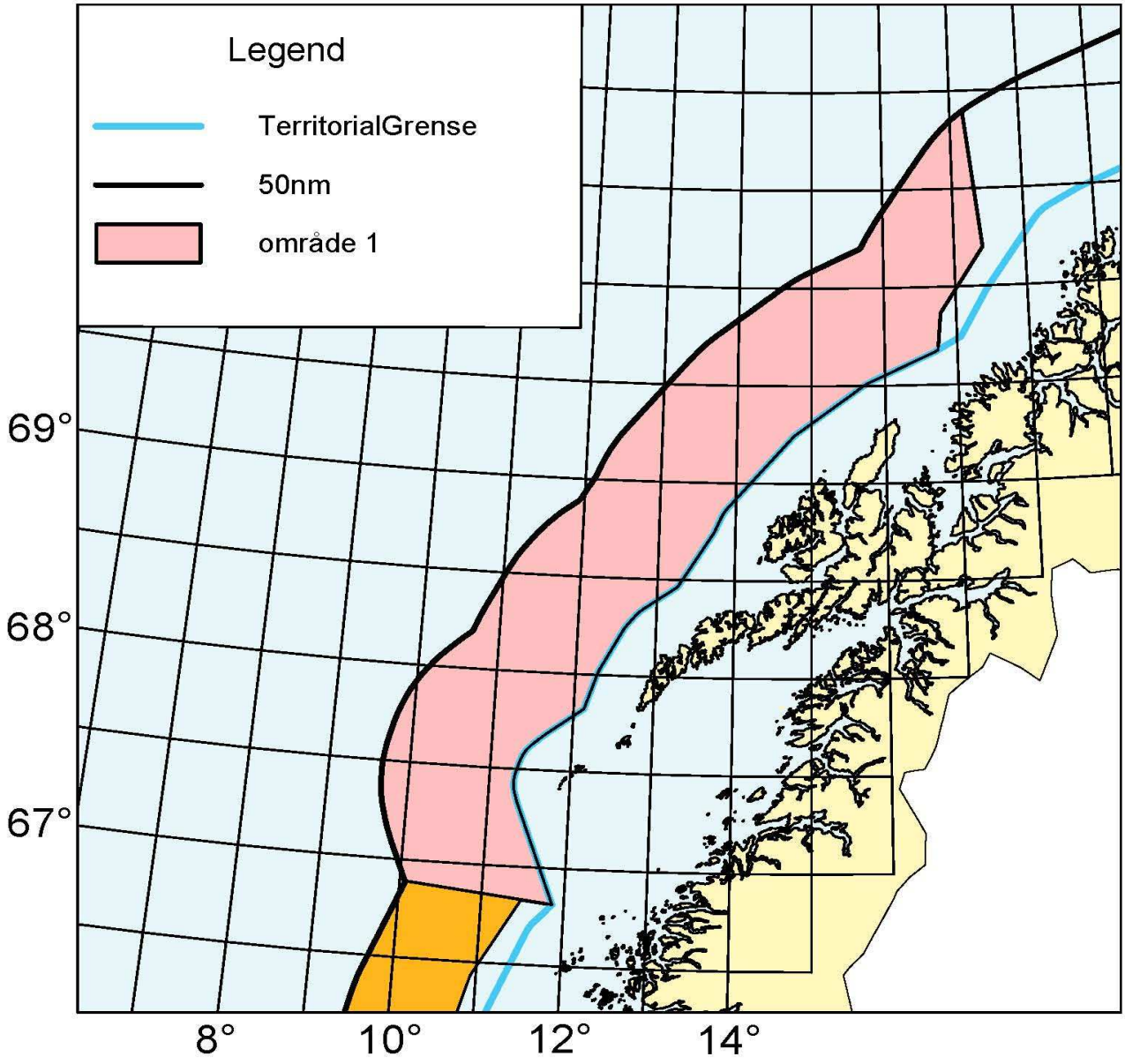
1.2 Ballast water exchange areas

Areas for untreated ballast water exchange:

Map



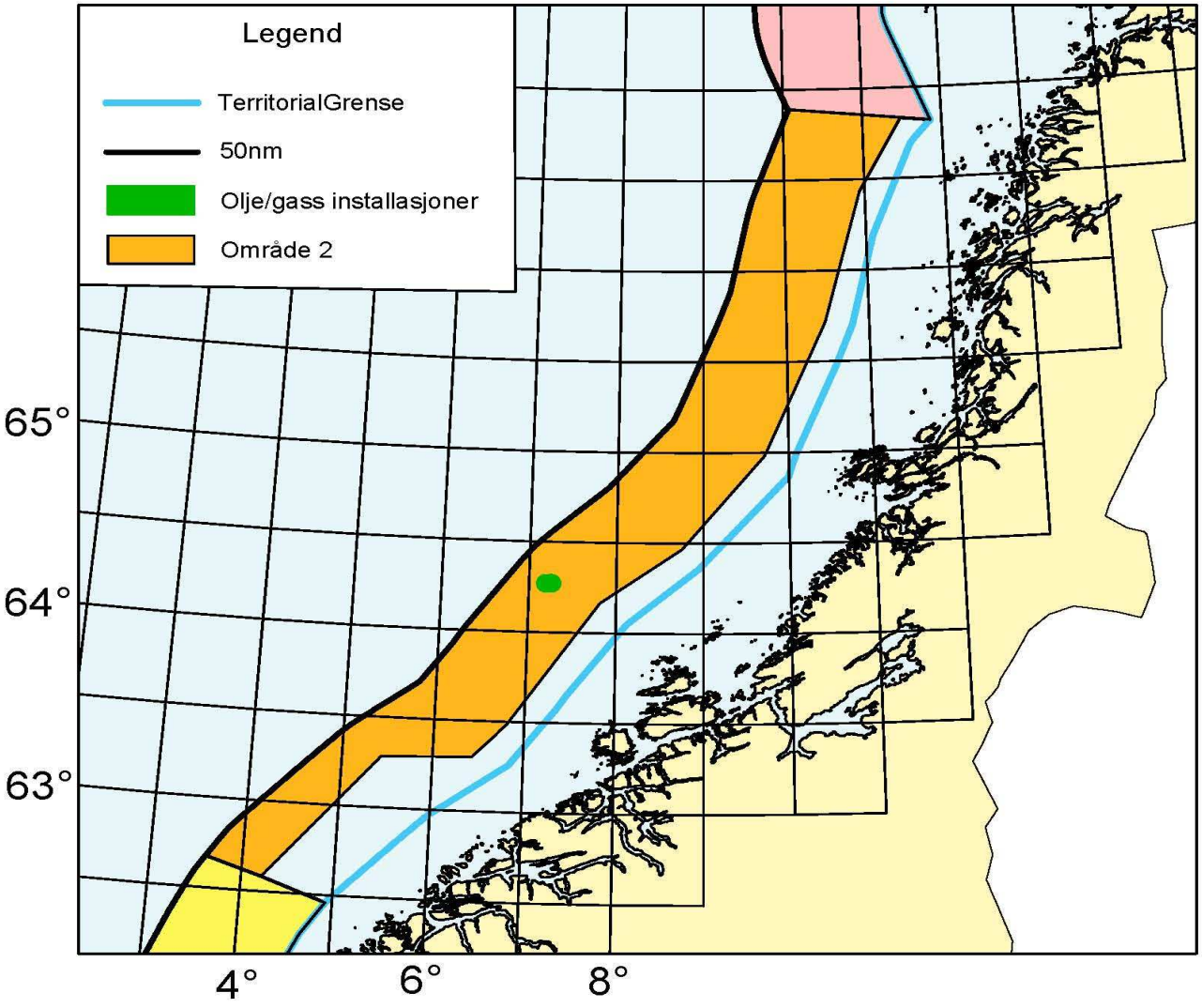
1. **Røst – Tromsø:** The area is delimited southwards of area 2. Towards the coast the boundary lies along the territorial border (12 nm). Westwards the area is delimited 50 nm from the coast. The northern border lies by Tromsøflaket.



Coordinates for exchange area 1:

North	***East***		***North***	***East***
66°53'	*010° 04 '*		69° 52 '	016° 47 '
67° 25 '	009° 40 '		69° 41 '	016° 44 '
67° 51 '	009° 52 '		69° 31 '	015° 43 '
68° 13 '	010° 43 '		69° 14 '	014° 46 '
68° 45 '	011° 22 '		68° 51 '	013° 53 '
68° 54 '	011° 58 '		68° 28 '	*013° 15 '*
69° 16 '	012° 32 '		68° 18 '	012° 41 '
69° 38 '	013° 24 '		68° 01 '	*012° 17 '*
69° 59 '	014° 29 '		67° 49 '	012° 9 '
70° 12 '	015° 36 '		67° 35 '	011° 25 '
70° 54 '	017° 11 '		67° 24 '	011° 18 '
70° 12 '	017° 24 '		*66° 49 '*	*011° 51 '*

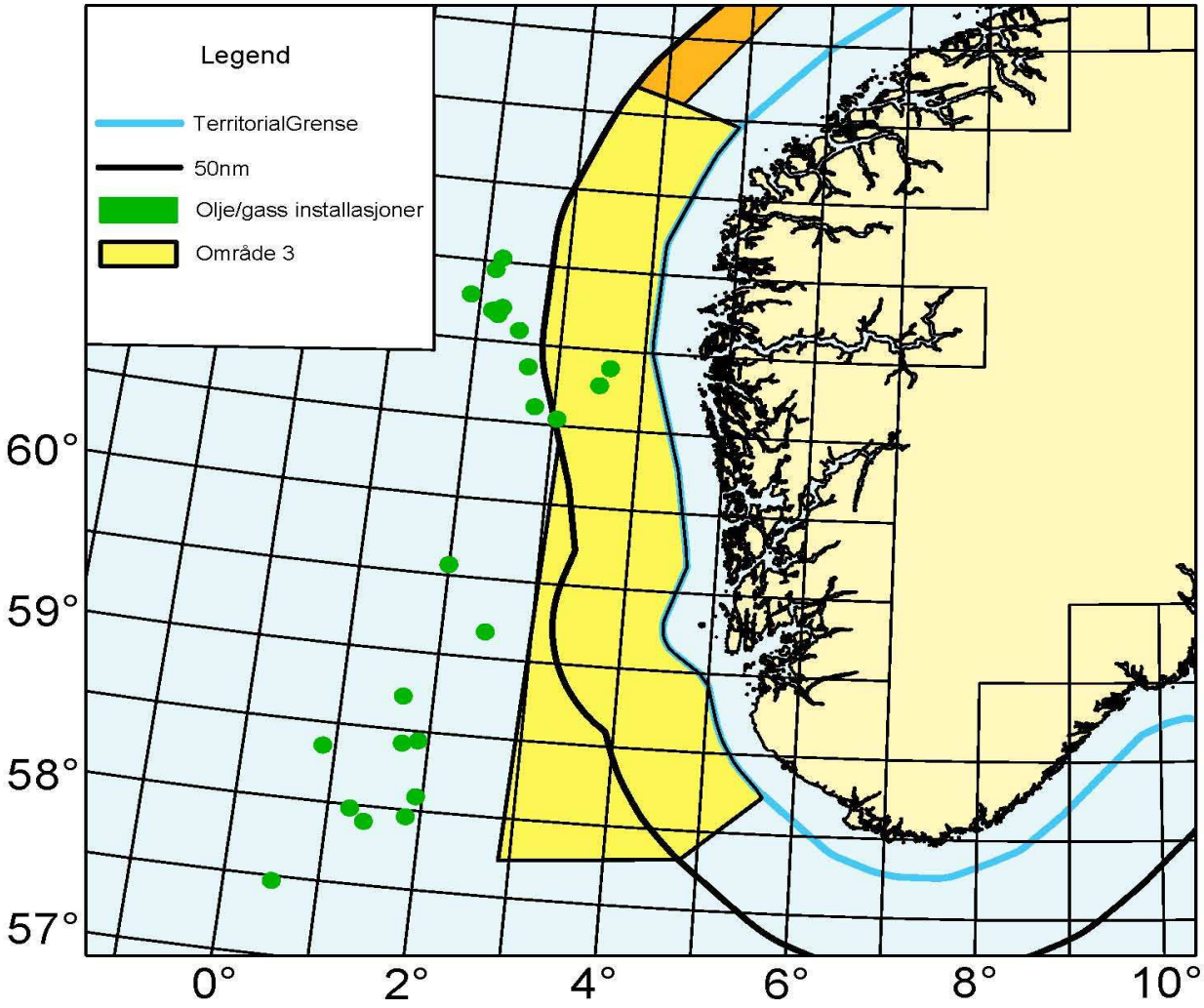
2. **The Norwegian Sea:** The exchange area is delimited southwards of the Møreplatået. Towards the coast the boundary lies along 20 nm, while it is delimited 50 nm towards the west.



Coordinates for exchange area 2:

North	***East***
62° 35 '	004° 13 '
62° 41 '	003° 34 '
63° 16 '	004° 40 '
63° 43 '	005° 55 '
64° 28 '	006° 59 '
64° 43 '	007° 43 '
65° 12 '	008° 41 '
66° 53 '	*010° 04 '*
66° 50 '	*011° 29 '*
66° 26 '	010° 56 '
65° 43 '	010° 28 '
64° 59 '	009° 43 '
64° 28 '	008° 45 '
64° 10 '	007° 49 '
63° 29 '	006° 48 '
63° 18 '	006° 26 '
63° 17 '	005° 26 '

3. **The West Coast:** The area is delimited southwards and westwards of the offshore facilities. Towards the coast the boundary lies along 12 nm. In the north, the boundary is set where the Møreplatået begins.



Coordinates for exchange area 3:

North	***East***
57° 44 '	002° 53 '
60° 27 '	003° 6 '
60° 59 '	002° 46 '
61° 47 '	002° 51 '
62° 41 '	003° 35 '
62° 28 '	*004° 55 '*
62° 16 '	*004° 40 '*
61° 41 '	*004° 09 '*
61° 01 '	*004° 05'*
60° 16 '	*004° 30'*
59° 40 '	*004° 40 '*
59° 16 '	004° 27 '
59° 09 '	*004° 32'*
58° 55 '	*005° 00 '*
58° 34 '	*005° 12'*
58° 14 '	005° 40 '
57° 49 '	004° 49 '

New Annex 2 should read:

ANNEX 2

Form of ballast water record book

International convention for the control and management of ships‘ ballast water and sediments

Period: From …..... to.....

Name of Ship.....

IMO number.....

Gross tonnage.....

Flag.....

Total Ballast Water capacity (in cubic metres) .....

The ship is provided with a Ballast Water Management plan

Diagram of ship indicating ballast tanks:

1. Introduction
In accordance with xxxxxxxxxxxxxx regulation B-2 of the Annex to the International Convention for the Control and Management of Ships‘ Ballast Water and Sediments, a record is to be kept of each Ballast Water operation. This includes discharges at sea and to reception facilities.

2. Ballast Water and Ballast Water Management
«Ballast Water» means water with its suspended matter taken on board a ship to control trim, list, draught, stability, or stresses of a ship. Management of Ballast Water shall be in accordance with an approved Ballast Water Management plan and taking into account guidelines developed by the Organization.

3. Entries in the Ballast Water Record Book
Entries in the Ballast Water record book shall be made on each of the following occasions:

When Ballast Water is taken on board:
- Date, time and location port or facility of uptake (port or lat/long), depth if outside port
- Estimated volume of uptake in cubic metres
- Signature of the officer in charge of the operation.

Whenever Ballast Water is circulated or treated:
- Date and time of operation
- Estimated volume circulated or treated (in cubic metres)
- Whether conducted in accordance with the Ballast Water Management plan
- Signature of the officer in charge of the operation

When Ballast Water is discharged into the sea:

- Date, time and location port or facility of discharge (port or lat/long)
- Estimated volume discharged in cubic metres plus remaining volume in cubic metres
- Whether approved Ballast Water Management plan had been implemented prior to discharge
- Signature of the officer in charge of the operation

When Ballast Water is discharged to a reception facility:

- Date, time, and location of uptake
- Date, time, and location of discharge
- Port or facility, estimated volume discharged or taken up, in cubic metres
- Whether approved Ballast Water Management plan had been implemented prior to discharge
- Signature of the officer in charge of the operation

Accidental or other exceptional uptake or discharges of Ballast Water:

- Date and time of occurrence
- Port or position of the ship at time of occurrence
- Estimated volume of Ballast Water discharged
- Circumstances of uptake, discharge, escape or loss, the reason therefore and general remarks
- Whether approved Ballast Water Management plan had been implemented prior to discharge
- Signature of the officer in charge of the operation

Additional operational procedure and general remarks may be entered here:

4 Volume of Ballast Water

The volume of Ballast Water onboard should be estimated in cubic metres. The Ballast Water record book contains many references to estimated volume of Ballast Water. It is recognized that the accuracy of estimating volumes of ballast is left to interpretation.

RECORD OF BALLAST WATER OPERATIONS

Sample ballast water record book page

Name of Ship: .....

Distinctive number or letters.....

Date	Item (number)	Record of operations/signature of officers in charge

Signature of master .....

Enters into force on 1 July 2010. Amended by Regulation of 10 June 2010 No. 795.