

2004 年船舶壓艙水及沉積物管理國際公約

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壓艙水紀錄簿

2004 年船舶壓艙水及沉積物管理國際公約

本公約各締約國，

憶及《1982 年聯合國海洋法公約》(UNCLOS) 第196 (1) 條規定，“各國應採取一切必要措施，以防止、減少和控制由於在其管轄或控制下使用技術而造成的海洋環境污染，或由於故意或偶然在海洋環境某一特定部分引進外來的或新的物種致使海洋環境可能發生重大和有害的變化”。

注意到《1992 年生物多樣性公約》(CBD) 的目標和通過船舶壓艙水傳播和引入的有害水生物和病原體對生物多樣性的保護和可持續利用所造成的威脅以及 CBD 1998年締約國大會 (COP4) 關於海洋和海岸生態系統的保護和可持續利用的第VI/5 號決定，以及 CBD 2002 年締約國大會 (COP6) 關於威脅生態系統、棲息地或物種的外來物種的第VI/23號決定，包括應對入侵物種的指導原則，

進一步注意到1992 年聯合國環境與發展大會 (UNCED) 要求國際海事組織 (本組織) 考慮通過適當的壓艙水排放規則，

考慮到在《環境與發展里約宣言》第15 條原則中所述的和本組織海上環境保護委員會於1995 年9 月15 日通過的第MEPC.67(37)號決議中提及的預防措施，

還考慮到2002 年可持續發展問題世界首腦會議在其實施計畫第34 (b) 段中要求採取所有級別行動，加速制定處理壓艙水中外來入侵物種措施，

意識到船舶壓艙水和沉積物的無控制排放已經導致有害水生物和病原體的轉移，對環境、人體健康、財產和資源造成損傷或損害，

認識到本組織為處理有害水生物和病原體轉移的目的而通過的1993 年A.774(18)號和1997 年A.868(20)號大會決議對此問題所給予的重視，

進一步認識到若干國家業已採取旨在防止、儘量減少和最終消除通過進入其港口船舶而引入有害水生物和病原體的風險的單方行動；該問題，因其世界範圍的關切，要求基於全球適用的規則及其有效實施和統一解釋的導則的行動，

希望繼續制定更安全和更有效的壓艙水管理選擇方案，以持續防止、儘量減少並最終消除有害水生物和病原體的轉移，

決心通過船舶壓艙水和沉積物控制與管理來防止、儘量減少和最終消除因有害水生物和病原體的轉移對環境、人體健康、財產和資源引起的風險，並避免此種控制造成的有害副作用和鼓勵相關知識和技術的發展，

認為締結《船舶壓艙水及沉積物控管國際公約》可以最好地實現這些目標，

茲協議如下：

第 1 條 定義

除另有明文規定外，就本公約而言：

- 1 “主管機關”係指船舶在其管轄下進行營運的國家政府。就有權懸掛某一國家國旗的船舶而言，主管機關係指該國政府。對於沿岸國為勘探和開發其自然資源行使主權，在毗連於海岸的海底及其底土從事勘探和開發的浮動平臺（包括浮式存儲裝置（FSUs）和浮式生產、存儲和卸載裝置（FPSOs））而言，主管機關係指該有關沿岸國的政府。
- 2 “壓艙水”係指為控制船舶縱傾、橫傾、吃水、穩度或應力而在船上加裝的水及其懸浮物。
- 3 “壓艙水管理”係指單獨或合併的機械、物理、化學和生物處理方法，以清除、無害處置、避免攝入或排放壓艙水和沉積物中的有害水生物和病原體。
- 4 “證書”係指《國際壓艙水管理證書》。
- 5 “委員會”係指本組織海上環境保護委員會。
- 6 “公約”係指《船舶壓艙水及沉積物控管國際公約》。
- 7 “總噸位”係指按照《1969 年船舶噸位丈量國際公約》附錄I或任何後繼公約中所載噸位丈量規則而計算的總噸位。
- 8 “有害水生物和病原體”係指如被引入海洋，包括河口，或引入淡水水道則可能危害環境、人體健康、財產或資源、損害生物多樣性或妨礙此種區域的其他合法利用的水生物或病原體。
- 9 “本組織”係指國際海事組織。
- 10 “秘書長”係指本組織的秘書長。
- 11 “沉積物”係指船內壓艙水的沉積物質。
- 12 “船舶”係指凡在水環境中運行的任何類型的船舶，包括潛水器、浮動器具、浮動平臺、浮式存儲裝置（FSUs）以及浮式生產、存儲和卸載裝置（FPSOs）。

第 2 條 一般義務

- 1 各締約國承諾充分和全面實施本公約及其附錄的各項規定，以便通過船舶壓艙水和沉積物控制與管理來防止、儘量減少和最終消除有害水生物和病原體的轉移。
- 2 附錄為本公約的組成部分，除另有明文規定外，在提及本公約時即提及其附錄。
- 3 本公約中的任何規定均不得解釋為禁止一締約國單獨地或與其他締約國一起按照國際法採取更嚴格措施，通過船舶壓艙水和沉積物控制與管理來防止、減少或消除有害水生物和病原體的轉移。
- 4 各締約國應努力為有效實施、遵守和執行本公約進行合作。
- 5 各締約國承諾鼓勵繼續制定旨在通過船舶壓艙水和沉積物控制與管理來防止、儘量減少和最終消除有害水生物和病原體的轉移的壓艙水管理和標準。
- 6 依照本公約採取行動的各締約國應努力不損害或破壞本國或其他國家的環境、人體健

康、財產或資源。

7 各締約國應確保為符合本公約而使用的壓艙水管理做法對其本國或其他國家的環境、人體健康、財產或資源所造成的損害不大於其所防止者。

8 各締約國應鼓勵本公約適用的、有權懸掛其國旗的船舶盡可能避免加裝帶有潛在有害水生物和病原體的壓艙水以及可能含有此類生物的沉積物，包括促進本組織制定的建議書的充分實施。

9 各締約國應在本組織的倡議下努力合作，以便在壓艙水管理的國家管轄範圍之外的地區中處理對敏感、脆弱或受到威脅的海洋生態系統和生物多樣性的威脅和風險。

第 3 條 適用範圍

1 除本公約另有明文規定外，本公約應適用於：

- (a) 有權懸掛某一締約國國旗的船舶；和
- (b) 無權懸掛某一締約國國旗但在一締約國的管轄下營運的船舶。

2 本公約不適用於：

- (a) 設計和建造成不承載壓艙水的船舶；
- (b) 僅在某一締約國管轄水域內營運的該締約國的船舶，除非該締約國確定此類船舶的壓艙水排放會損害或破壞本國、相鄰或其他國家的環境、人體健康、財產或資源；
- (c) 僅在某一締約國管轄水域內營運、並得到該締約國授權豁免的另一締約國的船舶。如果此種授權會損害或破壞本國、相鄰或其他國家的環境、人體健康、財產或資源，則任何締約國不得給予此種授權。不給予此種授權的任何締約國應向有關船舶的主管機關作出本公約適用於該船的通知；
- (d) 僅在一個締約國的管轄水域內和在公海上營運的船舶，但不包括未根據第(c)項給予授權的船舶，除非此締約國確定此類船舶的壓艙水排放會損害或破壞本國、相

鄰或其他國家的環境、人體健康、財產或資源；

- (e) 任何軍艦、海軍輔助船舶或由國家擁有或營運並在當時僅用於政府非商業服務目的的其他船舶。但是，每一締約國應通過採用不損害其擁有或經營的此類船舶的操作或操作能力的適當措施，確保此類船舶在合理和可行時以符合本公約的方式行動；和
- (f) 船上密封艙櫃中的不排放的永久性壓艙水。

3 對於非本公約締約國的船舶，各締約國應在必要時適用本公約的要求，以確保不給予此類船舶更為優惠的待遇。

第 4 條 控制有害水生物和病原體通過船舶壓艙水及沉積物轉移

- 1 每一締約國應要求本公約適用的、有權懸掛其國旗或在其管轄下營運的船舶符合本公約中所載的要求，包括附錄的適用標準和要求，並應採取有效措施確保這些船舶符合這些要求。
- 2 每一締約國應在充分考慮其具體條件和能力的情況下，為其港口和管轄水域內的壓艙水管理制定符合和促進達到本公約目標的國家政策、戰略或計畫。

第 5 條 沉積物收受設施

- 1 每一締約國承諾確保在該締約國指定的進行壓水艙清潔或修理的港口和碼頭內提供足夠的沉積物收受設施，並考慮到本組織制定的導則。此類收受設施的營運不應對船舶造成不當延誤，並安全地處置此類沉積物而不損害或破壞本國或其他國家的環境、人體健康、財產或資源。
- 2 每一締約國應將被指稱的根據第 1 款規定提供的設施不足的所有情況通知本組織，以便轉告其他有關締約國。

第 6 條 科學技術研究和監測

- 1 各締約國應單獨地或聯合地努力：
 - (a) 促進和便利壓艙水管理方面的科學技術研究，和
 - (b) 監測其管轄水域的壓艙水管理成效。

此種研究和監測應包括對任何技術和方法的有效性和負面影響以及對被確定為是通過船舶壓艙水轉移的此類生物和病原體造成的任何負面影響進行觀察、測量、取樣、評估和分析。

2 每一締約國為推進本公約的目標，應促進向要求資訊的其他締約國提供下列相關資訊：

- (a) 壓艙水管理的科學技術方案和技術措施；和
- (b) 由任何監測和評估方案推斷壓艙水管理的有效性。

第 7 條 檢驗和發證

1 每一締約國應確保懸掛其國旗或在其管轄下營運並需接受檢驗和發證的船舶按附錄中的規定進行的檢驗和發證。

2 按照第 2.3 條和附錄 C 部份實施措施的締約國不應對另一締約國的船舶要求額外檢驗和發證，該船舶的主管機關也無義務對另一締約國要求的額外措施進行檢驗和發證。驗證此類額外措施應是實施此類措施的締約國的責任，並不應對船舶造成不當延誤。

第 8 條 違反事件

1 應禁止對本公約要求的任何違反；無論違反事件在何處發生，均應根據有關船舶的主管機關的法律確定處罰。如果主管機關得知此種違反事件，則應對此事進行調查，並可要求報告的締約國提供被指稱的違反事件的額外證據。如果主管機關確信有充分證據對被指稱的違反事件提起訴訟，則應按照其法律盡快提起此種訴訟。主管機關應將所採取的任何行動立即通知報告違反事件的締約國以及本組織。如果主管機關在收到資訊後一年內未採取任何行動，則應將此種情況通知報告指稱違反事件的締約國。

2 禁止在任何締約國的管轄範圍內對本公約要求的任何違反，並應根據該締約國的法律確定處罰。每當發生此種違反事件時，該締約國均應：

- (a) 按照其法律提起訴訟；或
- (b) 向該船的主管機關提供其可能掌握的業已發生違反事件的資訊和證據。

3 締約國法律根據本條規定的處罰應有足夠的嚴厲性，以阻止在任何地方發生對本公約的違反。

第 9 條 船舶檢查

1 本公約適用的某一船舶，當在另一締約國的任何港口或海上終端站時，可能要受到該締約國經正式授權的官員的檢查，以確定該船是否符合本公約。除本條第 2 款規定外，任何該種檢查均應限於：

- (a) 驗證船上持有有效證書；如其有效，則應被接受；
 - (b) 檢查壓艙水紀錄簿，和（或）
 - (c) 按照本組織將要制定的導則，進行船舶壓艙水取樣。但是，分析樣品所需的時間不得作為不當延誤船舶操作、移動或離港的理由。
- 2 如果某一船舶未持有有效證書或有明確依據認為：
- (a) 船舶或其設備的狀況與證書的細節有重大不符；或
 - (b) 船長或船員不熟悉基本的船上壓艙水管理程序或未執行此類程序。則可進行詳細的檢查。
- 3 在本條第2款規定的情況下，進行檢查的締約國應採取步驟確保該船在未能做到排放壓艙水而不會對環境、人體健康、財產或資源形成損害威脅前不得進行此種排放。

第 10 條 對違反事件的偵查和對船舶的控制

- 1 各締約國應在偵查違反事件和執行本公約規定方面進行合作。
- 2 如果偵查到某一船舶違反了本公約，則船舶有權懸掛其國旗的締約國和（或）船舶在其港口或海上終端站操作的締約國，除第8條所述的任何處罰或第9條所述的任何行動外，還可採取步驟警告、滯留或驅逐該船。但是，該船在其港口或海上終端站操作的締約國可允許船舶離開港口或海上終端站，以便排放壓艙水或駛往最近的適當修理廠或收受設施，條件是這樣做不會對環境、人體健康、財產或資源產生威脅。
- 3 如果第9.1(c)條中所述的取樣結果表明該船對環境、人體健康、財產或資源構成威脅或證實從另一港口或海上終端站收到的此種資訊，則該船在其水域營運的締約國應禁止此種船舶排放壓艙水，直至該威脅消除。
- 4 如果某一締約國收到任何締約國的調查請求並有船舶正以或曾以違反本公約的規定的方式營運的充分證據，則亦可在該船進入其管轄的港口或海上終端站時對其進行檢查。此種調查報告應送交請求調查的締約國和有關船舶主管機關的主管當局，以便採取適當行動。

第 11 條 控制行動的通知

- 1 如果依照第9條或第10條進行的檢查表明有違反本公約的情況，則應通知該船，並應向主管機關遞交一份包括任何違反證據的報告。
- 2 如果依照第9.3條、第10.2條或第10.3條規定採取了任何行動，則採取此種行動的官

員應將該行動被視為必需的所有情況立即書面通知有關船舶的主管機關，或者，如果這樣做不可能，則應通知有關船舶的領事或外交代表。此外，還應通知負責簽發證書的經認可組織。

3 如果有關的港口國當局不能夠採取第9.3 條、第10.2 條或10.3 條規定的行動，或如果該船已經獲准駛往下一個停靠港，則除第2 款提及的各方外，還應將所有有關該違反事件的資訊通知下一停靠港。

第 12 條 對船舶的不當延誤

1 在執行本公約第7.2 條、第8 條、第9 條和第10 條時應盡力避免使船舶受到不當的滯留或延誤。

2 如果在執行本公約第7.2 條、第8 條、第9 條和第10 條時船舶受到不當滯留或延誤，該船有權要求對其受到的任何損失或損害予以賠償。

第 13 條 技術援助、合作與區域合作

1 各締約國承諾，視情況直接或通過本組織和其他國際機構，就船舶壓艙水和沉積物的控制與管理，向要求技術援助的締約國提供下述支援：

- (a) 培訓人員；
- (b) 確保提供相關的技術、設備和設施；
- (c) 啟動聯合研究和開發方案；和
- (d) 採取旨在有效實施本公約和本組織制定的相關導則的其他行動。

2 各締約國承諾，根據其國家法律、法規和政策，在轉讓船舶壓艙水和沉積物的控制與管理技術方面積極進行合作。

3 為促進本公約的目標，對保護某一特定地理區域內環境、人體健康、財產和資源具有共同利益的各締約國，特別是那些毗鄰圍閉和半圍閉海域的各締約國，應計及特有的區域特徵，努力加強區域合作，包括締結與本公約一致的區域協定。各締約國應尋求與各區域協定的締約國合作，制定協調的程序。

第 14 條 資訊交流

1 各締約國應向本組織報告，並在適當時向其他締約國提供下述資訊：

- (a) 有關壓艙水管理的任何要求和程序，包括其法律、法規和本公約的實施準則；
- (b) 用於環境上安全地處置壓艙水和沉積物的任何收受設施的配備和位置；和

- (c) 因附錄 A-3 規則和 B-4 規則中所述原因而不能符合本公約規定的船舶的任何資訊要求。

2 本組織應將根據本條收到的任何通報通知各締約國，並將按本條第1(b)和(c)項向其通報的任何資訊發送給所有締約國。

第 15 條 爭端解決

各締約國應以談判、調查、調停、調解、仲裁、司法解決、訴諸區域機構或安排，或自己選擇的其他任何和平手段解決他們之間有關對本公約的解釋或適用的任何爭端。

第 16 條 與國際法和其他協議的關係

本公約中的任何規定都不得妨礙《聯合國海洋法公約》反映的國際慣例法規定的任何國家的權利和義務。

第 17 條 簽署、批准、接受、認可和加入

1 本公約應從2004年6月1日起至2005年5月31日在本組織總部開放供任何國家簽署，此後仍應開放供任何國家加入。

2 各國可按下列方式成為本公約的締約國：

- (a) 簽署並對批准、接受或認可無保留；或
- (b) 簽署而有待批准、接受或認可，隨後予以批准、接受或認可；或
- (c) 加入。

3 批准、接受、認可或加入應通過向秘書長交存有關相應文件作業。

4 如果一國包含兩個或以上就本公約處理的事項適用不同法律制度的領土單元，則該國家可在簽署、批准、接受、認可和加入時聲明：本公約應適用於其所有領土單元，或只適用其中一個或多個單元，並可隨時通過提交另一聲明對該聲明加以修改。

5 任何此種聲明均應書面通知保存人，並應明確說明本公約適用的一個或多個領土單元。

第 18 條 生效

1 本公約應在其合計商船隊不少於世界商船總噸位百分之三十五的至少三十個國家簽署了公約並對批准、接受或認可無保留或按第十七條交存了必要的批准、接受、認可或加入文

件之日起十二個月後生效。

2 對於在達到本公約生效要求後但在生效日期前交存本公約的批准、接受、認可或加入文件的國家，其批准、接受、認可或加入應在本公約的生效之日生效或在交存文件之日起三個月後生效，以晚者為準。

3 在本公約生效之日後交存的批准、接受、認可或加入文件，應在交存之日起三個月後生效。

4 在本公約的某一修正案根據公約第19條視為已被接受之日後交存的任何批准、接受、認可或加入文件，應適用於經修正的本公約。

第 19 條 修正

1 可根據下列各款規定的任一程序對本公約進行修正。

2 在本組織內經審議的修正案：

(a) 任何締約國均可對本公約提出修正案。提議的修正案應提交給秘書長，然後應由秘書長在對其審議前至少六個月將其分發給各締約國和本組織成員。

(b) 按上述規定提議和分發的修正案應提交給委員會審議。締約國，無論其是否為本組織成員，均應有權參與委員會審議和通過修正案的工作。

(c) 修正案應由出席委員會並參加表決的締約國的三分之二多數通過，但在表決時應有至少三分之一的締約國出席。

(d) 按第(c)項通過的修正案應由秘書長通知各締約國供接受。

(e) 在下列情況下修正案應視為已被接受：

(i) 本公約某一條款的修正案應在三分之二的締約國向秘書長作出了接受通知之日視為已被接受。

(ii) 附錄的修正案應在通過之日後十二個月屆滿時或委員會確定的其他日期視為已被接受。但是，如果到該日期，有三分之一的締約國通知秘書長他們反對該修正案，則其應視為未被接受。

- (f) 在下列情況下修正案應生效：
- (i) 本公約某一條款的修正案應在其按照第(e)(i)項視為已被接受之日起六個月後對已聲明接受該修正案的締約國生效。
 - (ii) 附錄的修正案應在其視為已被接受之日起六個月後對所有締約國生效，但以下締約國除外：
 - (1) 根據第(e)(ii)項通知反對該修正案且未撤銷此種反對的締約國；
 - (2) 在此修正案生效前通知秘書長，該修正案僅應在以後作出接受通知後對其生效的締約國。
- (g) (i) 根據第(f)(ii)(1)項作出反對通知的締約國可在以後向秘書長作出接受該修正案的通告。此修正案應在作出接受通知之日起六個月後或該修正案的生效之日對該締約國生效，以晚者為準。
- (ii) 如果作出第(f)(ii)(2)項所述通知的締約國向秘書長作出接受某一修正案的通告，則此修正案應在作出接受通知之日起六個月後或該修正案生效之日對該締約國生效，以晚者為準。
- 3 會議作出的修正：
- (a) 應某一締約國要求並獲得至少三分之一締約國的贊同時，本組織應召開締約國會議審議本公約的修正案。
 - (b) 在此種會議上由出席並參加表決的締約國的三分之二多數通過的修正案應由秘書長通知所有締約國供接受。
 - (c) 除會議另有決定外，該修正案應分別按第 2(e)和(f)款中規定的程序視為已被接受和生效。
- 4 拒絕接受附錄的某一修正案的任何締約國，僅應就該修正案的實施而言，被視為非締約國論。
- 5 本條規定的任何通知均應書面向秘書長作出。
- 6 秘書長應將下列事項通知各締約國和本組織成員：
- (a) 生效的任何修正案及其普遍和對每一締約國的生效日期；和
 - (b) 據本條作出的任何通知。

第 20 條 退出

- 1 任何締約國，在從本公約對該締約國生效之日起兩年屆滿後，可隨時退出本公約。
- 2 退出應以向保存人提交書面通知的方式作出，在收到通知一年後或通知中可能規定的更長期限生效。

第 21 條 保存人

- 1 本公約應由秘書長保存，秘書長應將本公約核證無誤的副本發送給簽署或加入本公約的國家。
- 2 除本公約其他部分規定的職責外，秘書長還應：
 - (a) 將下述情況通知所有簽署或加入本公約的國家：
 - (i) 每一新的簽署或批准、接受、認可或加入文件的交存及其日期；
 - (ii) 本公約的生效日期；和
 - (iii) 本公約的任何退出文件的交存及其收到日期和退出生效日期；和
 - (b) 本公約一經生效，即按《聯合國憲章》第 102 條將其文本送聯合國秘書處供登記和公佈。

第 22 條 文字

本公約正本一份，由阿拉伯文、中文、英文、法文、俄文和西班牙文寫成，每種文本具有同等效力。

二〇〇四年二月十三日訂於倫敦。

下列具名者，均經各自政府正式授權，特簽署本公約，以昭信守。

附錄

船舶壓艙水及沉積物控制管理規則

A 部分 — 總則

A-1 規則 定義

就本附錄而言：

- 1 “周年日”係指與證書到期日相應的每一年的月份和日期。
- 2 “壓艙水容量”係指船上用於承載、加裝或排放壓艙水的任何液艙、處所或艙室容量，包括被設計成允許承載壓艙水的任何多用途液艙、處所或艙室的總體積容量。
- 3 “公司”係指船舶的所有人或任何其他組織或人員，諸如管理人或光船承租人等承擔船舶所有人的營運責任並在承擔此種責任時同意接受《船舶安全管理國際章程》¹ 規定的所有職責和責任。
- 4 “建造的”就船舶而言，係指以下建造階段：
 - .1 安放龍骨；或
 - .2 可以辨認出某一具體船舶建造開始；或
 - .3 船舶已開始的裝配量至少為 50 噸，或全部結構材料的估算品質的 1%，取較小者；或
 - .4 船舶進行重大改裝。
- 5 “重大改裝”係指船舶的改裝致使：
 - .1 壓艙水承運能力的改變達到 15%或以上；或
 - .2 改變了船舶類型；或
 - .3 主管機關認為，這種改裝意圖將船舶壽命延長十年或更長時間；或
 - .4 造成壓艙水系統的改變而非相同部件的更換。就本附錄而言，為符合 D-1 規則規定的船舶改裝不應視為構成重大改裝。
- 6 “距最近陸地”係指距按國際法確定所述領土之領海的基線，但下述情況除外，就本公約而言，“距”澳大利亞東北海岸外的“最近陸地”係指距在澳大利亞海岸沿下列位置點劃出的一條連線：

從南緯 11°00'、東經 142°08'
至南緯 10°35'、東經 141°55'
再至南緯 10°00'、東經 142°00'
再至南緯 9°10'、東經 143°52'

¹ 參看本組織以經修正的 A.741(18)號決議通過的《ISM 章程》。

再至南緯 9°00'、東經 144°30'
再至南緯 10°41'、東經 145°00'
再至南緯 13°00'、東經 145°00'
再至南緯 15°00'、東經 146°00'
再至南緯 17°30'、東經 147°00'
再至南緯 21°00'、東經 152°55'
再至南緯 24°30'、東經 154°00'
再至南緯 24°42'、東經 153°15'。

7 “活性物質”係指對“有害水生物和病原體”有一般或特定抵抗作用的物質或生物，包括病毒或真菌。

A-2 規則 一般適用性

除另有明文規定者外，壓艙水排放僅應按本附錄的規定通過壓艙水管理進行。

A-3 規則 例外

B-3 規則的要求或某一締約國根據第2.3條和C部份採取的任何措施不應適用於：

- 1 為確保緊急情況下的船舶安全或海上人命救助所進行的必需的壓艙水和沉積物的加裝或排放；或
- 2 船舶或其設備損壞引起的壓艙水和沉積物的意外排放或進入：
 - .1 但應在發生損壞或發現損壞或排放之前和之後採取了一切合理的預防措施來防止或儘量減少排放；和
 - .2 除非所有人、公司或主管的甲級船員有意或魯莽地造成損壞；或
- 3 在為避免或儘量減少船舶污染事故而進行的壓艙水和沉積物的加裝和排放；或
- 4 同一壓艙水和沉積物在公海上的加裝和此後的排放；或
- 5 在最初加裝壓艙水和沉積物的同一地點排放壓艙水和沉積物，並且排放的壓艙水和沉積物未與未經管理的、來自其他地區的壓艙水和沉積物發生任何混合。如發生混合，則應按本附錄對來自其他地區的壓艙水進行壓艙水管理。

A-4 規則 豁免

- 1 除本公約其他部分中所載的豁免規定外，締約國還可在其管轄水域內豁免應用B-3 或C-1 規則的任何要求，但僅在下列情況：
 - .1 此種豁免係給予從事在指定港口或地點間航行的船舶或僅在指定港口或地點間

營運的船舶；

- .2 此種豁免的有效期不超過五年並應接受中間審查；
 - .3 此種豁免係給予除從事第 1.1 款中規定的港口或地點間航行船舶之外的不混合壓艙水或沉積物的船舶；和
 - .4 此種豁免係根據本組織制定的“風險評估準則”給予。
- 2 根據第 1 款給予的豁免應在通知本組織和向各締約國發出有關資訊後方為有效。
 - 3 根據本規則給予的任何豁免不應損傷或損害鄰近或其他國家的環境、人體健康、財產或資源。為解決任何所確定關切的問題，締約國應與被確定為可能受到有害影響的任何國家協商。
 - 4 根據本規則給予的任何豁免均應記錄在壓艙水紀錄簿中。

A-5 規則 等效符合

總長度小於50公尺、最大壓艙水容量為8立方公尺的僅用於娛樂或比賽的遊艇或主要用於搜救的船艇對本附錄的等效符合，應由主管機關確定，並考慮到本組織制定的準則。

B 部份 — 船舶管理控制要求

B-1 規則 壓艙水管理計畫

每一船舶均應在船上攜帶並實施壓艙水管理計畫。此種計畫應由主管機關認可並考慮到本組織制定的準則。壓艙水管理計畫是各船特定的，並應至少：

- 1 詳述與本公約要求的壓艙水管理有關的該船舶和船員的安全程序；
- 2 詳述實施本公約中所載的壓艙水管理要求和補充性的壓艙水管理實踐所應採取的行動；
- 3 詳述沉積物處理程序：
 - .1 海上處置；和
 - .2 岸上處置；
- 4 包括與將在其水域中進行海上排放的國家當局協調的船上海上排放壓艙水管理程序；
- 5 指定在船上負責確保計畫得到正確實施的甲級船員；
- 6 包含本公約規定的船舶報告要求；和
- 7 以船舶的工作語文寫成。如果使用的語言不是英文、法文或西班牙文，則應包括其中之一的譯文。

B-2 規則 壓艙水紀錄簿

- 1 每一船舶均應在船上備有至少載有附件II 規定資訊的壓艙水紀錄簿。該紀錄簿可以是一種電子記錄系統，或可以被合併到其他紀錄簿或系統中。
- 2 壓艙水紀錄簿的記錄事項應在完成最後一項記錄後保留在船上至少兩年；此後應在至少三年的期限內由公司控制。
- 3 在依據A-3 規則、A-4 規則或B-3-6 規則排放壓艙水時，或在發生本公約未以其他方式予以豁免的壓艙水的其他意外或異常排放時，應在壓艙水紀錄簿中作出記錄，說明排放的情況的理由。
- 4 壓艙水紀錄簿應在所有合理時間隨時可供檢查；對於被拖帶的無人船舶，可放在拖船上保存。
- 5 每一壓艙水操作均應及時在壓艙水紀錄簿中作出完整記錄。每一記錄均應由負責有關操作的甲級船員簽字，每一頁填寫完畢均應由船長簽字。壓艙水紀錄簿中的記錄事項應以該船的工作語言填寫。如果該語言不是英文、法文或西班牙文，則該記錄事項應載有其中一種語言的譯文。當填寫的記錄事項也使用了船舶有權懸掛其國旗的國家的官方國家語言時，在發生爭端或有不一致時，應以此種語言填寫的記錄事項為準。
- 6 經締約國正式授權的官員，當船舶在該締約國的港口或離岸碼頭時，可在本規則適用的任何船上檢查壓艙水紀錄簿，並可製作任何記錄事項的副本和要求船長證明該副本是真實副本。經此種證明的任何副本應在任何訴訟中被允許作為記錄事項中所述事實的證據。壓艙水紀錄簿的檢查和被證明的副本的製作應從速進行，不應造成船舶不適當的延誤。

{	<2009	1,500 ≤ Vol ≤ 5,000	{	D-1/D-2 (<2014)
				D-2 (≥2014)
		Vol. <1,500, Vol. >5,000	{	D-1/D-2 (<2016)
				D-2 (≥2016)
{	≥2009	Vol. < 5,000	{	D-1/D-2 (2nd AS, not later than 2011) (A.1005(25))
				D-2 (≥2011)
		Vol. ≥ 5,000	{	<2012 { D-1/D-2 (<2016)
				D-2 (≥2016)
			{	≥2012 D-2 (≥2012)

B-3 規則 船舶壓艙水管理

1 2009 年前建造的船舶：

- .1 壓艙水容量為 1,500 至 5,000 立方公尺 (包括 1,500 和 5,000 立方公尺) 時，2014 年以前應進行至少符合 D-1 或 D-2 規則所述標準的壓艙水管理，此後應至少符合 D-2 規則所述標準；
- .2 壓艙水容量小於 1,500 立方公尺或大於 5,000 立方公尺時，2016 年以前應進行至少符合 D-1 或 D-2 規則所述標準的壓艙水管理，此後應至少符合 D-2 所述標準。

2 第 1 款適用的船舶，應在不遲于該船應符合其適用標準當年的該船交付周年日後的第一個中間或換證檢驗時符合第 1 款，以早者為準。

3 在 2009 年或以後建造的、壓艙水容量小於 5,000 立方公尺的船舶，應進行至少符合 D-2 規則所述標準的壓艙水管理。(until its second annual survey, but no later than 31 December 2011, A.1005(25))

4 在 2009 年或以後但在 2012 年以前建造的、壓艙水容量等於或大於 5,000 立方公尺的船舶，應按第 1.2 款進行壓艙水管理。

5 在 2012 年或以後建造的、壓艙水容量等於或大於 5,000 立方公尺的船舶，應進行至少符合 D-2 規則所述標準的壓艙水管理。

6 本規則要求不適用於將壓艙水排放到其設計考慮了本組織制定的準則的收受設施中的船舶。

7 壓艙水管理的其他方法，如能確保對環境、人體健康、財產或資源的同等保護並得到本委員會的原則批准，則也可被接受為第 1 至 5 款所述要求的替代要求。

B-4 規則 壓艙水更換

1 為符合 D-1 規則的標準而進行壓艙水更換的船舶：

- .1 凡可能時，均應在距最近陸地至少 200 海裡、水深至少為 200 公尺的地方進行

此種壓艙水更換並應考慮本組織制定的準則。

2. 當船舶不能按第 1.1 款進行壓艙水更換時，應考慮第 1.1 款所述準則，在盡可能遠離最近陸地的地方，並在所有情況下距最近陸地至少 50 海浬、水深至少為 200 公尺的地方進行此種壓艙水更換。
- 2 在距最近陸地的距離或水深不符合第 1.1 或 1.2 中所述參數的海區中，經視情況與鄰近或其他國家協商並考慮到第 1.1 款所述準則，港口國可指定船舶進行壓艙水更換的區域。
- 3 不應為符合第 1 款的任何特定要求而要求船舶偏離其預定航線或延遲航行。
- 4 如船長合理地確定：由於惡劣天氣、船舶設計或應力、設備失靈或任何其他異常狀況，壓艙水更換會威脅船舶的安全或穩度、其船員或乘客，則應視情況不要求進行壓艙水更換的船舶符合第 1 或 2 款。
- 5 當船舶被要求進行壓艙水更換但卻未按本規則這樣做時，其理由應在壓艙水紀錄簿中作出記錄。

B-5 規則 *船舶沉積物管理*

- 1 所有船舶應按本船的壓艙水管理計畫的規定清除和處置被指定承載壓艙水的處所中的沉積物。
- 2 B-3.3 至 B-3.5 規則中所述船舶的設計和建造應考慮本組織制定的準則，在不降低安全或營運效率的情況下做到：將沉積物的攝入和不良聚留減至最低程度，便於沉積物的清除和提供用於沉積物清除和取樣的安全通道。B-3.1 規則所述船舶應在可行的範圍內符合本款。

B-6 規則 *甲級和乙級船員的職責*

甲級和乙級船員應熟知其任職船舶實施具體壓艙水管理方面的職責，並應熟知與其職責相應的船舶壓艙水管理計畫。

C 部份 – 特定區域特殊要求

C-1 規則 額外措施

- 1 如果一締約國單獨或與其他締約國聯合一起確定需有B 部份以外的額外措施來防止、減少或消除通過船舶的壓艙水和沉積物轉移有害水生物和病原體，則此締約國可按國際法要求船舶達到某一規定的標準或要求。
- 2 在根據第1 款確定標準或要求前，締約國應與可能受到此種標準或要求影響的鄰近或其他國家協商。
- 3 擬按第1 款採用額外措施的締約國應：
 - .1 考慮本組織制定的準則。
 - .2 在措施的計畫日期前至少六個月將制定額外措施的意向通知本組織，但緊急或疾病流行期情況除外。此種通知應包括：
 - .1 額外措施適用地點的精確座標；
 - .2 採用額外措施的必要性和理由，可能時包括其受益。
 - .3 對額外措施的陳述；和
 - .4 為促進船舶符合額外措施而可能提供的任何安排。
 - .3 視情況在《聯合國海洋法公約》反映的國際慣例法要求的範圍內獲得本組織的認可。
- 4 在採取此種額外措施時，締約國應努力提供所有適當的服務，包括但不限於在可行時向船員通報區域、現有和替代航線或港口，以減輕船舶負擔。
- 5 締約國採取的任何額外措施均不應降低船舶的安全和保安並在任何情況下均不應與船舶必須遵守的任何其它公約有衝突。
- 6 採用額外措施的締約國可在其認為適當的期限或具體情況下放棄這些措施。

C-2 規則 關於特定區域加裝壓艙水警告和有關船旗國措施

- 1 締約國應盡力通知海員由其管轄的、因已知情況船舶不應加裝壓艙水的區域。該締約國應在通知中列入此區域的精確座標和，在可能時，用於壓艙水加裝的任何替代區域的位置。可對以下區域發出警告：
 - .1 已知出現可能與壓艙水加裝或排放有關的有害水生物和病原體的爆發、感染或繁殖（如有毒藻類的迅猛繁殖）的區域；
 - .2 靠近污水流出口的區域；或
 - .3 潮水中刷弱的區域或已知潮流較混濁的時間。
- 2 除將第1 款規定的區域通知海員外，締約國還應將第1 款規定的任何區域和此種警告可能有效的時期通知本組織和任何可能受到影響的沿岸國。給本組織和任何可能受到的影響的

沿岸國的通知應包括此種區域的精確座標和，在可能時，用於壓艙水加裝的任何替代區域的位置。該通知應包括給需要在該區域加裝壓艙水船舶的建議，陳述為提供替代作出的安排。當某一發出的警告不再適用時，該締約國也應通知海員、本組織和任何可能受到影響的沿岸國。

C-3 規則 *資訊通報*

本組織應通過適當手段提供根據C-1 規則和C-2 規則向其通報的資訊。

D 部份 -- 壓艙水管理標準**D-1 規則 壓艙水更換標準**

- 1 船舶按本規則進行壓艙水更換，其壓艙水容積更換率應至少為百分之九十五。
- 2 對於使用泵入-排出方法交換壓艙水的船舶，泵入-排出三倍於每一壓水艙容積應視為達到第1款所述標準。泵入-排出少於壓水艙容積三倍，如船舶能證明達到了至少百分之九十五容積的更換，則也可被接受。

D-2 規則 壓艙水性能標準

- 1 按本規則進行壓艙水管理的船舶的排放，應達到每立方公尺中最小尺寸大於或等於50微米的可生存生物少於10個，每毫升中最小尺寸小於50微米但大於或等於10微米的可生存生物少於10個；並且，指標微生物的排放不應超過第2款中所述的規定濃度。
- 2 作為一種人體健康標準，指標微生物應包括：
 - .1 有毒霍亂弧菌（O1 和 O139）：少於每 100 毫升 1 個菌落形成單位（cfu）或小於每一克（濕重）浮游生物樣品 1 個 cfu；
 - .2 大腸桿菌：少於每 100 毫升 250 個 cfu
 - .3 腸道球菌：少於每 100 毫升 100 個 cfu

D-3 規則 壓艙水管理系統的認可要求

- 1 除第2款規定者外，為符合本公約而使用的壓艙水管理系統必須由主管機關認可並考慮本組織制定的準則。
- 2 使用活性物質或含有一種或多種活性物質的製劑來符合本公約的壓艙水管理系統，應由本組織根據本組織制定的程序認可。該程序應陳述活性物質及其建議的應用方式的認可或該認可的撤銷。在撤銷認可時，在此撤銷之日後的一年內應禁止使用有關的活性物質。
- 3 用於符合本公約的壓艙水管理系統必須對船舶及其設備和船員均安全。

D-4 規則 原型壓艙水處理技術

- 1 對於任何D-2規則的標準本應對其成為有效之日前參加經主管機關認可的測試和評估有前景的壓艙水處理技術的方案的船舶而言，D-2 規則的標準在從本應要求該船符合該標準之日起算的五年裏不應適用於該船。
- 2 對於在D-2 規則的標準對其生效之日後參加由主管機關認可並考慮到本組織制定的準則、旨在測試和評定可能導致達到高於D-2 規則標準的有前景的壓艙水技術方案的任何船舶，D-2 規則的標準應在從安裝此種技術之日起算的五年裏不適用於該船。
- 3 在制定和實施任何測試和評估有前景的壓艙水技術計畫時，各締約國應：

- .1 考慮本組織制定的準則，和
 - .2 只允許有效測試此種技術所必需的最小數目的船舶參加；和
- 4 在整個測試和評估期間，該處理系統必須以一致的方式按照設計運行。

D-5 規則 *本組織對標準的審議*

1 在不遲於D-2規則規定的該標準的最早生效日期前三年舉行的一次委員會會議上，委員會應進行一次審議，包括確定是否有達到該標準的適當技術、評估第2款中的標準和評定社會-經濟效果，特別是在發展中國家尤其是小島發展中國家的發展需要方面。委員會還應視情況進行定期審議，來檢查B-3.1 規則中所述船舶的適用要求和本附錄中涉及的壓艙水管理的任何其他問題，包括本組織制定的任何準則。

2 對適當技術的此種審議還應考慮：

- .1 對船舶和船員安全的考慮；
- .2 環境可接受性，即造成的環境影響不會多於或大於其解決者；
- .3 可行性，即與船舶設計和操作的相容；
- .4 成本效益，即經濟性；和
- .5 在清除壓艙水中的有害水生物和病原體或以其他方式使其無法生存方面的生物有效性。

3 委員會可設立進行第1款所述審議的小組。委員會應確定設立的任何此種小組的構成、職責範圍和要處理的具體事項。這個(些)小組可制定和推薦修正本附錄的提案，供各締約國審議。只有締約國才能參加建議書的制定和委員會修正決定的工作。

4 如根據本規則所述的審議，各締約國決定通過本附錄的修正案，則此種修正案應按本公約第19條中的程序通過和生效。

E 部份 -- 壓艙水管理檢驗和發證要求

E-1 規則 檢驗

1 本公約適用的400 總噸及以上的船舶，不包括浮動平臺、浮式儲存裝置 (FSU) 和浮式生產、儲存和卸油裝置 (FPSO)，應接受下文規定的檢驗：

- .1 初次檢驗。在船舶投入營運前或在首次簽發 E-2 規則或 E-3 規則要求的證書前進行。該檢驗應驗證：
B-1 規則要求的壓艙水管理計畫及任何相關結構、設備、系統、配件、裝置和材料工藝完成符合本公約的要求。
- .2 換證檢驗。按主管機關規定的、不超過五年的間隔進行，但 E-5.2、E-5.5、E-5.6 或 E-5.7 規則適用者除外。該檢驗應驗證：B-1 規則要求的壓艙水管理計畫和任何相關結構、設備、系統、配件、裝置和材料或工藝完全符合本公約的適用要求。
- .3 中間檢驗。在證書的第二周年日之前或之後的三個月內或在其第三個周年日之前或之後的三個月內進行，並應替代一次第 1.4 款規定的年度檢驗。中間檢驗應確保壓艙水管理的設備、相關系統和工藝完全符合本附錄的適用要求並處於良好工作狀態。此種中間檢驗應在根據 E-2 規則或 E-3 規則簽發的證書上予以簽證。
- .4 年度檢驗。在每一周年日之前或之後的三個月內進行。它應包括對 B-1 規則要求的壓艙水管理計畫相關的結構、任何設備、系統、配件、裝置和材料或工藝的一般檢查，以確保它們已按第 9 款進行保養並仍然適合該船的預定服務。此種年度檢驗應在根據 E-2 或 E-3 規則簽發的證書上予以簽證。
- .5 附加檢驗。視情況可為總體或部分檢驗，應在實現完全符合本公約所必需的結構、設備、系統、配件、裝置和材料的改變、更換或重要修理後進行。該檢驗應確保任何此種改變、更換或重要修理為行之有效從而使船舶符合本公約的要求。此種檢驗應在根據 E-2 或 E-3 規則簽發的證書上予以簽證。

2 主管機關應為不受第 1 款的規定約束的船舶制定適當措施，確保本公約的適用規定得到遵守。

3 為執行本公約的規定的船舶檢驗應由主管機關的官員進行。但主管機關可將檢驗委託給為此目的指定的驗船師或由其認可的組織。

4 按第 3 款所述指定驗船師或認可組織進行檢驗的主管機關應至少向此種被指定的驗船師或經認可的組織作出以下授權²：

- .1 要求其檢驗的船舶符合本公約的規定；和
- .2 如締約國的港口國有關當局提出請求，則進行檢驗和檢查。

5 主管機關應將被指定的驗船師或經認可的組織的具體責任和授權條件通知本組織，以分發給各締約國供其官員周知。

² 參看本組織以 A.739(18)號決議通過的、可由本組織作出修正的準則和本組織以 A.789(19)號決議通過的、可由本組織作出修正的詳細規定。

6 當主管機關、被指定的驗船師或經認可的組織確定：船舶的壓艙水管理不符合E-2 規則或E-3 規則要求的證書的細節或使船舶不能做到出海航行而不會對環境、人體健康、財產或資源造成有害威脅時，此驗船師或組織應立即採取糾正措施使船舶符合要求。主管機關應立即通知驗船師或組織並確保不簽發證書或將證書撤銷。如果船舶在另一締約國的港口中，則應立即通知該港口國的有關當局。當主管機關的官員、被指定的驗船師或經認可的組織通知港口國的有關當局後，該有關港口國的政府應向此官員、驗船師或組織提供任何必要幫助，以履行本規則對其規定的義務，包括第9 款所述的任何行動。

7 凡船舶發生事故或發現對船舶按本公約進行壓艙水管理的能力有嚴重影響的缺陷時，該船的所有人、營運人或其他負責人應及早報告負責簽發有關證書的主管機關、經認可的組織或指定的驗船師；後者應啟動調查，以確定是否需要進行第1 款要求的檢驗。如當船舶在另一締約國的港口中，則所有人、營運人或其他負責人還應立即報告該港口國的有關當局。被指定的驗船師或經認可的組織應確定已作了此種報告。

8 在所有情況下，有關主管機關都應完全保證檢驗的完整性和有效性並應承諾確保履行該義務的必要安排。

9 應使船舶及其設備、系統和工藝的狀況保持符合本公約的規定，確保船舶在所有方面將保持做到出海航行而不會對環境、人體健康、財產或資源造成有害威脅。

10 在完成了第1 款規定的任何船舶檢驗後，未經主管機關同意，不應對B-1 規則要求的並在檢驗中涉及的與壓艙水管理計畫的相關結構、任何設備、配件、裝置或材料作任何更改，但直接更換此種設備或配件除外。

E-2 規則 *證書簽發或簽證*

1 主管機關應確保在對E-1規則適用的船舶成功完成按E-1規則進行的檢驗後，向其簽發證書。一締約國授權簽發的證書應被其他締約國接受，並且，就本公約規定的所有目的而言，應視為與其簽發的證書具有同樣效力。

2 證書應由主管機關或由其正式授權的任何人員或組織簽發或簽證。在所有情況下，主管機關均對證書承擔完全責任。

E-3 規則 *由另一締約國簽發或簽證證書*

1 應主管機關的請求，另一締約國可對船舶進行檢驗；如確信符合本公約的規定，則應向該船簽發或授權簽發證書，並在適當時按本附錄對船舶的該證書予以或授權予以簽證。

2 應儘早向作出請求的主管機關發送證書的副本和檢驗報告的副本。

3 按此方法簽發的證書應載有如下說明：證書係應主管機關請求簽發，它與主管機關簽發的證書具有同樣效力並得到同樣承認。

4 不應向有權懸掛非締約國國旗的船舶簽發證書。

E-4 規則 證書格式

證書應使用附件I 中所載格式，以簽發國的官方語言寫成。如果使用的語言不是英文、法文或西班牙文，則文本應包括其中一種語言的譯文。

E-5 規則 證書的期限和效力

- 1 證書應按主管機關規定的、不超過五年的期限簽發。
- 2 對於換證檢驗：
 - .1 雖有第 1 款的要求，當換證檢驗係在現有證書的到期日期之前的三個月內完成時，新證書應從換證檢驗完成之日起至從現有證書到期之日起算不超過五年的某一日期有效。
 - .2 當換證檢驗係在現有證書的到期日期之後完成時，新證書應從換證檢驗完成之日起至從現有證書的到期日期起算不超過五年的某一日期有效。
 - .3 當換證檢驗係在超過現有證書的到期日期之前三個月完成時，新證書應從換證檢驗完成之日起至從換證檢驗完成之日起算不超過五年的某一日期有效。
- 3 如果證書係按不足五年的期限簽發，則主管機關可將證書的有效期限展至第1 款規定的最大期限，但應視情況進行E-1.1.3 規則中所述的，按五年期簽發證書時適用的檢驗。
- 4 如已完成換證檢驗但新證書卻不能在現有證書到期之日前簽發或送到船上，則主管機關授權的人員或組織可在現有證書上簽證。此種證書應在從到期之日起算不超過五個月的新期限內被接受為有效。
- 5 如果證書到期時船舶不在其應進行檢驗的港口，則主管機關可延展該證書的有效期，但給予此種展期應僅是為了使船舶完成駛往其檢驗港的航行並且僅在這樣做是正當和合理時。任何證書的展期不得超過三個月。得到此種展期的船舶，在到達其檢驗港後，無權因為此種展期而在沒有新證書的情況下離開該港口。

在換證檢驗完成後，新證書應以從現有證書在展期前的到期日期起算不超過五年的某一日期以前有效。
- 6 簽發從事短途航行的船舶的證書未根據本規則的上述規定給予展期的，主管機關可在從證書所示到期日期起算最多為一個月的寬限期內予以延展。在換證檢驗完成後，新證書應在從現有證書在展期前的到期日期起算不超過五年的某一日期以前有效。
- 7 在主管機關確定的特殊情況下，新證書的起始日期不必是本規則第2.2、5 或6 款要求的現有證書的到期日期。在此種特殊情況下，新證書應在從換證檢驗完成日期起算不超過五年的某一日期以前有效。
- 8 如果在E-1 規則規定的期限前完成年度檢驗，則：
 - .1 證書上所示的周年日應通過簽證修正為在完成檢驗之日後不超過三個月的某一日期；

- .2 此後 E-1 規則要求的年度或中間檢驗，應使用新的周年日，按該規則規定的間隔期完成；
 - .3 只要視情況進行一次或多次年度檢驗從而使其不超過 E-1 規則規定的最大檢驗間隔，則到期日期可以保持不變。
- 9 根據E-2 規則或E-3 規則簽發的證書在下列任何情況下應不再有效：
- .1 對完成符合本公約所必需的結構、設備、系統、配件、裝置和材料作出改變、更換或重要修理並且未按本附錄對證書予以簽證；
 - .2 在船舶換掛它國國旗時。新證書僅在簽發新證書的締約國完全確信該船符合 E-1 規則的要求時才應簽發。在締約國之間變更船旗時，如在變更發生後的三個月內提出請求，則船舶先前有權懸掛其國旗的締約國應儘早將該船在變更船旗前攜帶的證書副本和有關檢驗報告(有如有的話)的副本,送交主管機關；
 - .3 未在 E-1.1 規則規定的期限內完成有關檢驗；或
 - .4 未按 E-1.1 規則對證書予以簽證。

附件 I

國際壓艙水管理證書格式

國際壓艙水管理證書

本證書經 _____ 政府授權，
(國家全名)

由 _____ 依照
(根據本公約的規定被授權的主管人員或組織的全名)
《船舶壓艙水及沉積物控管國際公約》之規定發給本證書
(以下簡稱"本公約")

船舶要目 ¹

船名 _____
船舶號數或信號符字 _____
船籍港 _____
總噸位 _____
IMO 編號 ² _____
建造日期 _____
壓艙水容量 (立方公尺) _____

所用壓艙水管理方法的詳情

所用壓艙水管理方法 _____
安裝日期 (如適用) _____
製造商名稱 (如適用) _____

¹ 船舶要目也可橫向置於方框內。

² 本組織以 A.600(15)號決議通過的"IMO 船舶編號體系"。

本船使用的主要壓艙水管理方法係：

按照 D-1 規則

按照 D-2 規則
(陳述)

該船應遵守 D-4 規則

茲證明：

1 本船業已依照本公約附錄E-1規則之規定檢驗；且

2 經檢驗顯示本船之壓艙水管理符合本公約附錄之規定。

本證書有效期至.....，但應按本公約附錄E-1規則實施檢驗。

本證書所依據之檢驗完成日期：.....日 (兩位數) / 月 (兩位數) / 年 (四位數)

簽發地點.....
(證書的簽發地點)

.....
(簽發日期)

.....
(經授權的簽證官員的簽字)

(當局的鋼印或章印)

年度及中期檢驗之簽證

茲證明 本船依本公約附錄E-1規則之規定實施檢驗符合本公約之有關規定。

年度檢驗： 簽字.....
(經正式授權的官員的簽字)

地點.....

日期.....
(當局的鋼印或章印)

年度*/中間*檢驗： 簽字.....
(經正式授權的官員的簽字)

地點.....

日期.....
(當局的鋼印或章印)

年度*/中間*檢驗： 簽字.....
(經正式授權的官員的簽字)

地點.....

日期.....
(當局的鋼印或章印)

年度檢驗： 簽字.....
(經正式授權的官員的簽字)

地點.....

日期.....
(當局的鋼印或章印)

* 刪去不適用者。

E-5.8.3規則規定之年度/中期檢驗

茲證明 本船依本公約附錄E-5.8.3規則之規定實施年度/中期*檢驗符合本公約之有關要求。

簽字.....

(經正式授權的官員的簽字)

地點.....

日期.....

(當局的鋼印或章印)

適用E-5.3規則規定對有效期少於五年證書之延期簽證

本船符合本公約之有關規定，且依本公約附錄E-5.3規則之規定，本證書有效期延至.....。

簽字.....

(經正式授權的官員的簽字)

地點.....

日期.....

(當局的鋼印或章印)

適用E-5.4規則規定於換證檢驗完成後之延期簽證

本船符合本公約之有關規定，且依本公約附錄E-5.4規則之規定，本證書有效期延至.....。

簽字.....

(經正式授權的官員的簽字)

地點.....

日期.....

(當局的鋼印或章印)

適用E-5.5或E-5.6規則規定對有效期延至檢驗港口或給予寬限期證書之延期簽證

依本公約E-5.5或E-5.6規則*之規定，本證書有效期延至.....。

簽字.....

(經正式授權的官員的簽字)

地點.....

日期.....

(當局的鋼印或章印)

適用E-5.8規則規定對提前週年日期之簽證

依本公約附錄E-5.8規則之規定，新週年日期為.....。

簽字.....

(經正式授權的官員的簽字)

地點.....

日期.....

(當局的鋼印或章印)

依本公約附錄E-5.8規則之規定，新週年日期為.....。

簽字.....

(經正式授權的官員的簽字)

地點.....

日期.....

(當局的鋼印或章印)

附錄 II

壓 艙 水 紀 錄 簿

船舶壓艙水及沉積物控管國際公約

使用日期自：_____ 至：_____

船 名：_____

IMO 編號：_____

總噸位：_____

國籍：_____

總壓艙水容量 (立方公尺)：_____

該船備有壓艙水管理計畫

壓水艙佈置圖：

1. 前言

按《船舶壓艙水及沉積物控管國際公約》附錄 B-2 規則，應對每一壓艙水操作作出記錄。這包括在海上和向收受設備的排放。

2. 壓艙水和壓艙水管理

“壓艙水”係指為控制船舶的縱傾、橫傾、吃水、穩度或應力而在船上泵入的水及其懸浮物。壓艙水管理應符合經認可的壓艙水管理計畫並考慮本組織制定的準則^{*}

3. 壓艙水紀錄簿的記錄事項

壓艙水紀錄簿的記錄事項應在下列每一情況下填寫：

3.1 在船上泵入壓艙水時：

* 參看本組織以 A.868(20)號決議通過的“旨在儘量減少有害水生物和病原體的轉移的船舶壓艙水控制和管理準則”。

- .1 泵入日期、時間和泵入港口或設施的位置（港口或經緯度）及水深（如在港口外）
- .2 估計的泵入量（立方公尺）
- .3 負責該操作的甲級船員的簽字

3.2 每當為壓艙水管理目的對壓艙水進行轉換或處理時：

- .1 操作的日期和時間
- .2 估計的轉換或處理量（立方公尺）
- .3 是否按壓艙水管理計畫進行
- .4 負責該操作的甲級船員的簽字

3.3 當將壓艙水排放到海中時：

- .1 排放的日期、時間和排放港口或設施的位置（港口或經緯度）
- .2 估計的排放量（立方公尺）和剩餘量（立方公尺）
- .3 在排放前是否實施了經認可的壓艙水管理計畫
- .4 負責該操作的甲級船員的簽字

3.4 當壓艙水被排放到收受設施中時：

- .1 泵入的日期、時間和位置
- .2 排放的日期、時間和位置
- .3 港口或設施
- .4 估計的排放或泵入量（立方公尺）
- .5 在排放前是否實施了經認可的壓艙水管理計畫
- .6 負責該操作的甲級船員的簽字

3.5 壓艙水的意外或其他異常泵入或排放：

- .1 發生日期和時間
- .2 發生時的港口或船舶位置
- .3 估計的壓艙水排放量
- .4 泵入、排放、逸出或流失情況、其原因和一般說明
- .5 排放前是否實施了經認可的壓艙水管理計畫
- .6 負責該操作的甲級船員的簽字

3.6 額外的操作程序和一般說明

4. 壓艙水容量

船上的壓艙水容量應以立方公尺來估計。在壓艙水紀錄簿中有多處涉及到估計的壓艙水容量。意識到估計壓載水容量的精確性是有待解釋的。

壓艙水作業紀錄

船 名：.....
船舶號數或信號符字：

日期	項目(編號)	操作紀錄/負責的甲級船員簽字

船長簽名：

日期：

INTERNATIONAL MARITIME ORGANIZATION



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INTERNATIONAL CONFERENCE ON
BALLAST WATER MANAGEMENT FOR
SHIPS
Agenda item 8

BWM/CONF/36
16 February 2004
Original: ENGLISH

**ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS
AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE**

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

Text adopted by the Conference

- 1 As a result of its deliberations, as recorded in the Record of Decisions of the Plenary (BWM/CONF/RD/2/Rev.1) and the Final Act of the Conference (BWM/CONF/37), the Conference adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.
- 2 The above-mentioned Convention, as adopted by the Conference, is annexed hereto.

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

RECALLING Article 196(1) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides that “States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto,”

NOTING the objectives of the 1992 Convention on Biological Diversity (CBD) and that the transfer and introduction of Harmful Aquatic Organisms and Pathogens via ships' ballast water threatens the conservation and sustainable use of biological diversity as well as decision IV/5 of the 1998 Conference of the Parties (COP 4) to the CBD concerning the conservation and sustainable use of marine and coastal ecosystems, as well as decision VI/23 of the 2002 Conference of the Parties (COP 6) to the CBD on alien species that threaten ecosystems, habitats or species, including guiding principles on invasive species,

NOTING FURTHER that the 1992 United Nations Conference on Environment and Development (UNCED) requested the International Maritime Organization (the Organization) to consider the adoption of appropriate rules on ballast water discharge,

MINDFUL of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

ALSO MINDFUL that the 2002 World Summit on Sustainable Development, in paragraph 34(b) of its Plan of Implementation, calls for action at all levels to accelerate the development of measures to address invasive alien species in ballast water,

CONSCIOUS that the uncontrolled discharge of Ballast Water and Sediments from ships has led to the transfer of Harmful Aquatic Organisms and Pathogens, causing injury or damage to the environment, human health, property and resources,

RECOGNIZING the importance placed on this issue by the Organization through Assembly resolutions A.774(18) in 1993 and A.868(20) in 1997, adopted for the purpose of addressing the transfer of Harmful Aquatic Organisms and Pathogens,

RECOGNIZING FURTHER that several States have taken individual action with a view to prevent, minimize and ultimately eliminate the risks of introduction of Harmful Aquatic Organisms and Pathogens through ships entering their ports, and also that this issue, being of worldwide concern, demands action based on globally applicable regulations together with guidelines for their effective implementation and uniform interpretation,

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DESIRING to continue the development of safer and more effective Ballast Water Management options that will result in continued prevention, minimization and ultimate elimination of the transfer of Harmful Aquatic Organisms and Pathogens,

RESOLVED to prevent, minimize and ultimately eliminate the risks to the environment, human health, property and resources arising from the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments, as well as to avoid unwanted side-effects from that control and to encourage developments in related knowledge and technology,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention for the Control and Management of Ships' Ballast Water and Sediments,

HAVE AGREED as follows:

Article 1 *Definitions*

For the purpose of this Convention, unless expressly provided otherwise:

1 "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of its natural resources, including Floating Storage Units (FSUs) and Floating Production Storage and Offloading Units (FPSOs), the Administration is the Government of the coastal State concerned.

2 "Ballast Water" means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship.

3 "Ballast Water Management" means mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of Harmful Aquatic Organisms and Pathogens within Ballast Water and Sediments.

4 "Certificate" means the International Ballast Water Management Certificate.

5 "Committee" means the Marine Environment Protection Committee of the Organization.

6 "Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments.

7 "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 or any successor Convention.

8 “Harmful Aquatic Organisms and Pathogens” means aquatic organisms or pathogens which, if introduced into the sea including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, impair biological diversity or interfere with other legitimate uses of such areas.

9 “Organization” means the International Maritime Organization.

10 “Secretary-General” means the Secretary-General of the Organization.

11 “Sediments” means matter settled out of Ballast Water within a ship.

12 “Ship” means a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, FSUs and FPSOs.

Article 2 *General Obligations*

1 Parties undertake to give full and complete effect to the provisions of this Convention and the Annex thereto in order to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments.

2 The Annex forms an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Annex.

3 Nothing in this Convention shall be interpreted as preventing a Party from taking, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments, consistent with international law.

4 Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.

5 Parties undertake to encourage the continued development of Ballast Water Management and standards to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments.

6 Parties taking action pursuant to this Convention shall endeavour not to impair or damage their environment, human health, property or resources, or those of other States.

7 Parties should ensure that Ballast Water Management practices used to comply with this Convention do not cause greater harm than they prevent to their environment, human health, property or resources, or those of other States.

8 Parties shall encourage ships entitled to fly their flag, and to which this Convention applies, to avoid, as far as practicable, the uptake of Ballast Water with potentially Harmful Aquatic Organisms and Pathogens, as well as Sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by the Organization.

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9 Parties shall endeavour to co-operate under the auspices of the Organization to address threats and risks to sensitive, vulnerable or threatened marine ecosystems and biodiversity in areas beyond the limits of national jurisdiction in relation to Ballast Water Management.

Article 3 *Application*

1 Except as expressly provided otherwise in this Convention, this Convention shall apply to:

- (a) ships entitled to fly the flag of a Party; and
- (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

2 This Convention shall not apply to:

- (a) ships not designed or constructed to carry Ballast Water;
- (b) ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
- (c) ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that this Convention applies to such ship;
- (d) ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to sub-paragraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
- (e) any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention; and
- (f) permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

3 With respect to ships of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 4 *Control of the Transfer of Harmful Aquatic Organisms and Pathogens Through Ships' Ballast Water and Sediments*

1 Each Party shall require that ships to which this Convention applies and which are entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention, including the applicable standards and requirements in the Annex, and shall take effective measures to ensure that those ships comply with those requirements.

2 Each Party shall, with due regard to its particular conditions and capabilities, develop national policies, strategies or programmes for Ballast Water Management in its ports and waters under its jurisdiction that accord with, and promote the attainment of the objectives of this Convention.

Article 5 *Sediment Reception Facilities*

1 Each Party undertakes to ensure that, in ports and terminals designated by that Party where cleaning or repair of ballast tanks occurs, adequate facilities are provided for the reception of Sediments, taking into account the Guidelines developed by the Organization. Such reception facilities shall operate without causing undue delay to ships and shall provide for the safe disposal of such Sediments that does not impair or damage their environment, human health, property or resources or those of other States.

2 Each Party shall notify the Organization for transmission to the other Parties concerned of all cases where the facilities provided under paragraph 1 are alleged to be inadequate.

Article 6 *Scientific and Technical Research and Monitoring*

1 Parties shall endeavour, individually or jointly, to:

- (a) promote and facilitate scientific and technical research on Ballast Water Management; and
- (b) monitor the effects of Ballast Water Management in waters under their jurisdiction.

Such research and monitoring should include observation, measurement, sampling, evaluation and analysis of the effectiveness and adverse impacts of any technology or methodology as well as any adverse impacts caused by such organisms and pathogens that have been identified to have been transferred through ships' Ballast Water.

2 Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

- (a) scientific and technology programmes and technical measures undertaken with respect to Ballast Water Management; and
- (b) the effectiveness of Ballast Water Management deduced from any monitoring and assessment programmes.

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Article 7 *Survey and certification*

1 Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are so surveyed and certified in accordance with the regulations in the Annex.

2 A Party implementing measures pursuant to Article 2.3 and Section C of the Annex shall not require additional survey and certification of a ship of another Party, nor shall the Administration of the ship be obligated to survey and certify additional measures imposed by another Party. Verification of such additional measures shall be the responsibility of the Party implementing such measures and shall not cause undue delay to the ship.

Article 8 *Violations*

1 Any violation of the requirements of this Convention shall be prohibited and sanctions shall be established under the law of the Administration of the ship concerned, wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within 1 year after receiving the information, it shall so inform the Party which reported the alleged violation.

2 Any violation of the requirements of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 The sanctions provided for by the laws of a Party pursuant to this Article shall be adequate in severity to discourage violations of this Convention wherever they occur.

Article 9 *Inspection of Ships*

1 A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2 of this Article, any such inspection is limited to:

- (a) verifying that there is onboard a valid Certificate, which, if valid shall be accepted; and
- (b) inspection of the Ballast Water record book, and/or

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- (c) a sampling of the ship's Ballast Water, carried out in accordance with the guidelines to be developed by the Organization. However, the time required to analyse the samples shall not be used as a basis for unduly delaying the operation, movement or departure of the ship.

2 Where a ship does not carry a valid Certificate or there are clear grounds for believing that:

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate; or
- (b) the master or the crew are not familiar with essential shipboard procedures relating to Ballast Water Management, or have not implemented such procedures;

a detailed inspection may be carried out.

3 In the circumstances given in paragraph 2 of this Article, 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.

Article 10 *Detection of Violations and Control of Ships*

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.

2 If a ship is detected to have violated this Convention, the Party whose flag the ship is entitled to fly, and/or the Party in whose port or offshore terminal the ship is operating, may, in addition to any sanctions described in Article 8 or any action described in Article 9, take steps to warn, detain, or exclude the ship. The Party in whose port or offshore terminal the ship is operating, however, may grant such a ship permission to leave the port or offshore terminal for the purpose of discharging Ballast Water or proceeding to the nearest appropriate repair yard or reception facility available, provided doing so does not present a threat of harm to the environment, human health, property or resources.

3 If the sampling described in Article 9.1(c) leads to a result, or supports information received from another port or offshore terminal, indicating that the ship poses a threat to the environment, human health, property or resources, the Party in whose waters the ship is operating shall prohibit such ship from discharging Ballast Water until the threat is removed.

4 A Party may also inspect a ship when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of a provision in this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that appropriate action may be taken.

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Article 11 *Notification of Control Actions*

1 If an inspection conducted pursuant to Article 9 or 10 indicates a violation of this Convention, the ship shall be notified. A report shall be forwarded to the Administration, including any evidence of the violation.

2 In the event that any action is taken pursuant to Article 9.3, 10.2 or 10.3, the officer carrying out such action shall forthwith inform, in writing, the Administration of the ship concerned, or if this is not possible, the consul or diplomatic representative of the ship concerned, of all the circumstances in which the action was deemed necessary. In addition, the recognized organization responsible for the issue of certificates shall be notified.

3 The port State authority concerned shall, in addition to parties mentioned in paragraph 2, notify the next port of call of all relevant information about the violation, if it is unable to take action as specified in Article 9.3, 10.2 or 10.3 or if the ship has been allowed to proceed to the next port of call.

Article 12 *Undue Delay to Ships*

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 7.2, 8, 9 or 10.

2 When a ship is unduly detained or delayed under Article 7.2, 8, 9 or 10, it shall be entitled to compensation for any loss or damage suffered.

Article 13 *Technical Assistance, Co-operation and Regional Co-operation*

1 Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the control and management of ships' Ballast Water and Sediments, to provide support for those Parties which request technical assistance:

- (a) to train personnel;
- (b) to ensure the availability of relevant technology, equipment and facilities;
- (c) to initiate joint research and development programmes; and
- (d) to undertake other action aimed at the effective implementation of this Convention and of guidance developed by the Organization related thereto.

2 Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of the control and management of ships' Ballast Water and Sediments.

3 In order to further the objectives of this Convention, Parties with common interests to protect the environment, human health, property and resources in a given geographical area, in particular, those Parties bordering enclosed and semi-enclosed seas, shall endeavour, taking into account characteristic regional features, to enhance regional co-operation, including through the conclusion of regional agreements consistent with this Convention. Parties shall seek to co-operate with the Parties to regional agreements to develop harmonized procedures.

Article 14 *Communication of information*

1 Each Party shall report to the Organization and, where appropriate, make available to other Parties the following information:

- (a) any requirements and procedures relating to Ballast Water Management, including its laws, regulations, and guidelines for implementation of this Convention;
- (b) the availability and location of any reception facilities for the environmentally safe disposal of Ballast Water and Sediments; and
- (c) any requirements for information from a ship which is unable to comply with the provisions of this Convention for reasons specified in regulations A-3 and B-4 of the Annex.

2 The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under subparagraphs 1(b) and (c) of this Article.

Article 15 *Dispute Settlement*

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice.

Article 16 *Relationship to International Law and Other Agreements*

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea.

Article 17 *Signature, Ratification, Acceptance, Approval and Accession*

1 This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 June 2004 to 31 May 2005 and shall thereafter remain open for accession by any State.

2 States may become Parties to the Convention by:

- (a) signature not subject to ratification, acceptance, or approval; or
- (b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance or approval; or
- (c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

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4 If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

5 Any such declaration shall be notified to the Depositary in writing and shall state expressly the territorial unit or units to which this Convention applies.

Article 18 *Entry into Force*

1 This Convention shall enter into force twelve months after the date on which not less than thirty States, the combined merchant fleets of which constitute not less than thirty-five percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 17.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry in force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to this Convention is deemed to have been accepted under Article 19, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Convention as amended.

Article 19 *Amendments*

1 This Convention may be amended by either of the procedures specified in the following paragraphs.

2 Amendments after consideration within the Organization:

- (a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.
- (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.

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- (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
- (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
- (e) An amendment shall be deemed to have been accepted in the following circumstances:
 - (i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
 - (ii) An amendment to the Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
- (f) An amendment shall enter into force under the following conditions:
 - (i) An amendment to an article of this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).
 - (ii) An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
 - (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection; or
 - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
- (g) (i) A Party that has notified an objection under subparagraph (f)(ii)(1) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
 - (ii) If a Party that has made a notification referred to in subparagraph (f)(ii)(2) notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

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3 Amendment by a Conference:

- (a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
- (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2(e) and (f) respectively.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this Article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

- (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
- (b) any notification made under this Article.

Article 20 *Denunciation*

1 This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

2 Denunciation shall be effected by written notification to the Depositary, to take effect one year after receipt or such longer period as may be specified in that notification.

Article 21 *Depositary*

1 This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

2 In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

- (a) inform all States that have signed this Convention, or acceded thereto, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of this Convention; and

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- (iii) the deposit of any instrument of denunciation from the Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
- (b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 22 *Languages*

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this thirteenth day of February, two thousand and four.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments for that purpose, have signed this Convention.

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**REGULATIONS FOR THE CONTROL AND MANAGEMENT OF SHIPS'
BALLAST WATER AND SEDIMENTS**

SECTION A - GENERAL PROVISIONS

Regulation A-1 *Definitions*

For the purposes of this Annex:

- 1 “Anniversary date” means the day and the month of each year corresponding to the date of expiry of the Certificate.
- 2 “Ballast Water Capacity” means 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.
- 3 “Company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code¹.
- 4 “Constructed” in respect of a ship means a stage of construction where:
 - .1 the keel is laid; or
 - .2 construction identifiable with the specific ship begins;
 - .3 assembly of the ship has commenced comprising at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less; or
 - .4 the ship undergoes a major conversion.
- 5 “Major conversion” means a conversion of a ship:
 - .1 which changes its ballast water carrying capacity by 15 percent or greater, or
 - .2 which changes the ship type, or
 - .3 which, in the opinion of the Administration, is projected to prolong its life by ten years or more, or
 - .4 which results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a ship to meet the provisions of regulation D-1 shall not be deemed to constitute a major conversion for the purpose of this Annex.

¹ Refer to the ISM Code adopted by the Organization by resolution A.741(18), as amended.

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- 6 “From the nearest land” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the Convention, “from the nearest land” off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00′ S, longitude 142°08′ E
to a point in latitude 10°35′ S, longitude 141°55′ E
thence to a point latitude 10°00′ S, longitude 142°00′ E
thence to a point latitude 9°10′ S, longitude 143°52′ E
thence to a point latitude 9°00′ S, longitude 144°30′ E
thence to a point latitude 10°41′ S, longitude 145°00′ E
thence to a point latitude 13°00′ S, longitude 145°00′ E
thence to a point latitude 15°00′ S, longitude 146°00′ E
thence to a point latitude 17°30′ S, longitude 147°00′ E
thence to a point latitude 21°00′ S, longitude 152°55′ E
thence to a point latitude 24°30′ S, longitude 154°00′ E
thence to a point on the coast of Australia
in latitude 24°42′ S, longitude 153°15′ E.

- 7 “Active Substance” means a substance or organism, including a virus or a fungus, that has a general or specific action on or against Harmful Aquatic Organisms and Pathogens.

Regulation A-2 *General Applicability*

Except where expressly provided otherwise, the discharge of Ballast Water shall only be conducted through Ballast Water Management in accordance with the provisions of this Annex.

Regulation A-3 *Exceptions*

The requirements of regulation B-3, or any measures adopted by a Party pursuant to Article 2.3 and Section C, shall not apply to:

- 1 the uptake or discharge of Ballast Water and Sediments necessary for the purpose of ensuring the safety of a ship in emergency situations or saving life at sea; or
- 2 the accidental discharge or ingress of Ballast Water and Sediments resulting from damage to a ship or its equipment:
 - .1 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
 - .2 unless the owner, Company or officer in charge wilfully or recklessly caused damage; or
- 3 the uptake and discharge of Ballast Water and Sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship; or

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- 4 the uptake and subsequent discharge on the high seas of the same Ballast Water and Sediments; or
- 5 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 and provided that no mixing with unmanaged Ballast Water and Sediments from other areas has occurred. If mixing has occurred, the Ballast Water taken from other areas is subject to Ballast Water Management in accordance with this Annex.

Regulation A-4 *Exemptions*

1 A Party or Parties, in waters under their jurisdiction, may grant exemptions to any requirements to apply regulations B-3 or C-1, in addition to those exemptions contained elsewhere in this Convention, but only when they are:

- .1 granted to a ship or ships on a voyage or voyages between specified ports or locations; or to a ship which operates exclusively between specified ports or locations;
- .2 effective for a period of no more than five years subject to intermediate review;
- .3 granted to ships that do not mix Ballast Water or Sediments other than between the ports or locations specified in paragraph 1.1; and
- .4 granted based on the Guidelines on risk assessment developed by the Organization.

2 Exemptions granted pursuant to paragraph 1 shall not be effective until after communication to the Organization and circulation of relevant information to the Parties.

3 Any exemptions granted under this regulation shall not impair or damage the environment, human health, property or resources of adjacent or other States. Any State that the Party determines may be adversely affected shall be consulted, with a view to resolving any identified concerns.

4 Any exemptions granted under this regulation shall be recorded in the Ballast Water record book.

Regulation A-5 *Equivalent compliance*

Equivalent compliance with this Annex 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.

SECTION B – MANAGEMENT AND CONTROL REQUIREMENTS FOR SHIPS**Regulation B-1** *Ballast Water Management Plan*

Each ship shall have on board and implement a Ballast Water Management plan. Such a plan shall be approved by the Administration taking into account Guidelines developed by the Organization. The Ballast Water Management plan shall be specific to each ship and shall at least:

- 1 detail safety procedures for the ship and the crew associated with Ballast Water Management as required by this Convention;
- 2 provide a detailed description of the actions to be taken to implement the Ballast Water Management requirements and supplemental Ballast Water Management practices as set forth in this Convention;
- 3 detail the procedures for the disposal of Sediments:
 - .1 at sea; and
 - .2 to shore;
- 4 include the procedures for coordinating shipboard Ballast Water Management that involves discharge to the sea with the authorities of the State into whose waters such discharge will take place;
- 5 designate the officer on board in charge of ensuring that the plan is properly implemented;
- 6 contain the reporting requirements for ships provided for under this Convention; and
- 7 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.

Regulation B-2 *Ballast Water Record Book*

1 Each ship shall have on board a Ballast Water record book that may be an electronic record system, or that may be integrated into another record book or system and, which shall at least contain the information specified in Appendix II.

2 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.

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3 In the event of the discharge of Ballast Water pursuant to regulations A-3, A-4 or B-3.6 or in the event of other accidental or exceptional discharge of Ballast Water not otherwise exempted by this Convention, an entry shall be made in the Ballast Water record book describing the circumstances of, and the reason for, the discharge.

4 The Ballast Water record book shall be kept readily available for inspection at all reasonable times and, in the case of an unmanned ship under tow, may be kept on the towing ship.

5 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. The entries in the Ballast Water record book shall be in a working language of the ship. If that language is not English, French or Spanish the entries shall contain a translation into one of those languages. When entries in an official national language of the State whose flag the ship is entitled to fly are also used, these shall prevail in case of a dispute or discrepancy.

6 Officers duly authorized by a Party may inspect the Ballast Water record book on board any ship to which this regulation applies while the ship is in its port or offshore terminal, and may make a copy of any entry, and require the master to certify that the copy is a true copy. Any copy so certified shall be admissible in any judicial proceeding as evidence of the facts stated in the entry. The inspection of a Ballast Water record book and the taking of a certified copy shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Regulation B-3 *Ballast Water Management for Ships*

1 A ship constructed before 2009:

- .1 with a Ballast Water Capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until 2014, after which time it shall at least meet the standard described in regulation D-2;
- .2 with a Ballast Water Capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until 2016, after which time it shall at least meet the standard described in regulation D-2.

2 A ship to which paragraph 1 applies shall comply with paragraph 1 not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of delivery of the ship in the year of compliance with the standard applicable to the ship.

3 A ship constructed in or after 2009 with a Ballast Water Capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.

4 A ship constructed in or after 2009, but before 2012, with a Ballast Water Capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.

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5 A ship constructed in or after 2012 with a Ballast Water Capacity of 5000 cubic metres or more shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.

6 The requirements of this regulation do not apply to ships that discharge Ballast Water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.

7 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

Regulation B-4 *Ballast Water Exchange*

1 A ship conducting Ballast Water exchange to meet the standard in regulation D-1 shall:

- .1 whenever possible, conduct such Ballast Water exchange at least 200 nautical miles from the nearest land and in water at least 200 metres in depth, taking into account the Guidelines developed by the Organization;
- .2 in cases where the ship is unable to conduct Ballast Water exchange in accordance with paragraph 1.1, such Ballast Water exchange shall be conducted taking into account the Guidelines described in paragraph 1.1 and as far from the nearest land as possible, and in all cases at least 50 nautical miles from the nearest land and in water at least 200 metres in depth.

2 In sea areas where the distance from the nearest land or the depth does not meet the parameters described in paragraph 1.1 or 1.2, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct Ballast Water exchange, taking into account the Guidelines described in paragraph 1.1.

3 A ship shall not be required to deviate from its intended voyage, or delay the voyage, in order to comply with any particular requirement of paragraph 1.

4 A ship conducting Ballast Water exchange shall not be required to comply with paragraphs 1 or 2, as appropriate, 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.

5 When a ship is required to conduct Ballast Water exchange and does not do so in accordance with this regulation, the reasons shall be entered in the Ballast Water record book.

Regulation B-5 *Sediment Management for Ships*

1 All ships shall remove and dispose of Sediments from spaces designated to carry Ballast Water in accordance with the provisions of the ship's Ballast Water Management plan.

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2 Ships described in regulation B-3.3 to B-3.5 should, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of Sediments, facilitate removal of Sediments, and provide safe access to allow for Sediment removal and sampling, taking into account guidelines developed by the Organization. Ships described in regulation B-3.1 should, to the extent practicable, comply with this paragraph.

Regulation B-6 *Duties of Officers and Crew*

Officers and crew shall be familiar with their duties in the implementation of Ballast Water Management particular to the ship on which they serve and shall, appropriate to their duties, be familiar with the ship's Ballast Water Management plan.

SECTION C – SPECIAL REQUIREMENTS IN CERTAIN AREAS

Regulation C-1 *Additional Measures*

1 If a Party, individually or jointly with other Parties, determines that measures in addition to those in Section B are necessary to prevent, reduce, or eliminate the transfer of Harmful Aquatic Organisms and Pathogens through ships' Ballast Water and Sediments, such Party or Parties may, consistent with international law, require ships to meet a specified standard or requirement.

2 Prior to establishing standards or requirements under paragraph 1, a Party or Parties should consult with adjacent or other States that may be affected by such standards or requirements.

3 A Party or Parties intending to introduce additional measures in accordance with paragraph 1 shall:

- .1 take into account the Guidelines developed by the Organization.
- .2 communicate their intention to establish additional measure(s) to the Organization at least 6 months, except in emergency or epidemic situations, prior to the projected date of implementation of the measure(s). Such communication shall include:
 - .1 the precise co-ordinates where additional measure(s) is/are applicable;
 - .2 the need and reasoning for the application of the additional measure(s), including, whenever possible, benefits;
 - .3 a description of the additional measure(s); and
 - .4 any arrangements that may be provided to facilitate ships' compliance with the additional measure(s).

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. 3 to the extent required by customary international law as reflected in the United Nations Convention on the Law of the Sea, as appropriate, obtain the approval of the Organization.

4 A Party or Parties, in introducing such additional measures, shall endeavour to make available all appropriate services, which may include but are not limited to notification to mariners of areas, available and alternative routes or ports, as far as practicable, in order to ease the burden on the ship.

5 Any additional measures adopted by a Party or Parties shall not compromise the safety and security of the ship and in any circumstances not conflict with any other convention with which the ship must comply.

6 A Party or Parties introducing additional measures may waive these measures for a period of time or in specific circumstances as they deem fit.

Regulation C-2 *Warnings Concerning Ballast Water Uptake in Certain Areas and Related Flag State Measures*

1 A Party shall endeavour to notify mariners of areas under their jurisdiction where ships should not uptake Ballast Water due to known conditions. The Party shall include in such notices the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. Warnings may be issued for areas:

- .1 known to contain outbreaks, infestations, or populations of Harmful Aquatic Organisms and Pathogens (e.g., toxic algal blooms) which are likely to be of relevance to Ballast Water uptake or discharge;
- .2 near sewage outfalls; or
- .3 where tidal flushing is poor or times during which a tidal stream is known to be more turbid.

2 In addition to notifying mariners of areas in accordance with the provisions of paragraph 1, a Party shall notify the Organization and any potentially affected coastal States of any areas identified in paragraph 1 and the time period such warning is likely to be in effect. The notice to the Organization and any potentially affected coastal States shall include the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. The notice shall include advice to ships needing to uptake Ballast Water in the area, describing arrangements made for alternative supplies. The Party shall also notify mariners, the Organization, and any potentially affected coastal States when a given warning is no longer applicable.

Regulation C-3 *Communication of Information*

The Organization shall make available, through any appropriate means, information communicated to it under regulations C-1 and C-2.

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SECTION D - STANDARDS FOR BALLAST WATER MANAGEMENT

Regulation D-1 *Ballast Water Exchange Standard*

1 Ships performing Ballast Water exchange in accordance with this regulation shall do so with an efficiency of at least 95 percent volumetric exchange of Ballast Water.

2 For ships exchanging Ballast Water by the pumping-through method, pumping through three times the volume of each Ballast Water tank shall be considered to meet the standard described in paragraph 1. Pumping through less than three times the volume may be accepted provided the ship can demonstrate that at least 95 percent volumetric exchange is met.

Regulation D-2 *Ballast Water Performance Standard*

1 Ships conducting Ballast Water Management in accordance with this regulation shall discharge 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 millilitre less than 50 micrometres in minimum dimension and greater than or equal to 10 micrometres in minimum dimension; and discharge of the indicator microbes shall not exceed the specified concentrations described in paragraph 2.

2 Indicator microbes, as a human health standard, shall include:

- .1 Toxicogenic *Vibrio cholerae* (O1 and O139) with less than 1 colony forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples ;
- .2 *Escherichia coli* less than 250 cfu per 100 millilitres;
- .3 Intestinal Enterococci less than 100 cfu per 100 milliliters.

Regulation D-3 *Approval requirements for Ballast Water Management systems*

1 Except as specified in paragraph 2, Ballast Water Management systems used to comply with this Convention must be approved by the Administration taking into account Guidelines developed by the Organization.

2 Ballast Water Management systems which make use of Active Substances or preparations containing one or more Active Substances to comply with this Convention shall be approved by the Organization, based on a procedure developed by the Organization. This procedure shall describe the approval and withdrawal of approval of Active Substances and their proposed manner of application. At withdrawal of approval, the use of the relevant Active Substance or Substances shall be prohibited within 1 year after the date of such withdrawal.

3 Ballast Water Management systems used to comply with this Convention must be safe in terms of the ship, its equipment and the crew.

Regulation D-4 Prototype Ballast Water Treatment Technologies

1 For any ship that, prior to the date that the standard in regulation D-2 would otherwise become effective for it, participates in a programme approved by the Administration to test and evaluate promising Ballast Water treatment technologies, the standard in regulation D-2 shall not apply to that ship until five years from the date on which the ship would otherwise be required to comply with such standard.

2 For any ship that, after the date on which the standard in regulation D-2 has become effective for it, participates in a programme approved by the Administration, taking into account Guidelines developed by the Organization, to test and evaluate promising Ballast Water technologies with the potential to result in treatment technologies achieving a standard higher than that in regulation D-2, the standard in regulation D-2 shall cease to apply to that ship for five years from the date of installation of such technology.

3 In establishing and carrying out any programme to test and evaluate promising Ballast Water technologies, Parties shall:

- .1 take into account Guidelines developed by the Organization, and
- .2 allow participation only by the minimum number of ships necessary to effectively test such technologies.

4 Throughout the test and evaluation period, the treatment system must be operated consistently and as designed.

Regulation D-5 *Review of Standards by the Organization*

1 At a meeting of the Committee held no later than three years before the earliest effective date of the standard set forth in regulation D-2, the Committee shall undertake a review which includes a determination of whether appropriate technologies are available to achieve the standard, an assessment of the criteria in paragraph 2, and an assessment of the socio-economic effect(s) specifically in relation to the developmental needs of developing countries, particularly small island developing States. The Committee shall also undertake periodic reviews, as appropriate, to examine the applicable requirements for ships described in regulation B-3.1 as well as any other aspect of Ballast Water Management addressed in this Annex, including any Guidelines developed by the Organization.

2 Such reviews of appropriate technologies shall also take into account:

- .1 safety considerations relating to the ship and the crew;
- .2 environmental acceptability, i.e., not causing more or greater environmental impacts than they solve;
- .3 practicability, i.e., compatibility with ship design and operations;
- .4 cost effectiveness, i.e., economics; and

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- .5 biological effectiveness in terms of removing, or otherwise rendering not viable, Harmful Aquatic Organisms and Pathogens in Ballast Water.

3 The Committee may form a group or groups to conduct the review(s) described in paragraph 1. The Committee shall determine the composition, terms of reference and specific issues to be addressed by any such group formed. Such groups may develop and recommend proposals for amendment of this Annex for consideration by the Parties. Only Parties may participate in the formulation of recommendations and amendment decisions taken by the Committee.

4 If, based on the reviews described in this regulation, the Parties decide to adopt amendments to this Annex, such amendments shall be adopted and enter into force in accordance with the procedures contained in Article 19 of this Convention.

SECTION E - SURVEY AND CERTIFICATION REQUIREMENTS FOR BALLAST WATER MANAGEMENT

Regulation E-1 *Surveys*

1 Ships of 400 gross tonnage and above to which this Convention applies, excluding floating platforms, FSUs and FPSOs, shall be subject to surveys specified below:

- .1 An initial survey before the ship is put in service or before the Certificate required under regulation E-2 or E-3 is issued for the first time. This survey shall verify that the Ballast Water Management plan required by regulation B-1 and any associated structure, equipment, systems, fitting, arrangements and material or processes comply fully with the requirements of this Convention.
- .2 A renewal survey at intervals specified by the Administration, but not exceeding five years, except where regulation E-5.2, E-5.5, E-5.6, or E-5.7 is applicable. This survey shall verify that the Ballast Water Management plan required by regulation B-1 and any associated structure, equipment, systems, fitting, arrangements and material or processes comply fully with the applicable requirements of this Convention.
- .3 An intermediate survey within three months before or after the second Anniversary date or within three months before or after the third Anniversary date of the Certificate, which shall take the place of one of the annual surveys specified in paragraph 1.4. The intermediate surveys shall ensure that the equipment, associated systems and processes for Ballast Water Management fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.
- .4 An annual survey within three months before or after each Anniversary date, including a general inspection of the structure, any equipment, systems, fittings, arrangements and material or processes associated with the Ballast Water Management plan required by regulation B-1 to ensure that they have been maintained in accordance with paragraph 9 and remain satisfactory for the service

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for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.

- .5 An additional survey either general or partial, according to the circumstances, shall be made after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with this Convention. The survey shall be such as to ensure that any such change, replacement, or significant repair has been effectively made, so that the ship complies with the requirements of this Convention. Such surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.

2 The Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph 1 in order to ensure that the applicable provisions of this Convention are complied with.

3 Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

4 An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 3 shall, as a minimum, empower such nominated surveyors or recognized organizations² to:

- .1 require a ship that they survey to comply with the provisions of this Convention; and
- .2 carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party.

5 The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties for the information of their officers.

6 When the Administration, a nominated surveyor, or a recognized organization determines that the ship's Ballast Water Management does not conform to the particulars of the Certificate required under regulation E-2 or E-3 or is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources such surveyor or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall be notified immediately, and it shall ensure that the Certificate is not issued or is withdrawn as appropriate. If the ship is in the port of another Party, the appropriate authorities of the port State shall be notified immediately. When an officer of the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation, including any action described in Article 9.

² Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

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7 Whenever an accident occurs to a ship or a defect is discovered which substantially affects the ability of the ship to conduct Ballast Water Management in accordance with this Convention, the owner, operator or other person in charge of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph 1 is necessary. If the ship is in a port of another Party, the owner, operator or other person in charge shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

8 In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

9 The condition of the ship and its equipment, systems and processes shall be maintained to conform with the provisions of this Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources.

10 After any survey of the ship under paragraph 1 has been completed, no change shall be made in the structure, any equipment, fittings, arrangements or material associated with the Ballast Water Management plan required by regulation B-1 and covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.

Regulation E-2 *Issuance or Endorsement of a Certificate*

1 The Administration shall ensure that a ship to which regulation E-1 applies is issued a Certificate after successful completion of a survey conducted in accordance with regulation E-1. A Certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.

2 Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

Regulation E-3 *Issuance or Endorsement of a Certificate by Another Party*

1 At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that the provisions of this Convention are complied with, shall issue or authorize the issuance of a Certificate to the ship, and where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with this Annex.

2 A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.

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4 No Certificate shall be issued to a ship entitled to fly the flag of a State which is not a Party.

Regulation E-4 *Form of the Certificate*

The Certificate shall be drawn up in the official language of the issuing Party, in the form set forth in Appendix I. If the language used is neither English, French nor Spanish, the text shall include a translation into one of these languages.

Regulation E-5 *Duration and Validity of the Certificate*

1 A Certificate shall be issued for a period specified by the Administration that shall not exceed five years.

2 For renewal surveys:

- .1 Notwithstanding the requirements of paragraph 1, when the renewal survey is completed within three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
- .2 When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
- .3 When the renewal survey is completed more than three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

3 If a Certificate is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph 1, provided that the surveys referred to in regulation E-1.1.3 applicable when a Certificate is issued for a period of five years are carried out as appropriate.

4 If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorized by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

5 If a ship at the time when the Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than three months, and a ship to which such extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When

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the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

6 A Certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

7 In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph 2.2, 5 or 6 of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

8 If an annual survey is completed before the period specified in regulation E-1, then:

- .1 the Anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- .2 the subsequent annual or intermediate survey required by regulation E-1 shall be completed at the intervals prescribed by that regulation using the new Anniversary date;
- .3 the expiry date may remain unchanged provided one or more annual surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation E-1 are not exceeded.

9 A Certificate issued under regulation E-2 or E-3 shall cease to be valid in any of the following cases:

- .1 if the structure, equipment, systems, fittings, arrangements and material necessary to comply fully with this Convention is changed, replaced or significantly repaired and the Certificate is not endorsed in accordance with this Annex;
- .2 upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulation E-1. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the Certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
- .3 if the relevant surveys are not completed within the periods specified under regulation E-1.1; or
- .4 if the Certificate is not endorsed in accordance with regulation E-1.1.

APPENDIX I

FORM OF INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

Issued under the provisions of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter referred to as "the Convention") under the authority of the Government of

.....
(full designation of the country)

by
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship¹

Name of ship

Distinctive number or letters

Port of registry

Gross Tonnage

IMO number²

Date of Construction

Ballast Water Capacity (in cubic metres)

Details of Ballast Water Management Method(s) Used

Method of Ballast Water Management used

Date installed (if applicable)

Name of manufacturer (if applicable)

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15).

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The principal Ballast Water Management method(s) employed on this ship is/are:

- in accordance with regulation D-1
- in accordance with regulation D-2
(describe)
- the ship is subject to regulation D-4

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with regulation E-1 of the Annex to the Convention; and
- 2 That the survey shows that Ballast Water Management on the ship complies with the Annex to the Convention.

This certificate is valid until subject to surveys in accordance with regulation E-1 of the Annex to the Convention.

Completion date of the survey on which this certificate is based: dd/mm/yyyy

Issued at
(Place of issue of certificate)

.....
(Date of issue)

.....
Signature of authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEY(S)

THIS IS TO CERTIFY that a survey required by regulation E-1 of the Annex to the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed
(Signature of duly authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

Annual*/Intermediate survey*: Signed
(Signature of duly authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

Annual*/Intermediate survey*: Signed
(Signature of duly authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed
(Signature of duly authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate.

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**ANNUAL/INTERMEDIATE SURVEY
IN ACCORDANCE WITH REGULATION E-5.8.3**

THIS IS TO CERTIFY that, at an annual/intermediate* survey in accordance with regulation E-5.8.3 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed
(Signature of authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID
FOR LESS THAN 5 YEARS WHERE REGULATION E-5.3 APPLIES**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation E-5.3 of the Annex to the Convention, be accepted as valid until.....

Signed
(Signature of authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN
COMPLETED AND REGULATION E-5.4 APPLIES**

The ship complies with the relevant provisions of the Convention and this Certificate shall, in accordance with regulation E-5.4 of the Annex to the Convention, be accepted as valid until

Signed
(Signature of authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate

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ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION E-5.5 OR E-5.6 APPLIES

This Certificate shall, in accordance with regulation E-5.5 or E-5.6* of the Annex to the Convention, be accepted as valid until

Signed
(Signature of authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE REGULATION E-5.8 APPLIES

In accordance with regulation E-5.8 of the Annex to the Convention the new Anniversary date is

Signed
(Signature of authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation E-5.8 of the Annex to the Convention the new Anniversary date is

Signed
(Signature of duly authorized official)

Place

Date.....

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate

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APPENDIX II

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 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 Guidelines³ 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:

3.1 When Ballast Water is taken on board:

³ Refer to the Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens adopted by the Organization by resolution A.868(20).

- .1 Date, time and location port or facility of uptake (port or lat/long), depth if outside port
 - .2 Estimated volume of uptake in cubic metres
 - .3 Signature of the officer in charge of the operation.
- 3.2 Whenever Ballast Water is circulated or treated for Ballast Water Management purposes:
- .1 Date and time of operation
 - .2 Estimated volume circulated or treated (in cubic metres)
 - .3 Whether conducted in accordance with the Ballast Water Management plan
 - .4 Signature of the officer in charge of the operation
- 3.3 When Ballast Water is discharged into the sea:
- .1 Date, time and location port or facility of discharge (port or lat/long)
 - .2 Estimated volume discharged in cubic metres plus remaining volume in cubic metres
 - .3 Whether approved Ballast Water Management plan had been implemented prior to discharge
 - .4 Signature of the officer in charge of the operation.
- 3.4 When Ballast Water is discharged to a reception facility:
- .1 Date, time, and location of uptake
 - .2 Date, time, and location of discharge
 - .3 Port or facility
 - .4 Estimated volume discharged or taken up, in cubic metres
 - .5 Whether approved Ballast Water Management plan had been implemented prior to discharge
 - .6 Signature of officer in charge of the operation
- 3.5 Accidental or other exceptional uptake or discharges of Ballast Water:
- .1 Date and time of occurrence
 - .2 Port or position of the ship at time of occurrence

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- .3 Estimated volume of Ballast Water discharged
 - .4 Circumstances of uptake, discharge, escape or loss, the reason therefore and general remarks.
 - .5 Whether approved Ballast Water Management plan had been implemented prior to discharge
 - .6 Signature of officer in charge of the operation
- 3.6 Additional operational procedure and general remarks

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
