

Regulations of 8 September 2017 No. 1368 on ballast water management on ships and mobile offshore units

Legal basis: Laid down by the Norwegian Maritime Authority on 8 September 2017 under the Act of 16 February 2007 No. 9 relating to ship safety and security sections 2, 6, 9, 12, 19, 20, 31, 33, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 by the Ministry of Trade, Industry and Fisheries and Formal Delegation and Formal Delegation of 29 June 2007 No. 849 and Formal Delegation of 29 August 2017 No. 1317 by the Ministry of Climate and Environment.

Amendments: Amended by Regulation of 18 September 2017 No. 1411.

Section 1 *Scope of application*

These Regulations apply to Norwegian:

- a) passenger and cargo ships engaged on foreign voyages;
- b) fishing vessels with trade area Bank Fishing I or greater trade area;
- c) mobile offshore units engaged on foreign voyages;
- d) barges engaged on foreign voyages.

Subject to limitations following from international law, these Regulations apply to foreign ships and mobile offshore units operating:

- a) in Norwegian territorial waters, including waters near Svalbard and Jan Mayen;
- b) in the Economic Zone of Norway;
- c) on the Norwegian Continental Shelf.

The Regulations do not apply to:

- a) ships not constructed to carry ballast water;
- b) ships with permanent ballast water in sealed tanks;
- c) craft of less than 50 metres in overall length and with maximum ballast water capacity of 8 cubic metres, which is used solely for recreation, competition or primarily for search and rescue;
- d) ships certified for operation limited to Norwegian territorial water, the Economic Zone of Norway and the open seas.

Section 2 *Treatment of ballast water*

The ballast water shall be treated by means of a ballast water management system on board. "Ballast water" means water taken on board in ballast tanks to control trim, list, draught, stability or stresses.

Ballast water management systems shall be approved in accordance with MEPC.174(58) (G8). For ballast water management systems that make use of active substances, MEPC.169(57) (G9) also applies. Ballast water management systems shall be installed in accordance with the IACS Requirements concerning Machinery Installations M74.

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

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

- a) *Vibrio cholerae* O1 and O139 (toxicogenic cholera bacteria): less than 1 colony forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples;
- b) *Escherichia coli* (E.coli; intestinal bacteria): less than 250 cfu per 100 millilitres;
- c) Intestinal Enterococci (intestinal bacteria): less than 100 cfu per 100 millilitres.

The requirement of the first paragraph first sentence is not applicable to ships treating the ballast water by means of a shore-based or mobile treatment system.

The requirements of the second and third paragraphs shall not apply to ships and mobile offshore units that participate in a programme to test new ballast water technology the first

five years after approved ballast water treatment technology should have been installed. The programme must be approved in accordance with MEPC.140(54).

Section 3 *Exchange of untreated ballast water*

Until the requirements for treatment of ballast water enter into force, cf. section 13, untreated ballast water shall be exchanged in accordance with this section, unless a treatment system is installed on board.

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

Ballast water exchange shall be conducted in water at least 200 metres in depth, at least 200 nautical miles from the nearest land. If this is not possible, the ballast water exchange shall be conducted in water at least 200 metres in depth, at least 50 nautical miles from the nearest land.

In sea areas where the distance from the nearest land or the depth does not meet the criteria of the third paragraph, ballast water shall be exchanged in exchange areas set out in paragraph 1.1 of Annex 1. If this is not possible, the ballast water shall be exchanged before the ship or mobile offshore unit arrives in Norwegian territorial waters.

The distance requirements of the third paragraph shall not apply if the ship for this reason must deviate from its intended voyage or is unnecessary delayed. In such cases, ballast water shall be exchanged in accordance with the fourth paragraph.

The requirements of the second, third and fourth paragraphs shall not apply if the master reasonably decides that such exchange would threaten the safety or stability of the ship or the mobile offshore unit, its crew or its passengers because of adverse weather, the design of or stress to the ship or mobile offshore unit, equipment failure, or any other extraordinary condition.

Section 4 *Management of sediments*

Sediments removed from the ballast water tanks shall be delivered to reception facilities. For the purpose of these Regulations, "sediments" means matter settled out of ballast water on ships or mobile offshore units.

Section 5 *More stringent requirements in certain areas*

When necessary to prevent, minimise or eliminate the transfer of harmful organisms or pathogens, the Norwegian Maritime Authority may for special areas and on short notice lay down more stringent requirements for management of ballast water and sediments than the requirements of these Regulations.

Section 6 *Exceptions from requirements for ballast water treatment*

The requirements for ballast water treatment pursuant to sections 2, 3 and 5 shall not apply to:

- a) the accidental discharge or ingress of ballast water and sediments resulting from damage, provided that all reasonable precautions have been taken for the purpose of preventing or minimising the discharge before and after the occurrence of the damage, or after the discovery of the damage;
- b) the uptake or discharge of ballast water and sediments necessary for the purpose of ensuring the safety of a ship or mobile offshore unit, the health of persons on board, or saving life at sea;
- c) the uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimising pollution incidents from the ship or mobile offshore unit;

- d) the uptake and subsequent discharge on the high seas of the same ballast water and sediments;
- e) the discharge of ballast water and sediments at the same location where it originated, provided that the ballast water and sediments have not been mixed with untreated ballast water and sediments from other areas.

Section 7 *Ballast water and sediments management plan*

Ships and mobile offshore units shall have on board and implement a ballast water and sediments management plan.

The plan shall provide a detailed description of the actions to be taken and the routines to be utilised on board in order to implement the ballast water and sediments management requirements set forth in these Regulations.

The plan shall include an identification of the persons in charge of ensuring that the plan is implemented.

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

The plan shall be approved and shall be drawn up in accordance with MEPC.127(53).

Section 8 *Ballast water record book*

Ships and mobile offshore units shall keep a ballast water record book. The ballast water record book may be an electronic record system, and shall contain the information specified in Appendix 2.

The entries in the ballast water record book shall be in the working language on board. If that language is not English, the entries shall contain a translation into English.

In the event of the discharge of ballast water in connection with delivery to a reception facility or in the event of other accidental or exceptional discharge of ballast water, an entry shall be made in the ballast water record book describing the circumstances of, and the reason for, the discharge.

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.

When ballast water exchange is required, and this is not conducted in accordance with section 6, the reasons shall be entered in the ballast water record book.

Ballast water record books shall, except on unmanned ships or mobile offshore units under tow, be kept readily available for inspection on board. Ballast water record books shall be kept on board for a minimum period of three years after the last entry has been made and thereafter in the company's control for a minimum period of two years. If the ship or mobile offshore unit is sold, the former owner (the seller) shall keep the record books ashore.

Section 9 *Equivalents*

The Norwegian Maritime Authority may upon written application approve other methods for ballast water treatment than those described in section 3, cf. section 4, if the methods ensure a similar level of protection of health, environment, property and resources.

Section 10 *Exemption for ships on a regular service*

Ships sailing between set ports or locations may upon written application be granted exemption from the requirements for treatment pursuant to section 2 or additional requirements pursuant to section 5 as long as the ship is ballasting only in the respective ports or locations.

Companies applying for an exemption pursuant to the first paragraph must by way of a risk analysis document that the operation between the respective ports does not involve an unacceptable risk of transferring harmful organisms and pathogens.

For the waters between the States that are party to the OSPAR or HELCOM cooperation, the risk analysis pursuant to the second paragraph shall be conducted according to the guidelines of MEPC.162(56) and the supplementary guidelines laid out in the Joint Harmonised Procedure for the Contracting Parties of OSPAR and HELCOM on the granting of exemptions under International Convention for the Control and Management of Ships' Ballast Water and Sediments, Regulation A-4.

Exemptions pursuant to this section are granted for a period of up to five years.

Granted exemptions pursuant to this section shall be entered in the ballast water record book.

Section 11 *Exemptions for foreign ships and mobile offshore units in Norwegian waters*

Foreign ships or foreign mobile offshore units operating exclusively in the Norwegian territorial waters, the Economic Zone of Norway or the Norwegian Continental Shelf may upon written application be granted an exemption from the requirements of these Regulations, provided that such exemption will not impair or cause harm to life, health, the environment or material values.

Section 12 *Exemptions for Norwegian ships and mobile offshore units in the waters of another State*

Norwegian ships and mobile offshore units operating exclusively within the waters of another State may upon authorisation from the State in question, in accordance with Article 3.2 of the International Convention for the Control and Management of Ship's Ballast Water and Sediments, be exempted from the requirements of these Regulations.

Section 13 *Phase-in of requirements for ballast water treatment technology*

Ships and mobile offshore units constructed on or after 8 September 2017 shall have ballast water treatment technology pursuant to section 2.

Ships whose IOPP certificate was renewed in the period from and including 8 September 2012 to and including 7 September 2014 shall comply with the requirements of section 2 by the second renewal of the IOPP certificate on or after 8 September 2017.

Ships whose IOPP certificate was renewed in the period from and including 8 September 2014 to and including 7 September 2017 shall comply with the requirements of section 2 by the first renewal of the IOPP certificate on or after 8 September 2017.

Ships not required to hold an IOPP certificate shall be comply with the requirements for ballast water treatment technology at the latest by 8 September 2024.

For the purpose of these Regulations, "constructed" means the date when:

- a) the keel is laid; or
- b) construction identifiable with a specific ship begins, and assembly of that ship comprises at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less; or
- c) the ship undergoes a major conversion, meaning a conversion:
 1. which changes the ship's ballast water carrying capacity by 15 percent or greater;
 2. which changes the ship type;
 3. which is projected to prolong the ship's life by ten years or more;
 4. which results in modifications to the ship's ballast water system other than component replacement-in-kind. Conversion of a ship to meet the provisions of

section 3 second paragraph, cf. section 3 first paragraph, will for the purpose of these Regulations not be deemed to constitute a major conversion.

Amended by Regulation of 18 September 2017 No. 1411.

Section 14 *Entry into force*

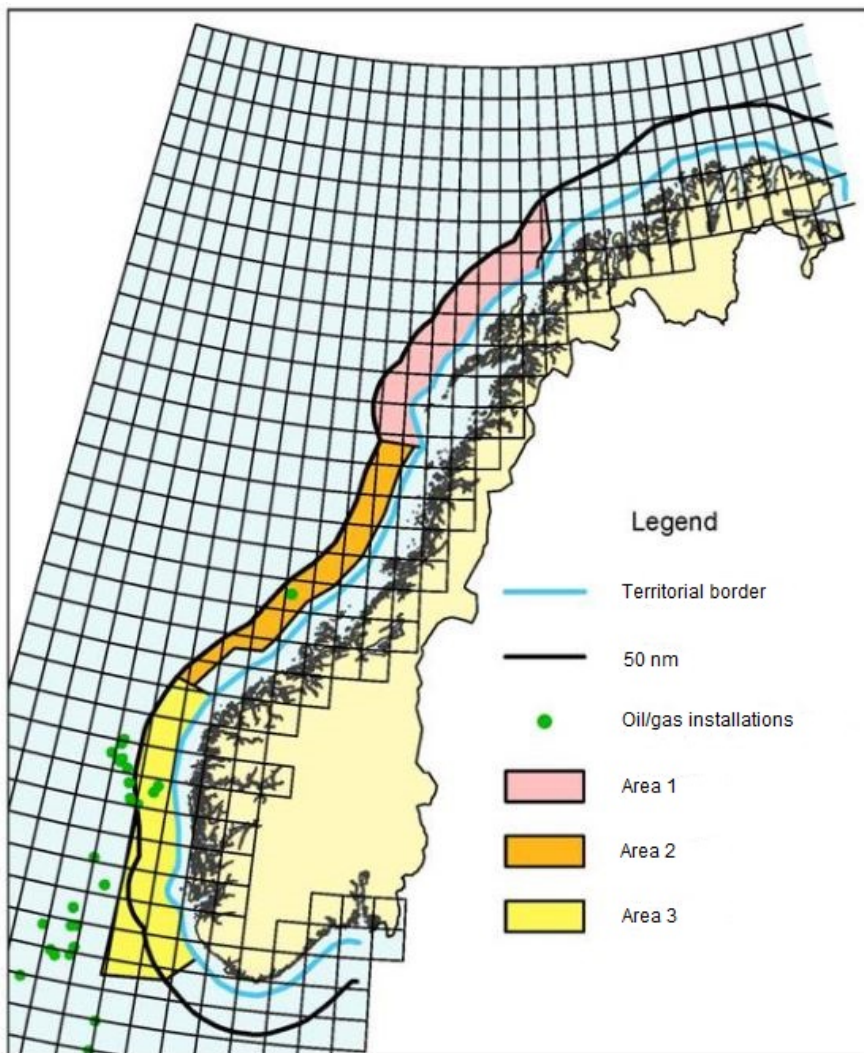
These Regulations enter into force on 8 September 2017.

As from the same date, the Regulations of 7 July 2009 No. 992 on the prevention of transfer of alien organisms via ballast water and sediments from ships are repealed.

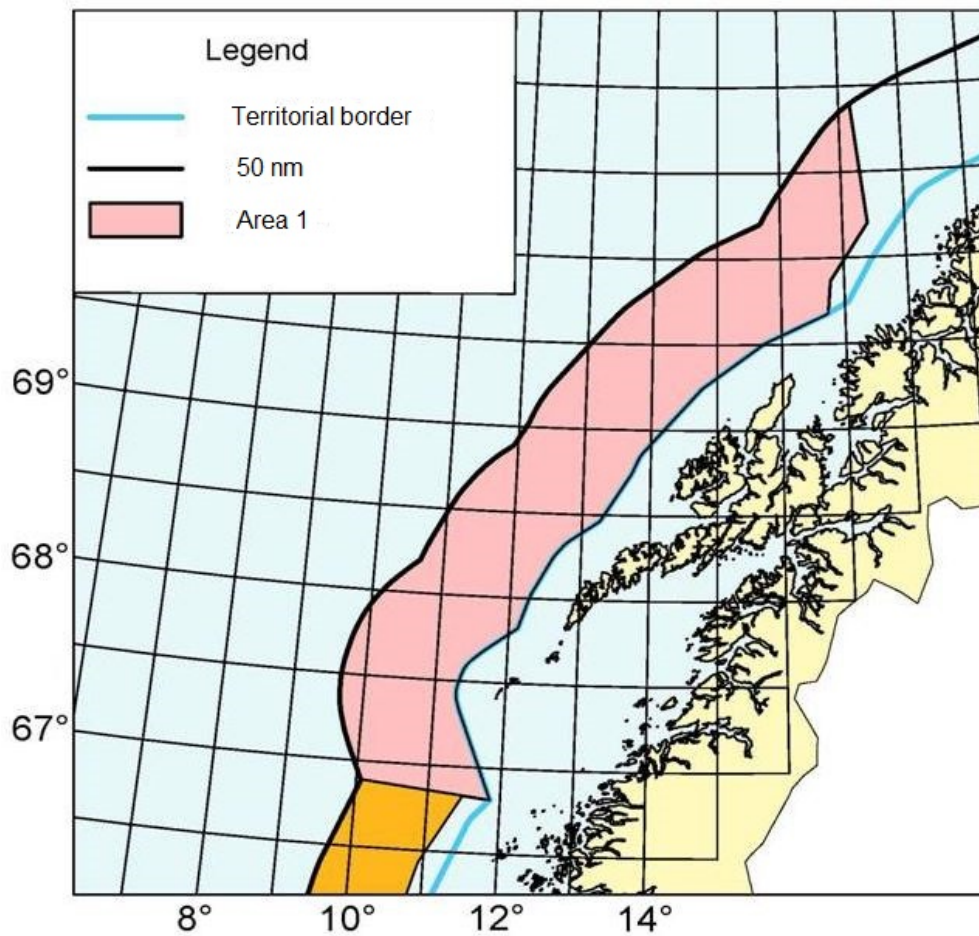
Appendix 1

1.1 Ballast water exchange areas

Areas for untreated ballast water exchange:



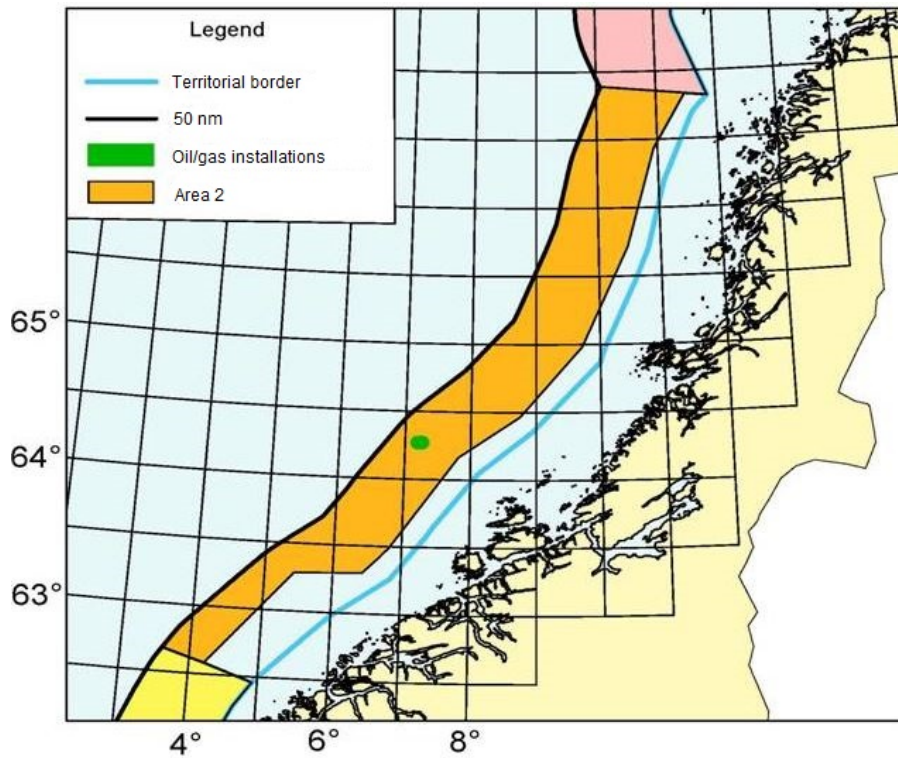
1. *Røst-Tromsø*: The area is delimited southwards of area 2. Towards the coast the boundary lies along the territorial border (12 nm). Westwards the area is delimited 50 nm from the coast. The northern border lies by Tromsøflaket.



Coordinates for exchange area 1:

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

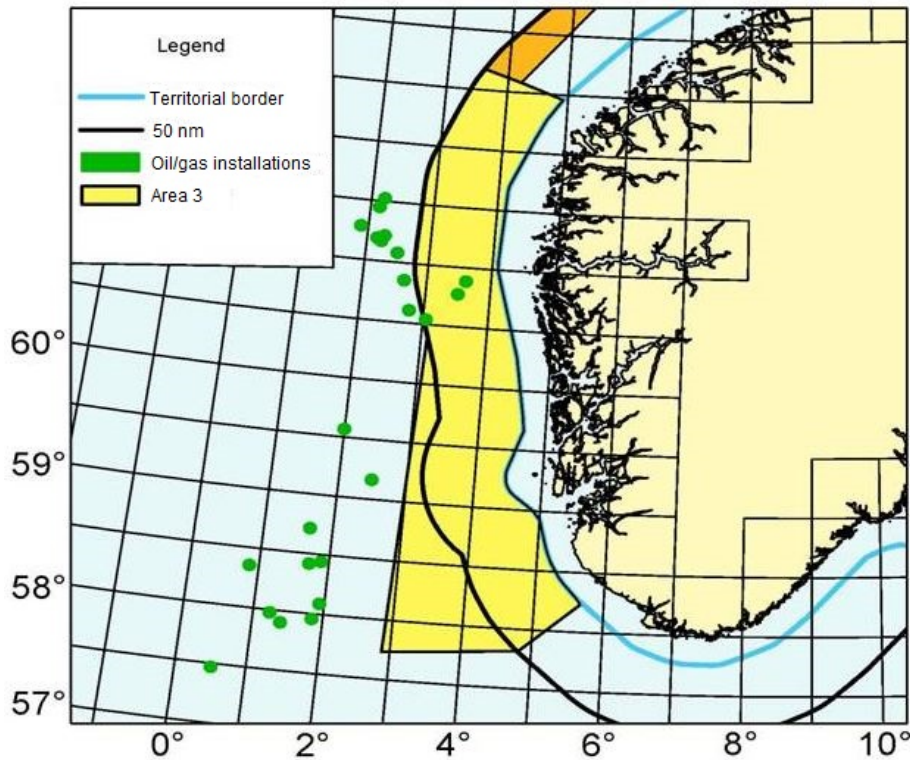
2. *The Norwegian Sea*: The exchange area is delimited southwards of the Møreplataet. Towards the coast the boundary lies along 20 nm, while it is delimited 50 nm towards the west.



Coordinates for exchange area 2:

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

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



Coordinates for exchange area 3:

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

Appendix 2

*Form of ballast water record book
International convention for the control and
management of ships' ballast water and sediments*

Period: From to.....
Name of ship
IMO number
Gross tonnage
Flag
Total ballast water capacity (in cubic metres)
The ship is provided with a ballast water management plan
Diagram of ship indicating ballast tanks:

1. Introduction

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

2. Ballast water and ballast water management

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

3. Entries in the ballast water record book

Entries in the ballast water record book shall be made on each of the following occasions:

When ballast water is taken on board:

- Date, time and location port or facility of uptake (port or lat/long), depth if outside port
- Estimated volume of uptake in cubic metres
- Signature of the officer in charge of the operation

Whenever ballast water is circulated or treated:

- Date and time of operation
- Estimated volume circulated or treated (in cubic metres)
- Whether conducted in accordance with the ballast water management plan
- Signature of the officer in charge of the operation

When ballast water is discharged into the sea:

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

When ballast water is discharged to a reception facility:

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

Accidental or other exceptional uptake or discharges of ballast water:

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

Additional operational procedure and general remarks may be entered here:

4. Volume of ballast water

The volume of ballast water on board 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.....

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

Signature of master