



Luxembourg, 21 October 2016

## **Circular CAM 10/2016**

Subject: **Entry into force of the Ballast Water Management Convention  
IOPP Certificate**

To : All Accredited Shipping Managers, ship owners, ship operators, designated persons of Luxembourg flagged ships and RO's.

**O/Ref :** AH/107692

### **Background**

Following Finland's ratification, the Ballast Water Management Convention will enter into force on the 8<sup>th</sup> September 2017.

The IMO has approved draft amendments to the Convention's implementation scheme (attached in Annex 4 and Annex 5 to document MEPC 69/21/Add.1) and if adopted at MEPC 70, in October 2016, then approved ballast water treatment systems meeting the D-2 biological standard will need to be installed :

- on existing ships : not later than the first MARPOL IOPP Renewal Survey carried out on or after 8<sup>th</sup> September 2017;
- on all new ships constructed on or after 8<sup>th</sup> September 2017.

Luxembourg is signatory to the 1988 SOLAS and Load Line Protocols; these Protocols recommend that surveys are carried out under the Harmonized System of Survey and Certification (HSSC) Guidelines, resolution A.1104(29), as may be amended.

### **Possibility of de-harmonization of the IOPP survey**

As many doubts have been expressed by various related actors regarding the performance, availability and available resources (i.e. dry docks slots) to install the BWM systems on board, it seems appropriate to find a way to extend the deadline foreseen in the Convention.

The Commissariat aux affaires maritimes (CAM) has carefully studied the possibility to “de-harmonize” the MARPOL IOPP surveys from other statutory surveys covered by the Harmonized System of Survey and Certification (HSSC) Guidelines. Adjustment of the IOPP Renewal Survey can extend the date for D-2 compliance under the approved draft amendments to the Convention’s implementation scheme.

It is our understanding that there is no prohibition under MARPOL or the HSSC Guidelines (recommended under the 1988 Protocols) to adjust the MARPOL Annex I survey window nor does it appear to be any obligation to keep it harmonized with the other surveys.

Luxembourg is presently finalizing the BWMC ratification procedure and strongly encourages owners to fulfill the requirements of the BWMC as early as possible. However, in light of the above, **CAM will not object to the principle of the IOPP Renewal Survey to be adjusted so that it is “de-harmonized” with the other renewal surveys carried out under the HSSC Guidelines.**

Owners wanting to take advantage of this possibility must introduce a special request with a well-founded and documented justification for a case by case examination by the vessel’s RO.

On the basis of the RO’s positive report, CAM will confirm its principle agreement and authorize the RO to perform a renewal survey for IOPP for the vessel and to issue a new full term IOPP certificate with a 5 year validity upon satisfactory completion of the said survey.

Owners should be aware that this decision does not supersede in any way coastal States’ prerogative to implement more stringent requirements.

Owners are invited to reintegrate the IOPP survey into the HSSC at the earliest opportunity.



(s) Robert BIWER  
Government Commissioner  
for maritime affairs