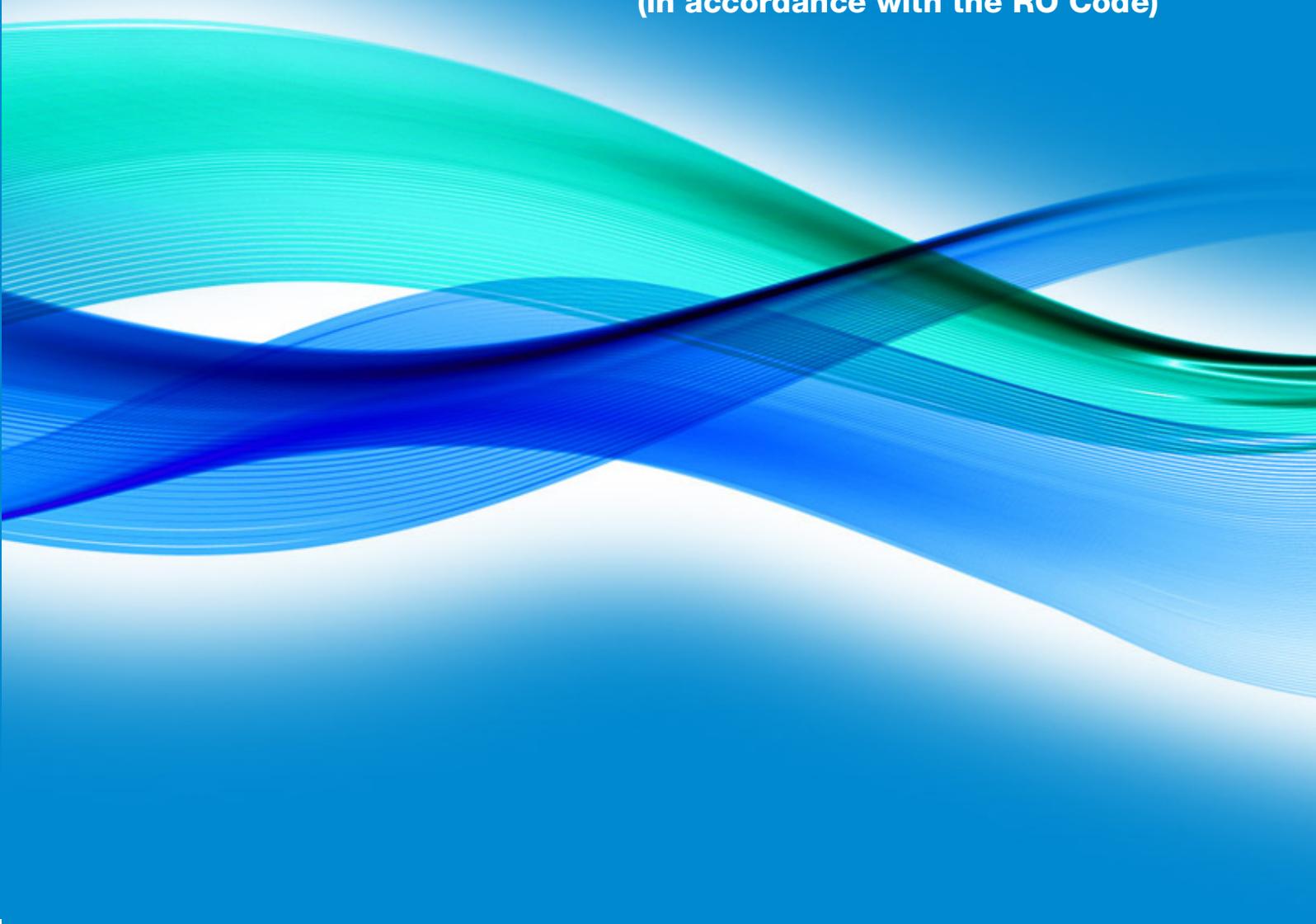


Instructions to Classification Societies (Recognised Organisations)

Instructions for implementation of the
Ballast Water Management Convention
(in accordance with the RO Code)



Instructions to Classification Societies

Last updated: November 2018

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Glossary

Assessment	Any activity to determine that an entity fulfils the minimum assessment requirements of the RO Code.
Authorisation	The delegation of authority to a Recognised Organisation to perform statutory certification and services on behalf of the Director of Maritime NZ, within the scope, conditions and arrangements set out in the schedules to the instrument of delegation.
Ballast Water Management Approval Document (BWM Approval)	Document of Approval of the Ballast Water Management System on the vessel for vessels of less than 400 GT. The equivalent of an IBWMC for vessels of less than 400 GT.
Ballast Water Management System Approval	This is not a type approval for ballast water treatment equipment in the New Zealand context. The ballast water system referred to in Part 300 is the overall system a vessel will use to manage its ballast water, including documentation, policies, procedures and physical arrangements.
BWM	Ballast Water Management.
BWM Convention	International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.
BWMP	Ballast Water Management Plan.
IBWMC	International Ballast Water Management Certificate
MTA	Maritime Transport Act 1994.
Recognised Organisation (RO)	An entity assessed by the Director of Maritime NZ as meeting the minimum assessment requirements in Part 2 of the RO Code and holding authorisation to perform statutory certification and services.
RO Code	The Code for Recognized Organizations adopted by the International Maritime Organization by resolution MSC.349 (92) on 21 June 2013 and MEPC.237(65) on 17 May 2013.
Statutory certification and services	The issue of maritime and marine protection documents, and other certificates and approvals, and other services provided under the Maritime Transport Act and rules made under that Act.

Overview

Maritime New Zealand (Maritime NZ) issues 'Instructions to Class' to provide detailed information as to specific requirements or processes to be followed in the conduct of the functions specified in its authorisations to Recognised Organisations (ROs).

These 'Instructions to Class' are specific to the implementation of the new convention relating to ballast water management, the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. This convention is implemented through the Maritime Transport Act 1994 (MTA) and through the marine protection rules, Part 300.

These instructions will be revised and amended by Maritime NZ as and when necessary and will eventually be incorporated into general 'Instructions to Class'.

Compliance with the 'Instructions to Class' is a condition of the authorisations unless any deviation is approved by the Director of Maritime NZ.

Part One – General Requirements

1. Scope

1. These instructions apply to statutory certification and services provided in respect of New Zealand ships as defined in section 2 of the Maritime Transport Act 1994 undertaken in accordance with authorisations to Recognised Organisations (RO). These instructions only address the requirements in relation to the implementation of the Ballast Water Management Convention (BWM).
2. While the RO Code does not, to date, apply directly to the BWM Convention New Zealand has incorporated the code in the functions under Marine Protection Rules Part 300 (Part 300) by defining a recognised organisation in Part 300 of the marine protection rules and requiring that relevant survey functions are undertaken by a Recognised Organisation.
3. Maritime NZ will apply the processes in the RO Code as part of its oversight of the provision of the services described in these instructions by ROs.
4. The Director of Maritime NZ may amend the scope of services from time to time, through amendments to the authorisations.

2. General

5. These instructions are referenced in, and additional to, the requirements of the authorisations. These instructions form the basis of Maritime NZ's engagement with and oversight of ROs for the purposes of ballast water management functions.
6. These instructions provide guidance on additional provisions contained in the Maritime Transport Act and New Zealand marine protection rules and to provide clarification on specific convention and rule requirements. The Maritime Transport Act can be viewed online at [New Zealand Legislation](#). Marine protection rules can be viewed on the [Maritime New Zealand website](#).
7. Unless otherwise specified, surveys are to be carried out and certificates issued in accordance with IMO resolution A.1120(30) Annex 4, Survey Guidelines under the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004.

3. Authorisations

8. Authorisations to ROs to carry out statutory functions on behalf of the Director of Maritime NZ (the Director) are given effect through an instrument of delegation from the Director, granted pursuant to section 444(2) of the Maritime Transport Act (MTA). When undertaking activities under delegation, the RO is in effect acting on behalf of the Director in carrying out the functions specified. As the Director cannot delegate to an organisation as such, the instrument of delegation identifies the position within the organisation that may carry out the delegated functions.
9. Statutory services rendered and certificates issued by an RO under delegation will be accepted by Maritime NZ (and other administrations) as services rendered or certificates issued by the Director provided these are undertaken in accordance with the delegation and applicable provisions of the RO Code.

10. Delegations are issued for a specified period (but no more than 5 years) and may be revoked or withdrawn by the Director at their discretion. The existence of a delegation does not prevent the Director from carrying out any of the delegated functions in respect of a ship.

4. Exemptions and equivalents

11. Exemptions to marine protection rules may be granted by the Director under section 395 of the MTA.

12. Discretion in relation to exemptions (including acceptance of equivalent measures when the rule requirement cannot be met) rests with the Director. The granting of exemptions is exercised on the advice of the RO, but exemptions can only be issued by the Director.

13. Whenever a request is received from the ship owner for an exemption, the RO may endorse the request if it is deemed to have merit, after which, the owner should make an application for an exemption.

14. Information on applying for exemptions can be found on the Maritime NZ website. Applications should be forwarded to exemptions.officer@maritimenz.govt.nz.

15. Applications for exemptions should include:

- a) reference to the rule from which an exemption is sought
- b) justification for the exemption, satisfying the section 395 criteria, with supporting documentation e.g. plans, documents, risk assessments
- c) any conditions considered appropriate and
- d) recommendation as to whether the exemption should be granted.

16. The Director will make a decision on the application taking into account the submission by the RO and other relevant considerations. The exemption (or letter declining the exemption) will be issued to the owner with a copy to the RO.

5. Issue and endorsement of certificates

17. The RO may issue and endorse statutory certificates on behalf of the Director after undertaking the necessary inspections, surveys and approvals.

18. Statutory certificates are marine protection documents issued in accordance with section 270 of the MTA.

19. Where ROs apply to Maritime NZ for the issue of certificates on behalf of owners, the RO must provide the necessary survey reports and other documentary evidence that the ship complies with the rules as applicable.

6. Suspension of certificates

20. The RO may suspend or apply conditions to a statutory certificate on behalf of the Director. These powers are given under section 272(1)(a) of the MTA if such action is considered necessary in the interests of protecting the marine environment. These powers can only be exercised with regards to

a certificate issued by the respective RO.

21. Where an RO suspends a certificate or imposes conditions on a certificate under delegation, they must notify the Director of such actions.

7. Inspections and audits

22. The RO may carry out inspections and audits of persons or organisations as they consider necessary for the conduct of delegated statutory functions. They can formally notify the parties concerned of the requirement to be inspected or audited and can formally require those parties to provide relevant information and documents for that purpose. These powers can only be exercised with regards to a certificate issued by the respective RO.

23. These powers are given under section 396 of the MTA in respect of a person or organisation who holds a marine protection document.

8. Liaison with Maritime NZ and reporting

24. For the purposes of recording statutory documents issued on behalf of New Zealand, Maritime NZ expects the following information relating to BWM functions to be provided to us:
- a) Notice of approval of a BWMP, including the initial cover page of the BWMP that details the vessel name, issue date and version number of the document and the stamped approval page.
 - b) Notice of having undertaken a survey. This is to include the pages of the survey report that identify the vessel details and provide the relevant page of the certificate indicating the endorsement for the relevant survey.
 - c) Notice of the initial issue and renewal of an IBWMC or BWM Approval. This is to include the entire certificate or approval as it is a marine protection document and needs to be retained in the maritime registry.
25. Please email the information within 10 working days to Operators@maritimenz.govt.nz.

Part Two – Specific guidance on implementing the BWM Convention

26. This section provides guidance for ROs in relation to specific requirements of New Zealand in implementing the BWM Convention and related marine protection rules when undertaking statutory functions under their authorisations.

9. General functions under the MTA and Part 300

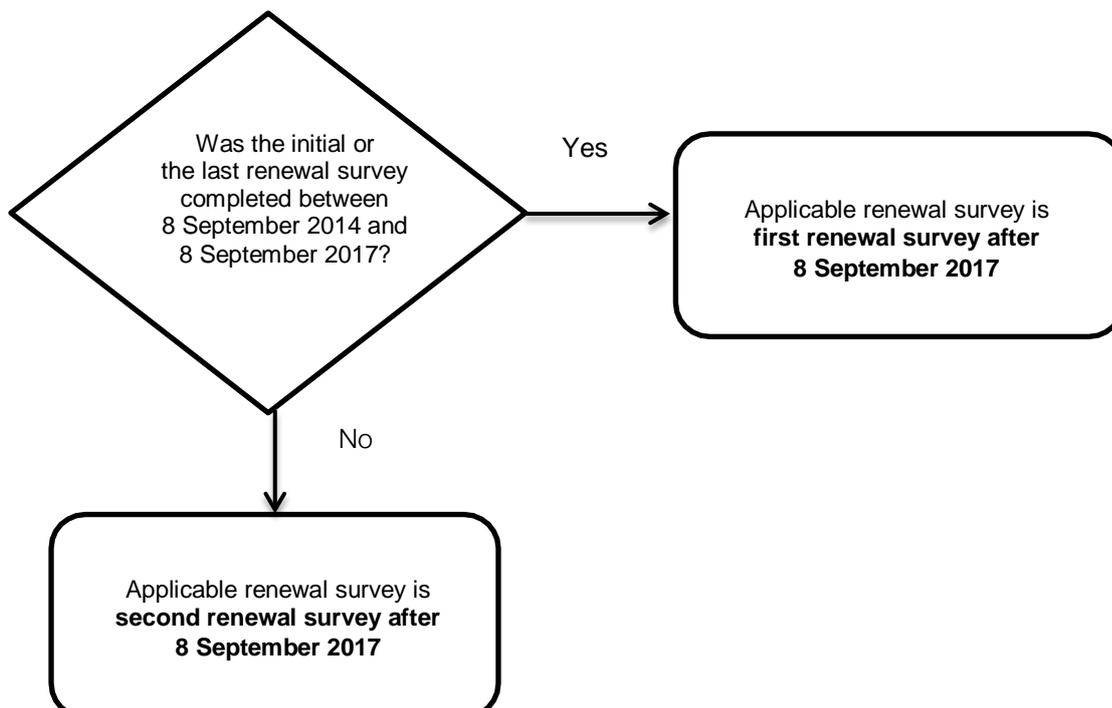
27. ROs have been issued with a delegation relating to functions within the Maritime Transport Act 1994 and Part 300 of the marine protection rules for approving ballast water management plans (BWMPs), undertaking surveys and issuing certificates related to the ballast water management convention.

10. Application of BWM provisions

28. The New Zealand rules apply to all vessels with non-permanent ballast water capacity undertaking international voyages (see the relevant definition in Part 300). Maritime NZ would expect all of these vessels to undergo relevant (size dependent) survey and certification processes. The New Zealand rules do not apply to vessels which only operate within waters under the jurisdiction of New Zealand or between waters under the jurisdiction of New Zealand and the high seas.

29. Appendix A of Rule 300 allows ships built before 8 September 2017 that are *not subject* to an IOPP renewal survey under MARPOL Annex I to transition from the exchange standard (D-1) to the ballast water performance standard (D-2) over a seven-year period concluding on 8 September 2024. Ships constructed on or after 8 September 2017 must meet the ballast water performance standard in Rule 300.140.

30. Ships constructed before 8 September 2017 that *are subject* to an IOPP renewal survey under MARPOL Annex I must meet the ballast water performance standard on the first or second renewal survey in accordance with the flow chart below.



31. When providing advice to owners of vessels that undertake single international voyages for repair or maintenance please make them aware of the option available to them to not meet the D-2 standard as described in BWM.2/Circ.52/Rev.1. If they wish to pursue this avenue they will need to seek an exemption from the State into whose waters they will be sailing prior to applying to Maritime NZ for an exemption from Part 300.

11. Certification process for New Zealand vessels

32. Maritime NZ requires certification for New Zealand vessels to follow a three step process, namely:

- a) approval of a ballast water management plan
- b) survey to verify the arrangements, crew knowledge and training relative to the approved BWMP and
- c) approval of a ballast water management system and issuance of an associated document (IBWMC for vessels of 400 GT and over and a Ballast Water Management Approval for vessels of less than 400 GT).

33. An RO delegation and the rule definition of a surveyor gives the RO powers to undertake all three of the above steps. Maritime NZ notes that there are two potential routes for a vessel to become compliant, one through an RO completing all of the above steps, and a second involving Maritime NZ doing the BWMP approval and the issuance of the approval document (steps (a) and (c) above).

34. In the former scenario an RO may undertake these steps, but should note the difference in the final document issuance dependent on vessel size. Please request template certificates if you need them, but the IBWMC is in the international format.

35. In the latter scenario, if an RO is acting as a surveyor for a process being completed by Maritime NZ then the RO will need to survey against the Maritime NZ approved BWMP. The RO will need to survey in accordance with the relevant surveyor guidelines and document the survey in a survey report and on the Maritime NZ checklist. These documents would be provided to the operator to complete their application for an approval document from Maritime NZ.

11.1 Considerations in approving a BWMP

36. Maritime NZ expects that in approving a BWMP an RO will consider the safety of the vessel relative to the operations being proposed. Further, Maritime NZ expects that in approving a BWMP an RO will consider relevant IMO guidance to ensure the BWMP is drafted to an appropriate standard. IMO Guidance is G4 – MEPC.127(53) under the ballast water management convention.

37. When approving a BWMP related to the Performance Standard (D-2) note that New Zealand has not delegated power to ROs to type approve new equipment on the Director's behalf. New Zealand will accept for installation on New Zealand vessels, equipment type approved by States that are party to the Convention. The best method of confirming this is to visit the list on the IMO website of type approved equipment and separately visit the list of States party to the convention. A comparison of the two will result in a list of acceptable systems for installing on New Zealand vessels. As per the glossary of these instructions, be aware that a BWM system approval in the New Zealand context is the overall system a vessel will use to manage its ballast water, including documentation, policies, procedures and physical arrangements.

38. Maritime NZ expects a BWMP approval to be achieved by stamping, signing and dating the actual BWMP for the vessel.

11.2 Considerations in undertaking a survey

39. Maritime NZ requires an RO to compare the vessel arrangements and the understanding of the relevant crew to the elements described in the approved BWMP. The requirements for statutory survey are described in A.1120(30) Annex 4, Survey Guidelines under the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004.

40. Note that Maritime NZ expects the survey regime for vessels of 400 GT and over to follow that described in the Convention and Part 300. For vessels of less than 400 GT Maritime NZ expects evidence of vessel arrangements aligning with a BWMP to be provided at an initial, an intermediate (between the second and third year), and a renewal (after five years) frequency. The best evidence would be a survey.

11.3 Considerations in issuing a BWM system approval document

41. Once a survey has been completed and an RO is satisfied that the vessel arrangements and crew knowledge indicate that the operations will comply with those described in the approved BWMP an RO can consider issuing an approval document.

42. If the RO believes the vessel complies with the approved BWMP and Part 300 they can issue the relevant document dependent on the vessel size. For a vessel of 400 GT and over the document to be issued is an IBWMC in the form provided in the Convention. For a vessel of less than 400 GT the document to be issued is a Ballast Water Management Approval in the form provided in Appendix 1 of this document. Both documents can only be issued with a maximum validity of five years.

Appendix

Form for Ballast Water Management Approval

This form is a sample only and may be updated from time to time. To ensure you are using the latest version, use the template for BWM approval available at www.maritimenz.govt.nz/ballast.

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 New Zealand* by the *Director of Maritime New Zealand*.

Particulars of Ship

Name of Ship

Distinctive Number or Letters

Port of Registry

Gross Tonnage

Deadweight of Ship (tonnes)

IMO Number

MNZ Number

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)

Model

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).....

.....

in accordance with regulation D-4.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with the Administrations requirements under regulation E-1.2 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 Approval is valid until the [xx] day of [month] [20yy] subject to surveys in accordance with the Administrations requirements in accordance with regulation E-1.2 of the Annex to the Convention.

Completion date of the survey on which this Approval is based: [xx] day of [month] [20yy].

Issued at Wellington, New Zealand this [xx] day of [month] [20yy].

[Legal name of the delegated person]

[Job title], [Team title], Maritime New Zealand

Under the delegated authority by the *Director of Maritime New Zealand*

*(Seal or stamp of the authority,
as appropriate)*

Endorsement for intermediate surveys

THIS IS TO CERTIFY that at a survey required by the Administration under Regulation E-1.2 of the annex to the Convention the ship was found to comply with the relevant provisions of the Convention:

Intermediate survey	Signed
	Place of Signature
<i>(Seal or stamp of the authority, as appropriate)</i>	Date of Signature

Annual / intermediate survey in accordance with regulation E-5.8.3

THIS IS TO CERTIFY that, at an annual / intermediate (delete that which does not apply) 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
	Place of Signature
<i>(Seal or stamp of the authority, as appropriate)</i>	Date of Signature

Endorsement to extend the approval 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 approval shall, in accordance with regulation E-5.3 of the annex to the Convention, be accepted as valid until _____.

	Signed
	Place of Signature
<i>(Seal or stamp of the authority, as appropriate)</i>	Date of Signature

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 approval shall, in accordance with regulation E-5.4 of the annex to the Convention, be accepted as valid until _____.

	Signed
	Place of Signature
<i>(Seal or stamp of the authority, as appropriate)</i>	Date of Signature

Endorsement to extend the validity of the approval until reaching the port of survey or for a period of grace where regulation E-5.5 or E-5.6 applies

This approval shall, in accordance with regulation E-5.5 or E-5.6 (delete that which does not apply) of the annex to the Convention, be accepted as valid until _____.

	Signed
	Place of Signature
<i>(Seal or stamp of the authority, as appropriate)</i>	Date of Signature

Endorsement for advancement of anniversary date where regulation E-5.8 applies

In accordance with regulation E-5.8 of annex I of the Convention, the new anniversary date is _____.

	Signed
	Place of Signature
<i>(Seal or stamp of the authority, as appropriate)</i>	Date of Signature