

REPUBLIC



OF CYPRUS

**MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS**

Circular No. 32/06

TEN 5.13.09, TEN 4.28.02.7

28 December 2006

To all Owners
Managers, Representatives and Masters
of vessels flying the Cyprus flag.

Subject: International Convention for the Control and Management of Ship's Ballast Water and sediments, 2004

On 22 September 2005 the International Maritime Organization (IMO) issued circular BWM.2/Circ.1 whereby all Member Governments were informed about the Brazilian national legislation on Ballast Water Management for Ships, as requested by the Government of Brazil.

In its communication to the IMO, the Government of Brazil informed that its national legislation, which was based on IMO's Resolution A.868 (20) and the International Convention for the Control and Management of Ship's Ballast Water and sediments, as adopted by the IMO in February 2004, would be applicable to all ships that carry out ballast water discharge operations in Brazilian jurisdictional waters from the 15 October 2005.

In subsequent communications, the Brazilian Authorities have postponed the date of application until the 30th December 2006 (BWM.2/Circ.5).

Ships intending to discharge ballast water in Brazilian jurisdictional waters must follow the Brazilian requirements as stipulated in the annex of the IMO circular BWM.2/Circ.1.

The Brazilian Authorities will monitor compliance with their National legislation, through the inspection of the Ballast Management Plan and the Ballast Water Reporting Form of every ship. A copy of the latter has to be sent to the relevant Agency, twenty-four hours prior to the estimated time of arrival.

As from 30 December 2006, the Brazilian Authorities will only accept BWM Plans if they have been approved by the Flag Administration or the Classification Society acting as a Recognized Organization, or by the Classification Society of the Vessel.

The BWM Plan is required by Regulation B-1 of the International Convention for the Control and Management of Ship's Ballast Water and sediments, 2004 which is not yet in

force and has not been ratified by Cyprus and has to be approved taking into account the guidelines contained in Resolution A.868(20).

In view of the fact that Cyprus is not yet a signatory to the International Convention for the Control and Management of Ship's Ballast Water and sediments, 2004, it does not approve BWM Plans and has not authorized anyone of its Recognized Organizations to approve these plans on its behalf.

This Administration however, has no objection, in case Cyprus ships intending to perform ballast water discharge within Brazilian jurisdictional waters, opt to have BWM Plans onboard, as provided by regulation B-1 of the International Convention for the Control and Management of Ship's Ballast Water and sediments, 2004, and following the guidelines developed by IMO (Resolution A. 868(20)), which have been approved by the ship's Classification Society.

S.S.Serghiou
Director

CC: Permanent Secretary, Ministry of Communications and Works
Permanent Secretary, Ministry of Foreign Affairs
Maritime Offices of the Department of Merchant Shipping abroad
Diplomatic Missions and Honorary Consular Officers of the Republic
Cyprus Shipping Council
Union of Cypriot Shipowners
Cyprus Bar Association
Recognised Organizations

Attachments: BWM.2/Circ.1 Dated 22 September 2005
BWM.2/Circ.3 Dated 07 February 2006
BWM.2/Circ.5 Dated 17 August 2006

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IMO

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Ref. T5/1.22

BWM.2/Circ.1*
22 September 2005

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

Communication received from the Administration of Brazil

A communication has been received from the Administration of Brazil concerning the mandatory national legislation pertaining to requirements for ballast water exchange.

At the request of the Administration of Brazil, the above-mentioned communication annexed hereto is circulated to Member States for their information and future action as appropriate.

* To facilitate prompt identification, circulars related to the status of BWM Convention will be issued under the symbol (BWM.1/Circ....) and circulars related to technical aspects of ballast water management will be issued under the symbol (BWM.2 /Circ....).

ANNEX

SUMMARY OF BRAZILIAN NATIONAL LEGISLATION ON BALLAST WATER MANAGEMENT FOR SHIPS

The Brazilian national legislation on Ballast Water Management for Ships was developed using as a basis the provisions of IMO's Resolution A.868(20) and the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004, adopted by the Organization in February 2004.

This legislation will be applicable to all ships that carry out ballast water discharge in Brazilian jurisdictional waters and shall enter into force as from 15 October 2005.

This legislation stipulates, as a mandatory requirement, that all ships intending to discharge ballast water in Brazilian jurisdictional waters shall:

- Conduct ballast water exchange at least 200 nautical miles from the coast and in water at least 200 metres in depth.

In cases where the ship is unable to conduct ballast water exchange as stipulated above, it shall be done as far as possible from the nearest land and in all cases at least 50 nautical miles from the coast and in water at least 200 metres in depth.

In cases where the ship is unable to carry out ballast water exchange, ballast water shall be retained on board and only a minimum amount may be authorised for discharge, with the consent of the Maritime Authority Agent. In such cases the master should notify the Maritime Authority in advance.

The three methods for ballast water exchange – sequential, flow-through and dilution – will be accepted. When the flow-through or dilution method is used, at least three times the tank's volume should be pumped. Ballast water exchange should be carried out with an efficiency of at least 95% volumetric exchange.

Ballast water exchange will also be required for ships engaged in commercial navigation between distinct hydrographical basins and between maritime and fluvial ports.

Special provisions apply to ports of the Amazon Basin, where an additional exchange will be required in order to reduce the ballast water salinity, and should take place between the isobathic of 20 metres and Macapá. For ships with a ballast capacity of less than 5000m³ the additional exchange should be carried out at the mouth of the river Jari. For this additional exchange the tank's volume only needs to be pumped once. The same applies to the River Pará, for which the additional exchange should be conducted at least sixty nautical miles from Salinópolis up until the lighthouse of Ponta do Chapéu Virado (Mosqueiro Island).

Monitoring of the above provisions will be done through the inspection of the Ballast Management Plan and the Ballast Water Reporting Form. The Ship must send a copy of the Ballast Water Reporting Form to the relevant agency twenty-four hours prior to the estimated time of arrival.

Monitoring may also include the collection and analysis of a ballast water sample.

Violations of these provisions will be sanctioned according to the national law, which may include warnings, fines, detention or prohibition of the ship's entry in the port or terminal.

The requirements of these provisions shall not apply to:

- the uptake or discharge of ballast water and sediments necessary for the purpose of ensuring the safety of the ship in an emergency situation or saving life at sea;
- The accidental discharge or ingress of ballast water and sediments resulting from damage to the ship or its equipment;
- The uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship; and
- 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 mixing with un-managed ballast water and sediments from other areas has not occurred.

The following ships are exempt from these provisions: war ships or ships owned or operated by a Estate and employed in non-commercial voyages, ships with sealed ballast tanks not subject to discharge, maritime and port support vessels, ships whose design characteristics do not allow ballast exchange, and recreational and search and rescue vessels, with less than 50 metres in length and with a maximum ballast capacity of eight cubic metres.

More detailed information about these provisions can be obtained from secom@dpc.mar.mil.br.



BRAZILIAN NAVY

**BRAZILIAN PERMANENT REPRESENTATION TO THE
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28 July 2005

The Secretary-General
International Maritime Organization
4 Albert Embankment
London
SE1 7SR

Sir,

The Brazilian Permanent Representation presents its compliments and, with reference to the issue of Ballast Water Management, has the honour to inform you that, as part of Brazil's efforts to preserve the marine environment and to implement the provisions of the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004, Brazil has recently adopted mandatory national legislation pertaining to requirements for Ballast Water Exchange.

This legislation shall apply to all ships intending to discharge ballast water in Brazilian jurisdictional waters and shall enter into force as from 15 October 2005.

I enclose at annex a summary of the main requirements of this legislation and would be grateful if you could kindly arrange for this information to be circulated to all IMO Member States.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.


Luis Fernando Resano
Captain

Acting Permanent Representative to IMO

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IMO

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Ref. T5/1.22

BWM.2/Circ.3
7 February 2006

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

**Additional information on Brazilian national legislation
on ballast water managements for ships**

A communication has been received from the Administration of Brazil concerning additional information on Brazilian national legislation on ballast water managements for ships.

At the request of the Administration of Brazil, the above-mentioned communication annexed hereto is circulated to Member States for their information and future action as appropriate.

ANNEX



BRAZILIAN NAVY
BRAZILIAN PERMANENT REPRESENTATION TO THE INTERNATIONAL
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REF: BWMNatLeg

London, UK, 25 January 2006.

The Secretary-General
International Maritime Organization
4 Albert Embankment
London
SE1 7SR

Subject: Mandatory National Legislation pertaining to requirements for Ballast Water

Sir,

The Brazilian Permanent Representation presents its compliments and, in addition to our letter dated 28 July 2005, would like to inform you that, owing to the fact that a few ships have had some difficulties to be in compliance with the requirements for Ballast Water Exchange adopted by the National Legislation, the Brazilian Maritime Authority decided to postpone the enforcement of this requirement until 30th June 2006.

In this respect, I would be grateful if you could kindly arrange for the information enclosed at annex to be circulated to all IMO Member States.

Please accept, Sir, the assurance of my highest consideration,

A handwritten signature in black ink, appearing to read 'Miguel Angelo Davena', written over a horizontal line.

MIGUEL ANGELO DAVENA
Admiral
Permanent Representative
Head of the Representation



ANNEX

**ADDITIONAL INFORMATION ON BRAZILIAN NATIONAL LEGISLATION ON
BALLAST WATER MANAGEMENT FOR SHIPS**

Through BWM.2/Circ.1 dated 22nd September, 2005, IMO issued a communication to Member States containing the summary of the Brazilian National Legislation on Ballast Water Management for Ships.

In that respect, the Brazilian Maritime Authority (BMA) has noticed that most ships are in compliance with the above mentioned rules, whereas only a few have experienced some difficulty in having the BWM Plan approved by its Flag Administration or their recognized Classification Societies.

Thus, in order to grant those ships, and others that might be in the same situation, additional time to be in conformity with that specific point, the Brazilian Maritime Authority issued an Administrative Act (Portaria n ° 1/DPC) on 4th January 2006 postponing its enforcement until 30th June 2006.

From 4th January, 2006 until 30th June, 2006, the Brazilian Maritime Authority will accept a BWM plan approved by the shipowner, which means that "a ship carrying ballast water must have a BWM plan".

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Ref. T5/1.22

BWM.2/Circ.5
17 August 2006

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

Mandatory national legislation pertaining to requirements for ballast water

A communication has been received from the Administration of Brazil concerning mandatory national legislation pertaining to requirements for ballast water.

At the request of the Administration of Brazil, the above-mentioned communication annexed hereto is circulated to Member States for their information and future action as appropriate.

ANNEX



BRAZILIAN NAVY

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London, UK, 3 August 2006

REF: BWM/NatLeg

The Secretary-General
International Maritime Organization
4 Albert Embankment
London
SE1 7SR

Subject: Mandatory National Legislation pertaining to requirements for Ballast Water

Sir,

The Brazilian Permanent Representation presents its compliments and, in addition to our letter dated 25 January 2006, would like to inform you that, owing to the fact that Classification Societies are currently fully engaged in the preparation of the Ballast Water Exchange Plan, the Brazilian Maritime Authority has decided to postpone this specific requirement until 30th December 2006.

The annex is intended to provide further clarification and additional information on the aforesaid. In this respect, I would be grateful if it could be circulated to all IMO Member States.

Please accept, Sir, the assurance of my highest consideration.

A handwritten signature in black ink, appearing to read "Miguel Angelo Davena".

MIGUEL ANGELO DAVENA

Admiral

Permanent Representative
Head of the Representation



ANNEX

**ADDITIONAL INFORMATION ON BRAZILIAN NATIONAL LEGISLATION ON
BALLAST WATER MANAGEMENT FOR SHIPS**

With respect to BWM.2/Circ.3 dated 7 February 2006, the Brazilian Maritime Authority (BMA) has postponed the date from 30 June 2006 to 30 December 2006 in order that all ships carry a BWM Plan approved. After 30 December 2006, only the BWM Plan approved by the Flag Administration, or the Classification Society acting as the Recognised Organization, or the Ship Classification Society, will be accepted.

From 30 June 2006 until 30 December 2006, the Brazilian Maritime Authority will accept the Plans approved as mentioned above, as well as the Plan approved by the shipowner. This approach aims at preventing ships required to exchange ballast water to operate without an approved Plan.

Further information pertaining slight modifications on the above-mentioned legislation related to the inclusion of Semi-Submersible Platforms, as well as some clarification on navigation along the coast, can be accessed on <http://www.dpc.mar.mil.br> (Portuguese language only).
