



Marine Notice 8/2017

Australia's position on de-harmonising of the International Oil Pollution Prevention Certificate in relation to Ballast Water Management Convention compliance

Purpose

The purpose of this marine notice is to advise ship owners, operators, masters and Recognised Organisations of Australia's position with respect to the de-harmonising of the International Oil Pollution Prevention (IOPP) Certificate from the Harmonised System for Survey and Certification (HSSC).

Background

In 2013, the IMO adopted a Resolution on the application of the Ballast Water Management Convention (BWMC). In summary, the resolution does not require a ship constructed prior to entry into force of the BWMC to comply with the D-2 ballast water performance standard regulation (i.e. treatment of ballast water via a ballast water treatment system) until its first International Oil Pollution Prevention (IOPP) certificate renewal survey following entry into force of the BWMC.

In preparation for the implementation of the BWMC, the Department of Agriculture and Water Resources (DAWR), and the Australian Maritime Safety Authority (AMSA) have received enquiries with respect to bringing forward renewal surveys for ships IOPP certificates.

Discussion

If a ship's IOPP Certificate renewal survey were to be de-harmonised, and the renewal survey carried out before 8 September 2017, compliance with the BWMC D-2 performance standard would be effectively delayed by up to 5 years.

Both DAWR and AMSA are of the view that such an action is beyond the intent of the Convention and would be a manipulation of the International Maritime Organisation (IMO) implementation timeframes, which provide owners opportunity to plan and prepare for changes to a ship's systems or structure.

In addition, this approach does not align with Australia's commitment to the HSSC.

A proposal has been put forward, by a number of Administrations for consideration at MEPC 71 in July that discourages ships from de-harmonising. The effect of the amendment, if agreed, would result in ships that have de-harmonised between 2014 and 2017, being required to meet D-2 from their first renewal survey after September 2017.

Position

In line with the above discussion, Australia will not de-harmonise the IOPP Certificate from the HSSC for Australian flagged ships.

However, if an owner chooses to bring forward all surveys, AMSA would not object as the ship will remain compliant with the HSSC.

From a port State control (PSC) perspective, a foreign flagged vessel arriving in Australia with a de-harmonised IOPP Certificate would be acceptable if the flag Administration has allowed the de-harmonisation.

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