



PANAMA MARITIME AUTHORITY
MERCHANT MARINE CIRCULAR MMC-345

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To: Ship-owners/operators, Legal Representatives of Panamanian Flagged Vessels, Panamanian Merchant Marine Consulates and Recognized Organizations (ROs).

Subject: Ballast Water Management Convention 2004, Panama Policy.

Reference:

- a) Law No.41 of 12 September 2016 adopting International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004;
- b) BWM.2/Circ.46 - Application of the BWM Convention to Mobile Offshore Units;
- c) BWM.2/Circ.52 - Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party;
- d) BWM.2/Circ.40 - Issuance of Ballast Water Management Certificates prior to entry into force of the BWM Convention and Ballast Water Management Plans approved according to resolution A.868(20).
- e) Resolution JD No.002-2017 of 26 January, 2017
- f) Resolution MEPC.287(71) 7 July, 2017.

1. PURPOSE

- 1.1 The purpose of this Merchant Marine Circular is to inform that the Republic of Panama submitted to the Secretary General of the International Maritime Organization, the accession of the Ballast Water Management Convention 2004, including a declaration in accordance with the recommendation contained in Resolution A.1088(28) on 19 October 2016, now superseded by the Resolution MEPC.287(71) of 7 July 2017 ; and that the Convention will enter into force on **8 September 2017**.
- 1.2 Furthermore, it provides guidance and instructions to ensure compliance with the Ballast Water Management Convention 2004 adopted by the Republic of Panama by Law No. 41 of 12 September 2016, and the complementary IMO Resolutions and Circulars.
- 1.3 As well as give additional guidance and instructions in line with the decision of the Marine Environmental Protection Committee (MEPC session 71) on the approval of the draft amended regulation B-3 of the BWM Convention, which will be circulated to Member States for adoption during MEPC 72 scheduled to be held from April 9 -13, 2018; and the draft MEPC resolution on Determination of the date referred to in regulation B-3, as amended, of the BWM Convention, which

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the Secretary-General will circulate immediately upon entry into force of the Convention. As per the draft documents the MEPC has resolved that, in lieu of the implementation schedule recommended in resolution A.1088(28) and notwithstanding the schedule set forth in regulation B-3 of the Convention, the Parties to the Ballast Water Management Convention should implement the draft amended regulation B-3 contained therein, immediately after entry into force of the Convention, with a view to avoiding the creation of a dual treaty regime during the time period between the entry into force of the Convention and the entry into force of the amended regulation B-3.

2. APPLICABILITY

2.1 In accordance with definition of a ship in Article 1.12, the Ballast Water Management Convention **will apply to vessels of any type** including submersibles, floating craft, floating platforms, FSUs and FPSOs.

2.2 Once the Ballast Water Management Convention has entered into force **all Panamanian flagged ships** with dedicated ballast water tanks or spaces, shall comply with the following requirements:

- a) Ballast Water Management Plan approved by this Administration.
- b) Ballast Water Record Book

2.3 **Panamanian flagged ships of 400 gross tonnage (GT) and above**, shall carry on board:

- a) International Ballast Water Management Certificate (IBWM Certificate), (excluding floating platforms, FSUs and FPSOs at the location of operation)
- b) Ballast Water Management Plan (BWMP) approved by this Administration, and
- c) Ballast Water Record Book

2.4 As per IMO documents related to the implementation of the Convention BWM.2/Circ.46 - Application of the BWM Convention to Mobile Offshore Units and BWM.2/Circ.52 - Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party, Mobile offshore units including Mobile Offshore Drilling Units should be surveyed and issued with an International Ballast Water Management Certificate, according to regulations E-1 and E-2 of the Convention, as applicable.

3. BALLAST WATER MANAGEMENT SYSTEMS (BWMS)

3.1 The Ballast Water Management Systems Type approved by other Administrations will be accepted on ships under Panama flag, provided it's been approved in accordance with the Guidelines on the Type Approval process for BWMS (Resolution MEPC.174 (58) or Resolution MEPC.279(70) as applicable). Manufacturers interested to obtain approval for their Ballast Water Management System (BWMS) by the Panama Maritime Authority may request a Recognition Certificate for the Ballast Water Management System (BWMS) through a legal representative located in Panama. This request

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is voluntary, and should be submitted to General Directorate of Merchant Marine with the following documents:

- The list of system equipment limitations, if applicable;
- Certificate of type approval from other Administration;
- Additional supporting document, such as type approvals issued by Classification Societies;
- Test results carried out by the other Administration and/or Classification Society, and
- Official Payment Receipt for USD \$2,000.00

3.2 Recognized Organizations (R.O.) should conduct an additional survey during sea trials of a Ballast Water Management System (BWMS) to confirm the operation and efficacy of the system.

3.3 Ships involved in voyages that include ports in the United States or its jurisdictional waters, shall be fitted with Ballast Water Management Systems accepted by the United States Coast Guard (USCG) according to the timeline set by that Administration.

3.4 Noting that Parties to the Ballast Water Management Convention are called to implement the draft amended regulation B-3, that has been approved by the Marine Environmental Protection Committee (MEPC) during its 71 session, through the Resolution MEPC.287(71) of 7 July 2017 – Implementation of the BWM Convention which superseded the resolution A.1088(28) of 4 December 2013, immediately after entry into force of the Convention, stakeholders are informed that compliance with regulation D-2 shall be as follows for ships constructed:

3.4.1 before 2009 with any ballast water capacity from the applicable renewal survey as described in paragraph 3.7,

3.4.2 in or after 2009 and before 8 September 2017 with a ballast water capacity of less than 5000 m³ from the date of the applicable renewal survey described in paragraph 3.7,

3.4.3 in or after 2009 and before 2012 with a ballast water capacity of 5000 m³ or more from the date of the applicable renewal survey described in paragraph 3.7,

3.4.4 in or after 2012 and before 2017 with a ballast water capacity of 5000 m³ or more from the date of the applicable renewal survey described in paragraph 3.7,

3.5 Ship constructed on or after 8 September 2017 shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.

3.6 In case of oil tankers of less than 150 gross tonnage, and every other ship less than of 400 gross tonnage constructed before 8 September 2017 with any ballast water ballast capacity, shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 not later than 8 September 2024.

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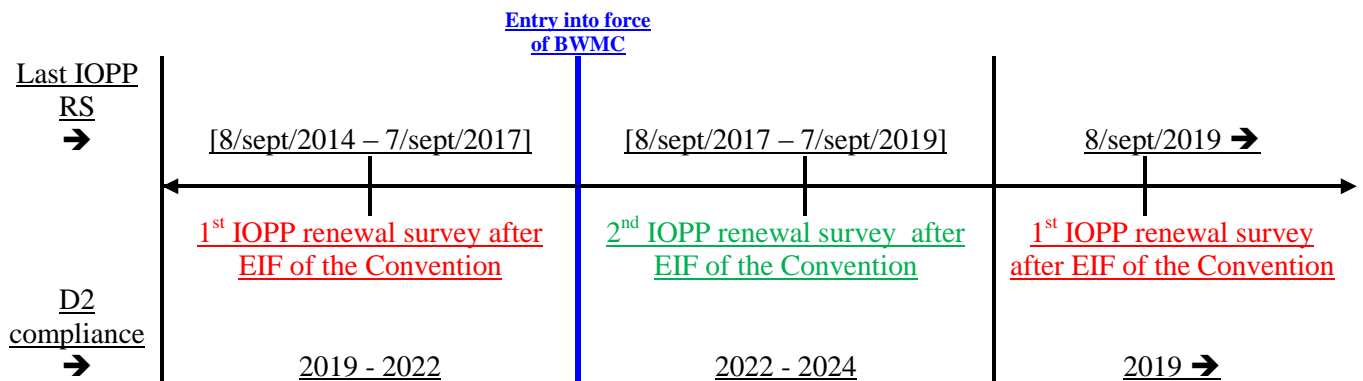
3.7 Installation of BWMS to comply with regulation D-2, shall be carried out after the entry into force of the Convention (8 September 2017), **in case of ships constructed prior 8 September 2017**, as follows:

3.7.1 On the first renewal survey - 1st IOPP (R) following the date of entry into force of the Convention (8 September 2017), provided this renewal survey is completed on or after 8 September 2019, or

3.7.2 On the first renewal survey - 1st IOPP (RS) following the date of entry into force of the Convention (8 September 2017), provided that this renewal survey is completed on or after 8 September 2014 but prior to 8 September 2017.

3.7.3 On the second renewal survey - 2nd IOPP (RS) following the date of entry into force of the Convention (8 September 2017) if the first renewal survey - 1st IOPP (RS) following the date of entry into force of the Convention is completed prior to 8 September 2019, provided that the conditions of paragraph 3.7.2 are not met.

3.7.4 The following diagram has been prepared with the purpose to assist on the understanding of the paragraphs 3.7.1 to 3.7.3 above, on the implementation of D-2 standard on board ships constructed prior 8 September 2017:



Note: 1st and 2nd IOPP renewal surveys referred above are those **surveys carried out after the entry into force of the Convention**.

4. BALLAST WATER MANAGEMENT PLAN (BWMP)

4.1 BWMP will be evaluated, revised and approved by Segumar Panama, in accordance with the requirement of Regulation B-1 of the Ballast Water Management Convention; the BWMP should take into account IMO Resolution MEPC.127 (53) - Guidelines for ballast water management and development of ballast water management plans (G4) adopted by the IMO on 22 July 2005.

- 4.2 To apply for the approval, ship-owners and ship-operators as well as ship-yards are invited to access the following link: <http://certificates.amp.gob.pa/certificates>, from **15 March, 2017**. The link will allow users to upload the Ship's BWMP.
- 4.3 The BWMP will be approved electronically and electronic copy should be placed on board, and available for inspection at all times.
- 4.4 From **15 March, 2017**, this Administration will issue an electronic BWMP Statement of Fact to the Company, valid for three (3) months, upon receipt of the BWMP for review and approval. Statement of Fact will continue to be issued, and its validity date will not exceed of 8 December 2017.
- 4.5 Ships not fitted with a BWMS or ships fitted with a BWMS which has been subject to modification should review and update their BWMP upon installation or modification, as per the requirements of Resolution MEPC.127(53) of 22 July 2005. In these cases BWMP should be submitted to the Administration for re-approval in accordance with paragraph 4.2 of this circular.
- 4.6 Ballast Water Management Plans, previously approved by Recognized Organizations at their own behalf in accordance with Resolution A.868(20) adopted by the IMO on 27 November 1997, will remain valid and will be accepted by this Administration until the plan requires revision due to the installation of a BWMS.
- 4.7 Payments for BWMP approval can be made through wire transfer, bank details can be requested to the following email addresses rcarrillo@segumar.com; agomez@segumar.com; or full payment can be made to the Merchant Marine Qualified Consulates (no handling fees should apply, as per Resolution JD No.002-2017 of 26 January 26, 2017).
- 4.8 The fees set for the approval of a BWMP is as follows:
- 4.8.1 First time Evaluation or significant amendments (Ej. Procedures, Calculations, Equipment change's or replacement.) USD 1,500.00.
- 4.8.2 Amendments due to ship's name change, call sign, gross tonnage, etc., USD 500.00.
- 4.9 BWMP developed as per the guideline on Resolution MEPC.127(53) adopted by the IMO on 22 July 2005, must be evaluated and approved by this Administration, considering that this Guideline is applicable from the date of entry into force of the Convention.

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5. INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE (IBWMC)

5.1 Ships of 400 gross tonnage subject to the surveys required by the Convention (Regulation E-1) shall be issued after satisfactory completion, with the corresponding IBWMC (Regulation E-2).

5.2 Recognized Organizations authorized to perform such surveys shall issue a Short term or Provisional International Ballast Water Management Certificate valid for a period of maximum five (5) months, after satisfactory completion of the correspondent initial or renewal survey.

5.3 Initial Survey (in connection with Certificates issued for the first time), may be performed prior the entry into force of the Convention, and Provisional Certificates can be issued by the approved Recognized Organizations, to be valid from the date of entry into force of the Convention and valid for a period of maximum five (5) months.

5.4 The ship's survey to issue the IBWMC for the first time is allowed to be carried out in conjunction with the annual survey of the statutory certificates.

5.5 Application for full term Certificate IBWMC should be made through the following link: <http://certificates.amp.gob.pa/certificates>, from **15 March 2017**.

5.6 The IBWMC will be issued as an electronic certificate that can be printed by the user when needed.

5.7 The Full term International Ballast Water Management Certificate (IBWMC) will be issued by Segumar Offices (including branch offices) after receiving through the electronic system, copy of the following documents:

5.7.1 Short term or Provisional Certificate or Statement of Compliance issued by the Recognized Organization;

5.7.2 Survey Report; and

5.7.3 BWMP approval*

*At this stage, plan should be approved by Segumar Panama Office as per Resolution MEPC.127(53), therefore approval copy or the correspondent Statement of Fact issued by this Administration, should be available in our records. In case of those ships with an approved BWMP as per the guidelines of Resolution A.868(20) of 1997, by a duly approved Recognized Organization, evidence of such approval shall be uploaded on Segumar E-app (ej. Cover page of the BWMP reflecting approval as per Resolution A.868(20)). In these cases where RO's stamped seal do not reflect approval as per Resolution A.868(20), the RO should provide an attestation or statement letter confirming that BWMP has been approved under the aforementioned Resolution; copy of that letter shall be attached to the BWMP.

5.8 The fee for the issuance of the IBWMC is USD 300.00. (No handling fees should apply in case of payments made through the Merchant Marine Qualified Consulates, as per Resolution JD No.002-2017 of 26 January, 2017).

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5.9 International Ballast Water Management Certificates (IBWMC), issued from 8 September 2017, will be valid until the expiry date of the International Oil Pollution Prevention Certificate, in order to facilitate the smooth and uniform implementation of D-2 standard and the future alignment with the remaining statutory certificates. Therefore, Recognized Organizations are urged to include within the Survey Report related to the Ballast Water Management Convention, the date of validity of the International Oil Pollution Prevention Certificate (IOPP). In each case the IBWMC shall not exceed the five (5) years period of validity.

6. APPLICATIONS FOR RECOGNITION

6.1 Recognized Organizations interested in conducting surveys and issuing Short term or Provisional certificates in accordance with the BWM Convention, should apply directly to the Merchant Marine General Directorate.

6.2 The Recognized Organizations interested to obtain authorization from this Administration should apply directly to the Merchant Marine General Directorate, according to Resolution JD 019-2005 article tenth.

6.3 The issuance of short term or Provisional certificates by the Recognized Organizations does not require the payment of additional fees.

6.4 Endorsement of corresponding Annual or Intermediate Surveys shall be carried out by the Recognized Organization duly approved to do so, after satisfactory completion of the same, as it is required by the Convention (Regulation E-1)

6.5 Annual and Intermediate endorsements of the IBWMC by the Recognized Organizations are subject to the fees indicated in our Resolution J.D. 002-2010 dated 3 February 2010.

6.6 Endorsement of the printed version of the electronic IBWMC, shall be carried out by the Recognized Organization surveyors nominated for this purpose at the completion of the correspondent survey on board the ship. Information of the Responsible surveyor, RO, place, date and other information required to be inserted on the endorsement spaces shall be communicated by the RO at the earliest opportunity in order to update this information on the system and on the electronically issued certificate.

7. SPECIAL CONSIDERATIONS

7.1 This Administration, taking into account that IMO Marine Environmental Protection Committee adopted at its 71 session the Resolution MEPC.287(71) of 7 July 2017, superseding the Assembly Resolution A.1088(28) have posted the Merchant Marine Circular No.342 amended.

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7.2 The Statement of Compliance issued by Recognized Organizations at their own behalf and issued before the entry into force of the BWM Convention will be accepted by this Administration until the date of entry into force of the Convention; when it shall be replaced by the corresponding Provisional IBWM Certificate valid for five (5) months and issued by the Recognized Organization, or by the correspondent International Ballast Water Management Certificate (IBWMC) issued by the Administration.

7.3 Provisional Certificates are allowed to be issued by the Recognized Organization based on the inspection carried out previously for the issuance of the Statement of Compliance, provided that the inspection has been carried out in accordance with the requirements of the Convention (Regulation E-1.1.1).

7.4 As per results discussion of proposal made to the Marine Environmental Protection Committee (MEPC) during its session 71, regulation B-3 is applicable to top side tanks of bulk carrier ships.

September, 2017 - amendment of the following: reference "f", paragraphs 1.1, 3.4, 4.4, 4.5, 4.9, asterisk note, 5.9 and 7.1. New paragraph added 6.6.

July, 2017 – reference f), amendment to paragraphs 1.1, 1.2, 2.2 a), 4.2, 4.4, 4.7, 5.8, 7.1; paragraphs 1.3, 3.4, 3.5, 3.6, 3.7, 7.4

March, 2017 – 4.1, 4.6, asterisk note, 7.2 amended, and 4.9 added.

February, 2017.

Inquiries concerning the subject of this Circular or any request should be directed to:

SEGUMAR-Panama

Directorate General of Merchant Marine

Panama Maritime Authority

Phone: (507) 501- 5090

E-mail: ibwmc@segumar.com for Certificates, or
bwmp@segumar.com for Plan Approval.

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