



Republic of the Philippines
Department of Transportation
MARITIME INDUSTRY AUTHORITY



Memorandum Circular No. SR-2020-05
Series of 2020

TO : ALL SHIPOWNERS, SHIP MANAGERS, MASTERS AND OFFICERS OF THE PHILIPPINE REGISTERED SHIPS, RECOGNIZED ORGANIZATIONS AND OTHER CONCERNED ENTITIES.

SUBJECT: RULES AND REGULATIONS FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS IN COMPLIANCE TO BALLAST WATER MANAGEMENT CONVENTION

Pursuant to Presidential Decree No. 474, Executive Order Nos. 125/125-A, Presidential Decree No. 1059 and its Implementing Rules and Regulations, and Republic Act 9295 and its Implementing Rules and Regulations, in compliance with International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention), as amended, the following rules and regulations are hereby adopted and prescribed:

I. OBJECTIVES

1. To ensure that all Philippine Registered Ships plying in international trade, shall comply with the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention), as amended; and,
2. To promote the effective prevention of spread of harmful aquatic organisms from other region to Philippine waters to avoid damage to the country's marine environment from ballast water discharge, by minimizing the uptake and subsequent discharge of sediments and organisms.

II. COVERAGE

This Circular shall apply to all persons, corporations, partnerships, firms and entities acquiring or operating ships of 400 gross tonnage and above.

■ DEFINITION OF TERMS

1. **"Administration"** refers to the Maritime Industry Authority (MARINA).
2. **"Ballast Water"** refers to water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship.
3. **"Ballast Water Management Convention" or "BWM Convention"** refers to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.
4. **"Ballast Water Management System"** refers to the mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of invasive aquatic species within ballast water and sediments.
5. **"Ballast Water Management Plan (BWMP)"** refers to the recorded plan per specific ship for handling or treating of ballast water onboard a vessel to control the spread of harmful sediments and organisms. It includes a detailed description of the actions to be taken to implement the ballast water management requirements and supplemental ballast water management practices.
6. **"Ballast Water Record Book (BWRB)"** refers to the book carried on board to record whenever ballast water is taken on board; circulated or treated for Ballast Water Management purposes; and discharged into the sea. It should also record when Ballast Water is discharged to a reception facility and accidental or other exceptional discharges of Ballast Water.
7. **"Ballast Water Treatment System (BWTS)"** refers to a system designed to remove and destroy/inactive biological organisms (such as zooplankton, algae, and bacteria) from the ship's ballast water.
8. **"BWM Reception Facility"** refers to the facility that is capable of receiving, storing, processing or transshipping ballast water or sediment in a manner that reduces the likelihood of invasive aquatic organisms" being introduced into waters under Philippine jurisdiction.
9. **"Certificate"** refers to the International Ballast Water Management Certificate (IBWMC) issued by the Administration or Recognized Organizations.
10. **"Competent Authority"** refers to any national, state or local court of competent jurisdiction, arbitration tribunal, public or administrative agency, commission or other governmental, quasi-governmental or

regulatory authority or agency or body, in each case, acting within their powers and having jurisdiction over any party or this agreement.

11. **"Designated Ballast Water Exchange Area/s"** refers to the designated area/s prescribed by competent authority, where a ship may conduct ballast water exchange in case the distance from the nearest land or the depth does not meet the parameters described by this Circular.
12. **"Invasive Aquatic Species"** refers to the species which may pose threats to human, animal and plant life, economic and cultural activities and the aquatic environment.
13. **"On-Board Ballast Water Management System"** refers to the technology onboard ship designed to remove and destroy/inactive biological organisms (zooplankton, algae, and bacteria) from ballast water.
14. **"Recognized Organizations (ROs)"** refers to an organization that has been assessed by the Administration and has complied with **MC 2018-01** and the RO Code and has entered into a Memorandum of Agreement (MOA) with the Administration.
15. **"Sediments"** refers to a matter settled out of Ballast Water within a ship;
16. **"Ship" or "Vessel"** refers to any craft or artificial contrivance capable of floating on water, designed to be used or capable of being used as a means of water transportation utilizing its own motive power or that of others.

IV. EXEMPTIONS

The provisions of this Circular shall not apply to:

1. Ships not designed or constructed to carry ballast water;
2. Ships operating exclusively in waters under the jurisdiction of the Philippines, unless the administration and other competent authorities at a later date determine that the discharge of ballast water from all or some of such ships would impair or damage the environment, human health, property or resources in the country;
3. Ships operating under the authority of regional agreements shall be subject to provisions of relevant regional agreements;
4. Philippine registered ships operating in waters under the jurisdiction of another State, subject to the authorization of the State for such exclusion;

5. Ships operating exclusively in Philippine waters and on the high seas, except for ships not granted authorization pursuant to sub paragraph (4);
6. Pleasure craft that are less than 50 meters in overall length and that have a maximum ballast water capacity of 8 cubic meters;
7. Ships engaged in search and rescue operations that are less than 50 meters in overall length and that have a maximum ballast water capacity of 8 cubic meters;
8. Ships that carry permanent ballast water in sealed tanks such that it is not subject to release; and,
9. Any warship.

V. EXCEPTIONS

The Administration allows the following exceptions in emergency situation provided that all reasonable precautions have been taken before and after the occurrence of the damage or discovery of the damage or discharge for the purpose of preventing or minimizing the discharge; and unless the owner, company or officer in charge willfully or recklessly caused damage:

1. The uptake or discharge of ballast water and sediments necessary for the purpose of ensuring the safety of a ship in emergency situations or saving life at sea; or
2. The accidental discharge or ingress of ballast water and sediments resulting from damage to a ship or its equipment; or
3. The uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship; or
4. The uptake and subsequent discharge on the high seas of the same ballast water and sediments; or
5. 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 no mixing with unmanaged ballast water and sediments from other areas has occurred. If mixing has occurred, the ballast water taken from other areas is subject to ballast water management in accordance to this Circular.

VI. GENERAL PROVISION

1. All ships covered by this Circular shall take effective measures to strictly comply with the provisions of the **Ballast Water Management Convention**.
2. All ships covered by this Circular plying in Philippine waters are required to carry at all times the **International Ballast Water Management Certificate (IBWMC)** for ships plying the flag of countries party to the Convention;
3. Each ship covered by this Circular shall have on board and implement a **Ballast Water Management Plan**. Such plan shall be submitted to and approved by the Administration or its Recognized Organization (RO), taking into account the Guidelines developed under the BWM Convention.
4. Each ship covered by this Circular shall have on board a **Ballast Water Record Book** that may be an electronic record system, or that may be integrated into another record book or system.
5. All foreign registered ships entering the Philippines maritime jurisdiction; as well as ships that enter a port, shipyard, or offshore terminal in the Philippines shall at all times carry onboard a copy of the IBWMC.
6. Ships for new construction covered by this Circular shall submit to the Administration or its RO the installation plan for **Ballast Water Treatment System (BWTS)** incorporated to the engine room arrangement plan for verification and shall be subjected for approval under MC 2015-07.
7. Existing ships covered by this Circular shall be required to submit to the Administration or its RO the **Modified Engine Room Arrangement Plan** incorporating the **BWTS** for approval subject to actual verification and issuance of Construction Certificate indicating the installation of the BWTS under MC 2015-07. In case, the stability of the ship is affected by the said fittings, a re-inclining experiment test, recalculation of freeboard and other related issuances shall be required by the Administration.
8. Ships covered by this Circular that use alternative methods for ballast water management which is for research and development purposes only shall be required to submit to the Administration or its RO the Schematic Diagram of the BWMS for verification and shall be subject for approval under MC 2015-07.
9. All Philippine imported ships arriving in the Philippines not equipped with on-board ballast water treatment system, shall discharge its ballast water in designated ballast water exchanges areas only.

VII. SPECIFIC PROVISIONS

Ships covered by this Circular shall comply with and have in place the following requirements on board:

1. BALLAST WATER MANAGEMENT STANDARDS

- 1.1 All discharges of ballast water from ships shall be conducted through ballast water management using any or a combination of the following:
 - .1 Ballast Water Exchange (D1);
 - .2 Use of BWM reception facilities; and,
 - .3 On-board Ballast Water Treatment System (D2).
- 1.2 The Administration or its RO shall allow ships to discharge ballast water only in accordance with the following Ballast Water Performance Standards as prescribed by the Ballast Water Management Convention:

Standards	Specifications
1. D1 Standard (Ballast Water Exchange)	<p>The D-1 standard requires ships to exchange their ballast water based on the following:</p> <ol style="list-style-type: none">a) in open seas, away from coastal areas at least 200 nautical miles from the nearest land and in water at least 200 meters deep or in sea areas set up by the Administration and other competent authority; and,b) at least 95% of water by volume is exchanged far away from the coast. <p>Note: Ships conducting ballast water exchange shall not be required to comply with the regulations if the Master reasonably decides that such exchange would threaten the safety or stability of the ship, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other extraordinary condition.</p>
2. D2Standard (Ballast Water Treatment System)	<p>The D-2 standard specifies that ships can only discharge ballast water that meets the following criteria:</p> <ol style="list-style-type: none">a) less than 10 viable organisms per cubic meter which are greater than or equal to 50 micrometers in minimum dimension;b) less than 10 viable organisms per milliliter which are between 10 micrometers and 50 micrometers in

	<p>minimum dimension;</p> <p>c) less than 1 colony-forming unit (cfu) per 100 milliliters of Toxicogenic <i>Vibrio cholera</i>;</p> <p>d) less than 250 cfu per 100 milliliters of <i>Escherichia coli</i>; and,</p> <p>e) less than 100 cfu per 100 milliliters of Intestinal Enterococci.</p> <p>Note: Ballast Water Treatment System (BWTS) to be installed in ships shall be approved by the Administration or ROs in accordance with the BWM Convention, and must be safe for the ship, its equipment and its crew.</p>
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2 BALLAST WATER MANAGEMENT PLAN

The **Ballast Water Management Plan** shall be specific to each ship covered by this Circular and shall contain the following details:

- 2.1 safety procedures for the ship and the crew associated with ballast water management;
- 2.2 description of the actions to be taken to implement the ballast water management requirements and supplemental ballast water management practices as set forth in this rules and regulation;
- 2.3 the procedures for the disposal of sediments at sea; and, to shore;
- 2.4 include the procedures for coordinating shipboard ballast water management that involves discharge to the sea with prior written clearance from the authorities;
- 2.5 designating the officer on board in charge of ensuring that the plan is properly implemented;
- 2.6 contain the reporting requirements for ships provided for under this circular; and,
- 2.7 be written in English.

3 BALLAST WATER RECORD BOOK

- 3.1 Each ship covered by this Circular shall have on board a **Ballast Water Record Book** that may be an electronic record system, or that may be integrated into another record book or system and, which shall at least contain the following information:
 - .1 Name of Ship;
 - .2 IMO Number;

- .3 Gross Tonnage Flag;
 - .4 Total Ballast Water capacity (in cubic meters);
 - .5 The ship is provided with a Ballast Water Management plan; and,
 - .6 Diagram of ship indicating ballast tanks.
- 3.2 Ballast Water Record Book entries shall be maintained on board the ship for a minimum period of two years after the last entry has been made and thereafter in the Company's control for a minimum period of three years.
 - 3.3 In the event of the discharge of Ballast Water pursuant to **Section IV and V** or discharge of ballast water to a reception facility or in the event of other accidental or exceptional discharge of Ballast Water not otherwise exempted by this Circular, an entry shall be made in the Ballast Water Record Book describing the circumstances of, and the reason for, the discharge.
 - 3.4 The Ballast Water Record Book shall be kept readily available for inspection of the Administration or its RO at all reasonable times.
 - 3.5 Each operation concerning Ballast Water shall be fully recorded without delay in the Ballast Water Record Book. Each entry shall be signed by the officer in charge of the operation concerned and each completed page shall be signed by the Master.
 - 3.6 The entries in the Ballast Water Record Book shall be written in English.

VIII. SURVEYS AND CERTIFICATION

- 1. The Administration or its Recognized Organization (RO) covered under **MC 2018-01** shall carry out BWM survey during any of the following conditions:
 - .1 new constructed ships;
 - .2 Installation of Ballast Water Treatment System for existing ships;
 - .3 implementation of Ballast Water Management system; and/or,
 - .4 request for exemption from this Circular.
- 2. The Administration or its RO shall approve the **BWM Plan** after successful completion of evaluation in accordance with this Circular.
- 3. The Administration or its RO shall issue an **International Ballast Water Management (BWM) Certificate** after successful completion of a survey in accordance with this Circular.
- 4. The Administration or its RO and other competent authorities can conduct inspection of the ballast water record book, and/or sampling of

the ship's ballast water; according to the guidelines under the BWM Convention.

5. The Administration or its RO shall strictly re-issue/update the Records of BWM of ships.
6. The Administration shall undertake periodic, random inspection of Philippine-Overseas Registered ships calling any Philippines ports to ensure compliance with this Circular. [SEP]
7. Philippine-Registered ships trading overseas shall be subject to survey/ inspection under MC MS-2020-02 on the oversight function of the Administration. [SEP]

IX. DOCUMENTARY REQUIREMENTS

1. ISSUANCE

- 1.1 Letter of application;
- 1.2 Ballast Water Management Plan;
- 1.3 International Oil Pollution Prevention Certificate (IOPPC) for existing ships;
- 1.4 Installation Plan or Schematic Diagram of Ballast Water Treatment System;
- 1.5 Revised Engine Room Arrangement Plan and Piping Plan for existing ships; and,
- 1.6 Other related documents required under MC 2015-07.

2. RENEWAL

- 2.1 Letter of application;
- 2.2 Survey Report (not applicable if Survey will be conducted by the Administration)
- 2.3 Ballast Water Management Plan;
- 2.4 Ballast Water Record Book; and,
- 2.5 Original BWM Certificate with complete annual endorsement.

3. ANNUAL ENDORSEMENT

- 3.1 Letter of application;
- 3.2 Survey Report (not applicable if Survey will be conducted by MARINA)
- 3.3 Original Certificate; and,
- 3.4 Ballast Water Record Book.

X. VALIDITY OF BWM CERTIFICATE

1. A BWM Certificate shall be valid for a period not exceeding five (5) years from the date of issue. It shall be endorsed annually by the

Administration or its RO, and ceases to be valid if no endorsement has been made. [SEP]

2. A BWM Certificate not endorsed after three (3) months of its anniversary date of issuance shall cease to be valid, in which case, a new Certificate will need to be issued upon application and completion of a survey, and the new Certificate to be issued shall have the same expiry as the previous Certificate. [SEP]

XI. FEES AND CHARGES

Activity/Application	Fees and Charges
A. If survey/inspection conducted within the MARINA Central Office (MCO)/Maritime Regional Office (MRO) work station/location	
- 400 GT to 499.99 GT	P1,600.00+P1.00/GT in excess of 250GT
- 500.00 GT to 999.99 GT	P2,300.00+P1.00/GT in excess of 500GT
- 1000.00 GT to 1499.99 GT	P3,100.00+P1.00/GT in excess of 1000 GT
- 1500.00 GT to 1999.99 GT	P3,900.00+P1.00/GT in excess of 1500 GT
- 2000.00 GT to 2999.99 GT	P4,700.00+P1.00/GT in excess of 2000 GT
- 3000.00 GT to 4999.99 GT	P6,200.00+P1.00/GT in excess of 3000 GT
- 5000.00 GT and Above	P8,600.00+P1.00/GT in excess of 5000 GT
B. Additional Charges for Survey/Inspection conducted outside work station of the surveyor/ inspector	P1,600/ day + amount of air fare ticket (economy class) per surveyor/inspector.
C. BWM Certificate	rate for the certificate shall be added to the corresponding inspection fee
- Security Paper/ Certificate	P400.00

XII. FINES AND PENALTIES

1. Ships covered by this Circular operating without or with invalid International Ballast Water Management Certificate

Size	1 st Violation (PHP)	2 nd Violation (PHP)	3 rd and Succeeding Violation
Regardless of size	100,000.00	200,000.00	300,000.00 plus suspension and/or cancellation of Authority to Operate (no sail condition until compliance)

2. Failure to comply for annual endorsement of the International Ballast Water Management Certificate

Size	1 st Violation (PHP)	2 nd Violation (PHP)	3 rd and Succeeding Violation
Regardless of size	50,000.00	100,000.00	150,000.00 plus suspension and/or cancellation of Authority to Operate (no sail condition until compliance)

3. Late Renewal of International Ballast Water Management Certificate

Regardless of size	P 10,000.00/mo. or a fraction thereof
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4. Ships covered by this Circular operating a Ballast Water Treatment System/Plant without approval by the Administration or its RO.

Size	1 st Violation (PHP)	2 nd Violation (PHP)	3 rd and Succeeding Violation
Regardless of size	100,000.00	200,000.00	300,000.00 plus suspension and/or cancellation of Authority to Operate (no sail condition until compliance)

5. Submission by the shipyard of any false statement or misrepresentation or fraudulent or tampered or irregularly issued certificates, license, or documents, such as BWM plan and BWM record book.

Size	1 st Violation (PHP)	2 nd Violation (PHP)	3 rd and Succeeding Violation
Regardless of size	100,000.00	200,000.00	300,000.00 plus suspension and/or cancellation of Authority to Operate (no sail condition until compliance)

XIII. TRANSITORY PROVISION

1. New ships covered by this Circular constructed on or after 8 September 2017, shall be required to meet the Regulation D-2 discharge standard from the date they are put into service.
2. Ships covered by this Circular constructed before 8 September 2017 shall comply with the Regulation D-2 standard by either the first or second five-year renewal survey of the vessel associated with the **International Oil Pollution Prevention Certificate (IOPP)** under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex I.
3. Ships covered by this Circular shall comply with the Regulation D-2 standard by their first renewal survey date, when the first renewal survey takes place:
 - .1 on or after 8 September 2019; or,
 - .2 a renewal survey has been completed on or after 8 September 2014, but prior to 8 September 2017.
4. Ships covered by this Circular shall comply with the Regulation D-2 standard by their second renewal survey date, when the first renewal survey takes place:
 - .1 after 8 September 2017; and,
 - .2 before 8 September 2019.
5. From 08 September 2017, all existing ships shall meet at least the D-1 (ballast water exchange) standard. *Note: ships may also choose to install a ballast water management system or otherwise meet the D-2 (discharge) standard but this is not mandatory until the corresponding compliance date.*
6. Philippine-registered domestic ships maybe required to comply with this Circular if the Administration and other competent authorities at a later date determine that the discharge of ballast water from all or some of such ships would impair or damage the environment, human health, property or resources in the country.

XIV. SEPARABILITY CLAUSE

Should any provision or part of this Circular be declared by competent authorities to be invalid or unconstitutional, the remaining provisions or parts thereof shall remain in full force and effect and shall continue to be valid and effective.

XV. EFFECTIVITY

This Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Done in the City of Manila, Philippines, this day of JAN 07 2021.

BY THE AUTHORITY OF THE BOARD:


VADM ROBERT A EMPEDRAD AFP (Ret)
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. SR-2020-05 was approved by the MARINA Board of Directors during its 280th Regular Meeting on 27 October 2020.


ATTY. EUSEBIA CADLUM-BOCO
Board Secretary

Date of Publication: 13 January 2021

Business Mirror

Date of Submission to ONAR: _____