

## Exemption information for ballast water management

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### Additional information required to apply for an exemption to Marine Protection Rules 300.100 (NZ ships) or 300.102 (foreign ships) – General requirement for ballast water management system (MSF144A)

#### This information sheet supplements MSF144 – Exemption from Marine Protection Rules.

Ships voyaging beyond their usual operating limits and into international waters may apply for exemption from the applicable general requirements for ballast water management systems in Part 300. This includes:

- NZ ships making single international voyages from New Zealand for dry-docking and then coming back
- NZ ships making annual one-off international voyages from New Zealand and back again over a number of years (for example, to conduct seasonal fishing operations in water under Australian jurisdiction)
- ships making a single international delivery voyage before entering exclusive operations in waters under New Zealand jurisdiction.

Foreign ships undertaking international voyages to and from New Zealand, for example for the purposes of maintenance or survey, may also require an exemption from the general requirements for ballast water management systems (Maritime Rule 300.102).

### Do you need to apply?

Not all ships will need to apply for an exemption from the general requirements. Before making a start on the application process, contact your local Maritime NZ Office to discuss your compliance options. You should be ready, at this early stage, to provide information about the proposed voyage(s) such as dates, routes, departure and destination ports, and volume of ballast water to be discharged to help sort this out. If an exemption is required, the application may need to be supported by a risk assessment. The scale of any risk assessment required should be discussed with Maritime NZ during this initial contact. Generally a full risk assessment is not required for single round trip voyages for dry docking or maintenance, and for delivery voyages.

The typical circumstances where an exemption is required is where a ship has an approved ballast water management plan providing for exchange but is now required to meet the performance standard. The latter is normally achieved by fitting treatment equipment. If the operator doesn't want to incur the expense of fitting equipment for an occasional international voyage, or the fitting of the equipment is not feasible because of the layout of the vessel, an exemption is required for continued use of ballast water exchange.

An exemption is **not** required where:

- the ship uses drinking water<sup>1</sup> as ballast water to meet the performance standard
- the ship is to discharge ballast water to a port reception facility.

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<sup>1</sup> The drinking water must be certified as “potable” – that is fit for human consumption without further treatment by the organisation responsible for the quality of water.

## What to provide with your application

The application for an exemption from general requirements for ballast water management system needs to include the following items.

### 1. Risk assessment, voyage plan and ballast water management plan (applies to all applications)

Provide a copy of the following:

- A risk assessment for the proposed voyage(s) at the scale discussed and agreed with Maritime NZ. When considering your risk assessment, Maritime NZ will be looking to confirm the following:
  - that a credible 3<sup>rd</sup> party has been used to develop the risk assessment
  - that the agreed risk assessment model has been used
  - that the agreed target species have been considered, and
  - that evidence is provided by the other State to confirm it is satisfied with the risk assessment.
- The voyage plan(s) and planned ballast water operations including:
  - dates
  - routes
  - departure and destination ports (covering both overseas and NZ ports)
  - total volume of ballast water to be discharged
  - volume of water discharged in any one ballast water operation
  - total number of ballast water discharge operations
  - timing of discharge operations.
- The ship's approved ballast water management plan which must include procedures for:
  - ballast water exchange
  - thoroughly cleaning ballast water tanks, piping and equipment
  - entry or re-entry into exclusive operation in waters under NZ jurisdiction.
- Evidence that the ship has been surveyed to confirm that on board equipment, fittings and procedures are fit for the intended voyage(s).
  - For ships 400 GT or more this evidence may include the ship's International Ballast Water Management Certificate. If not yet issued, indicate when issue is expected and which recognised organisation or recognised surveyor is involved.
  - For ships less than 400 GT evidence includes a ballast water management approval, or if not yet issued, indicate what stage the application for approval has reached.
  - In some cases, for NZ ships, an exemption may be required before the certificate as approved can be issued.

Refer to the Maritime NZ publication *Ballast Water Management Guidance for Operators* on plan approval and survey certification.

[www.maritimenz.govt.nz/ballast](http://www.maritimenz.govt.nz/ballast)

The following IMO guidance is also available. Refer to the IMO website [www.imo.org](http://www.imo.org).

- BWM.2 Circ 52-Rev.1 Guidance on entry or re-entry of ships into exclusive operations within waters under the jurisdiction of a single Party.
- Guidelines for risk assessment under Regulation A-4 (G7).

## **2. Evidence to support application for Australian ports (if applicable)**

The application must indicate that the relevant Australian authority is satisfied with the risk assessment and that the risks are acceptable for destination Australian ports. For the purposes of ballast water management, a destination port (that is a port at which ballast water is to be discharged) is known as a “recipient” destination. Conversely, a port of which ballast water is loaded is known as a “donor” destination.

This would usually be evidenced by a letter from the Australian Department of Agriculture and Water Resources (ADWR) supporting the application. The letter should include any formal determination made under the applicable Australian legislation. For example, this could be through a determination that the vessel can use ballast water exchange as a management option (see *s.12 of the Biosecurity (Ballast Water and Sediment) Determination 2017*), or the vessel is considered low risk and is therefore exempt from managing its ballast water (see *Regulation A-4 & Section 280 of the Biosecurity Act 2015*).

The advice from the ADWR should also indicate that it is satisfied that the risk assessment fairly represents the risks attached to “donor” ballast water from waters under Australian jurisdiction. The risk assessment must be relevant to the proposed return voyage to New Zealand as the new “recipient” destination.

## **3. Evidence to support application for ports beyond Australia (if applicable)**

The risk posed must be acceptable to the two States (New Zealand and the other country).

The application must include a letter from the relevant administration of the destination (recipient) port(s) indicating that it is satisfied with the risk assessment and the risks are acceptable. The letter should include any formal determination made under the applicable legislation of the country concerned.

The advice from the overseas authority should also indicate that it is satisfied that the risk assessment fairly represents the risk attached to ‘donor’ ballast water from waters under the State’s jurisdiction relevant to the proposed return voyage to New Zealand (if applicable).

## **4. Evidence to support application for ships coming to New Zealand (if applicable)**

Where the application relates to voyages that will begin outside New Zealand, the information required is the same as outlined in Section 1 above. Provide a risk assessment, the ship’s approved ballast water management plan and evidence that the ship has been surveyed to confirm that on board equipment, fittings and procedures are fit for the intended voyage.

Voyages in this category would include, for example ships making a single international delivery voyage before entering exclusive operations in waters under New Zealand jurisdiction and foreign-flagged ships coming to NZ for repairs and maintenance.

In such cases, the advice from the overseas authority should indicate that it is satisfied that the risk assessment fairly represents the risks attached to “donor” ballast water from waters under the State’s jurisdiction. The risk assessment must be relevant to the proposed voyage to New Zealand as the “recipient” destination.

## Appendix – Extract from Marine Protection Rules Part 300

*This extract was correct at the time of writing this information sheet. Please refer to the website for the most up to date version. [www.maritimenz.govt.nz/rules](http://www.maritimenz.govt.nz/rules)*

### Subpart G Ballast Water Management Performance System

#### 300.100 General requirement for ballast water management system

- (1) This rule 300.100 does not apply in respect of any ship from which discharge of its ballast water is to a reception facility.
- (2) Subject to subrule (4), the owner and the master of ship must ensure there is a ballast water management system applied to the ship that complies with the requirements in —
  - (a) Subpart F, for application of ballast water exchange standards; or
  - (b) Subpart G, for application of ballast water performance standards; or
  - (c) Subpart H, for application of any alternative ballast water management system; and
- (3) The owner and the master of ship must ensure that the ballast water management system applied to the ship is —
  - (a) approved by the Director; and
  - (b) safe in relation to the ship, its equipment and crew.
- (4) The owner and the master of a ship must ensure the ballast water management system is in accordance with the standards and requirements specified in Appendix A.

### Systems — Foreign Ships

#### 300.102 General requirement for ballast water management system

The owner and the master of foreign ship must ensure that the ballast water management system applied to the ship is —

- (a) approved by the Administration of the ship; and
- (b) safe in relation to the ship, its equipment, and crew.
- (c) If the system uses an active substance or a preparation containing an active substance, approved by the IMO
- (d) compliant with the standards and requirements specified in regulation B-3 of the Annex to the Convention.