



Circular

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To: relevant departments of CCS Headquarters, plan approval centers, branches (offices), CCS surveyors.
CCS auditors, relevant shipyards, designers, Marshall Islands Ship Owners and Managers

Technical Circular NO.18(Rev. 0) of the Maritime Administrator International Registries, Inc. (IRI)

—— Definition of Constructed in the Ballast Water Management Convention (2004)

Maritime Administrator of the Republic of the Marshall Islands provided Technical Circular NO.18 (Rev. 0) about Definition of Constructed in the Ballast Water Management Convention (2004). This Technical Circular should also be used by CCS Surveyors/auditors when conducting statutory/verification surveys/audits. Following is the detail of this Technical Circular:

1.0 Introduction

1.1 Regulation A-1 of the “International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004” contains a definition of “Constructed.” The certified true copy of the text to the convention contains text which differs from the same definition presented at the Ballast Water Conference, BWM/CONF/36. It is understood, during the International Maritime Organization (IMO) secretariat’s review of the agreed conference papers, that a definition of “Constructed” was taken from SOLAS V/2 and that this definition is inconsistent with the majority of similar definitions in MARPOL and SOLAS. The Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) believes the chosen text for this definition of “Constructed” creates both ambiguity and deviates from the spirit of the Convention. The Administrator believes the spirit was to implement the controls outlined in the Convention with the minimum of delay.

2.0 Clarification of the definition through MEPC

2.1 The ambiguity is created in the current description of a “construction identifiable with the specific ship begins” by not being associated with a secondary criteria, whereby, “assembly of the ship has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less.” This is resulting in differing interpretations of a “construction identifiable with the specific ship begins.”

2.1.1 The Administrator believes the simplest way to clarify the definition of “Constructed” is to join paragraph 4.2 and 4.3, in Regulation A-1, using an “and” rather than the current “or.” By doing this it would convey the same logic set out in SOLAS II-1/1 and the Unified Interpretation to Regulation 1.1 of MARPOL Annex IV.

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3.0 Interim clarification for RMI flagged vessels

3.1 In the meantime the Administrator has decided that, “construction identifiable with the specific ship begins” means as follows:

“Assembly of the ship has commenced comprising of at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less.”

This Circular is published on CCS website (www.ccs.org.cn) and is to be forwarded by CCS branches to relevant shipyards, designers and shipping companies in relevance to their business area.

Attachment 1: TECHNICAL CIRCULAR No.18



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TECHNICAL CIRCULAR

Circular Number: 18 Revision: 0 Page: 1 of 1 Date: 20 December 2011

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