

MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM**TIER I – POLICY****POLICY FOR PROCESSING A REQUEST FOR AN EXTENSION TO
COMPLY WITH THE INSTALLATION COMPLIANCE TIMELINE OF THE
BALLAST WATER REGULATIONS FOR FOREIGN-FLAGGED VESSELS**

Effective Date	Date of Revision
January 23, 2024	May 22, 2024

MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM

TIER I – POLICY

POLICY FOR PROCESSING A REQUEST FOR AN EXTENSION TO COMPLY WITH THE INSTALLATION TIMELINE OF THE *BALLAST WATER REGULATIONS* FOR FOREIGN-FLAGGED VESSELS.

1 Policy objective

- 1.1 The objective of the Policy is to promote consistency when evaluating a request for an extension to comply with the installation compliance timeline to install ballast water management systems required under the [Ballast Water Regulations](#) received from foreign-flagged vessels operating in Canadian waters.
- 1.2 The Policy lays out the conditions which must be met by the applicant while ensuring maximum efficacy of the regulations.

2 Policy statement

- 2.1 The following policy was developed to guide MSS in determining whether to grant foreign-flagged vessels operating within Canadian waters an extension to comply with the installation compliance timeline of the *Ballast Water Regulations*.
- 2.2 The *Ballast Water Regulations* require that vessels operating within Canadian waters, or the United States waters of the Great Lake Basin must conduct ballast water management to meet the ballast water performance standard set under the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
- 2.3 Vessels built before January 1, 2009, have until September 8, 2030 to install a ballast water treatment system, while those built after January 1, 2009 must install their ballast water treatment system before September 8, 2024.
- 2.4 Section 5(2) of the *Ballast Water Regulations* outlines the conditions under which exemptions to the requirements can be considered.
- 2.5 Regulation A-4 allows exemptions to the requirements of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* when exemptions are:

- 2.5.1 granted to a ship or ships on a voyage or voyages between specified ports or locations; or to a ship which operates exclusively between specified ports or locations;
 - 2.5.2 effective for a period of no more than five years subject to intermediate review;
 - 2.5.3 granted to ships that do not mix Ballast Water or Sediments other than between the ports or locations specified in paragraph 2.5.1; and
 - 2.5.4 granted based on the Guidelines on risk assessment developed by the Organization.
- 2.6 Additionally, Regulation A-4 states exemptions granted shall not impair or damage the environment, human health, property, or resources of adjacent or other States.
 - 2.7 A risk assessment must be completed before an exemption can be granted (i.e., 2.5.4 above). Department of Fisheries and Oceans (DFO) Science Advisory Report 2021/039. Science advice on risk assessment methods for granting ballast water management exemptions explains two key risk assessment models accepted for us under Canadian jurisdiction: the Joint Harmonize Procedure and Same Risk Area.
 - 2.8 For foreign flagged vessels, as detailed in the [Canada Shipping Act, 2001](#), subsection 10(2) grants the Minister the authority to grant an exemption, subject to any conditions the Minister considers appropriate.
 - 2.9 The requested extension to install the Ballast Water Management System (BWMS) should be aligned with the next dry-docking date of the vessel, the soonest date possible after the required compliance date from the *Ballast Water Regulations* (BWR) which is either 2024 or 2030.

3 Scope

- 3.1 This policy applies to all foreign flagged vessels designed or constructed to carry ballast water and that operate in waters under Canadian jurisdiction and, if applicable, the U.S. waters of the Great Lakes Basin and eastern portion of the St. Lawrence Seaway System.

4 Authority

- 4.1 *Ballast Water Regulations*, s.11

Section 11 of the *Ballast Water Regulations* sets out the timelines for installation compliance for vessels operating in waters under Canadian jurisdiction, and if applicable, the United States' waters of the Great Lakes Basin and eastern portion of the St. Lawrence Seaway System.

- 4.2 *Ballast Water Regulations*, s.5.

Section 5 of the *Ballast Water Regulations* outlines how Regulation A-4 of the Annex (Exemptions) applies in Canada.

4.3 *Canada Shipping Act, 2001*, subsection 10(2)

Subsection 10(2) grants the Minister (or delegate) the authority to grant an exemption to foreign-flagged ships, subject to any conditions the Minister considers appropriate.

5 Responsibility/ further information

- 5.1 The Director, Environmental Programs & Protection Standards, is accountable for the development, implementation, maintenance, and continuous improvement of the procedure.

For further information, please contact:

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6 Related documents

- 6.1 *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM)*
- 6.2 *Canada Shipping Act, 2001*
- 6.3 *Ballast Water Regulations*
- 6.4 DFO Science Advisory Report 2021/039: Science advice on risk assessment methods for granting ballast water management exemptions

7 Background

- 7.1 In 2004, the International Maritime Organization approved an International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 for vessels trading internationally. The Convention stipulates requirements for vessels designed to prevent the transfer of harmful aquatic organisms and pathogens through ships' ballast water and sediments.
- 7.2 In June 2021, Transport Canada published the *Ballast Water Regulations*, which domesticate the requirements for internationally trading ships under the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, and also include specific timelines for compliance for the vessels operating in waters under Canadian jurisdiction, and if applicable, the United

States' waters of the Great Lakes Basin and eastern portion of the St. Lawrence Seaway System.

- 7.3 For vessels which take ballast on board in the Great Lakes Basin or in the eastern waters of the St. Lawrence River, the *Ballast Water Regulations* deem compliance with the requirements if, among other variables, the vessel has installed an IMO-approved ballast water management system prior to September 2024 and is operating it within the conditions set by the manufacturer outlined in its Type Approval Certificate.
- 7.4 A vessel is deemed compliant with the requirements if its ballast water management system was installed per the timelines noted in 2.3; it holds a valid International Ballast Water Management Certificate (IBWMC) or equivalent; its ballast water management water system is in good working order and maintained and operated per manufacturer's instructions; and the ballast water is managed per the conditions noted in its Type Approval Certificate, as required by the applicable provisions of the *Ballast Water Regulations*.

8 Definitions

- 8.1 **Ballast water management system (BWMS)** means any system which processes ballast water such that it meets or exceeds the ballast water performance standard in regulation D-2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. The BWMS includes ballast water treatment equipment, all associated control equipment, piping arrangements as specified by the manufacturer, control and monitoring equipment and sampling facilities.
- 8.2 **Ballast water performance standard** means the standard set out in regulation D-2 of the Annex to the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*.
- 8.3 **Eastern waters of the St. Lawrence River** means the waters of the St. Lawrence River from the lower exit of the St. Lambert Lock at Montréal in Quebec as far seaward as a straight line drawn from Cap-des-Rosiers to Pointe Ouest, Anticosti Island, and from Anticosti Island to the north shore of the St. Lawrence River along the meridian of longitude 63° W, and their connecting and tributary waters.

9 Date of application

- 9.1 January 23, 2024.

10 Date for review or expiry

- 10.1 This Policy revised on May 23, 2024. This policy must be reviewed within one year of approval of the Policy.

11 RDIMS reference

- 11.1 The English version of this document is saved in RDIMS under reference number 19995819.
- 11.2 La version française du présent document est dans le SGDDI et porte le numéro de référence (20055238).
- 11.3 This is the first approved and finalized revision of the English version of this document.

12 Keywords

- Ballast water management system
- Great Lakes Basin
- *Ballast Water Regulations*
- *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*