

MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM**TIER II – PROCEDURE****PROCEDURE TO REQUEST AN EXEMPTION TO INSTALL BALLAST
WATER MANAGEMENT SYSTEMS UNDER *BALLAST WATER
REGULATIONS* FOR FOREIGN-FLAGGED VESSELS IN CANADIAN
WATERS.**

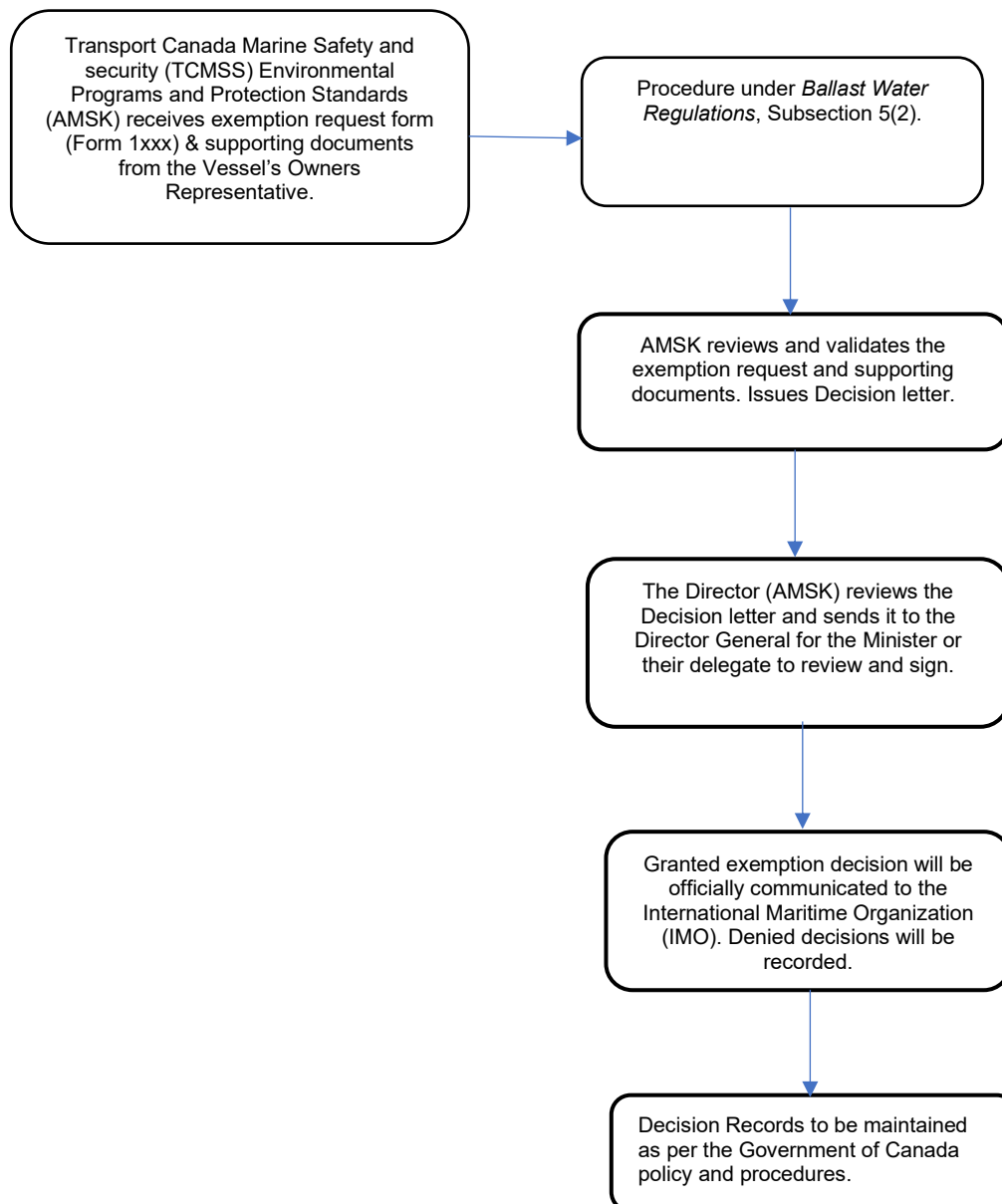
Effective Date	Date of Revision

MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM

TIER II – PROCEDURE

PROCEDURE TO REQUEST AN EXEMPTION TO INSTALL BALLAST WATER MANAGEMENT SYSTEMS UNDER *BALLAST WATER REGULATIONS* FOR FOREIGN-FLAGGED VESSELS IN CANADIAN WATERS.

1. Process Flowchart



2. Purpose

2.1 To provide a detailed procedural framework that supports the objectives and requirements outlined in the [Tier 1 Policy for processing a request for an extension to comply with the installation timeline of the Ballast Water Regulations \(BWR\) for foreign-flagged vessels](#)

3. Authority

3.1 This procedure is developed under the authority of the Marine Safety and Security Executive Committee (MSSE) and in accordance with the objectives of the *Canada Shipping Act, 2001* (CSA, 2001).

4. Background

- 4.1. In 2004, IMO approved an *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* (The Convention) for vessels trading internationally. The Convention stipulates requirements for vessels designed to prevent the transfer of harmful aquatic organisms and pathogens through vessels' ballast water and sediments.
- 4.2. In June 2021, Transport Canada published the BWR, which implemented the requirements for internationally trading vessels under the Convention and 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 waters of the St. Lawrence River.
- 4.3. For vessels which take ballast on board in the Great Lakes Basin or in the eastern waters of the St. Lawrence River, and manage the water using an approved Ballast Water Management System (BWMS) the BWR deem compliance with the requirements if, among other variables, the vessel has installed an IMO-approved ballast water management system prior to September 2024 or September 2030, as the case may be, and is operating it within the conditions set by the manufacturer outlined in its Type Approval Certificate.
- 4.4. A vessel is deemed compliant with the requirements if its BWMS was installed per the timelines noted in 4.3; it holds a valid *International Ballast Water Management Certificate* (IBWM Certificate) 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 BWMS Type Approval Certificate, as required by the applicable provisions of the BWR.

5. Scope

- 5.1. This procedure aims to assist vessel owners, personnel acting as vessel owner's representatives, and Transport Canada Marine Safety and Security (TCMSS) employees, in applying the Policy for processing a request for an exemption to comply with the installation timeline of the BWR for foreign-flagged vessels.
- 5.2. This procedure outlines the process to request exemptions to the following regulatory references:
- 5.3. Section 5(2) of the BWR empowers the Minister (or their delegate) to grant exemptions to foreign-flagged vessels operating in Canadian waters, subject to any conditions the Minister (or their delegate) deems appropriate.

6. Responsibility

6.1. The Director Environmental Programs & Protection Standards (AMSK) is accountable for the development, implementation, maintenance, and continuous improvement of the procedure. For further information, please contact:

Director Environmental Programs & Protection Standards (AMSK)

330 Sparks Street, 9th Floor

Ottawa (Ontario) K1A 0N8

Email: PollPrevCanada-PrevPollCanada@tc.gc.ca

7. Procedure

7.1. The Regulation A-4 Exemptions of the Annex to the Convention stipulate the following:

7.1.1. A Party or Parties, in waters under their jurisdiction, may grant exemptions to any requirements to apply regulation B-3 or C-1, in addition to those exemptions contained elsewhere in this Convention, but only when they are:

- 7.1.1.1. 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.
- 7.1.1.2. Effective for a period of no more than five years subject to intermediate review.
- 7.1.1.3. Granted to ships that do not mix Ballast Water or Sediments other than between the ports or locations specified in subsection 7.1.1.1.
- 7.1.1.4. Based on the guidelines developed by the IMO.

7.1.2. Exemptions granted pursuant to subsection 7.1.1 shall not be effective until after communication to the IMO and circulation of relevant information to the Parties.

7.1.3. Any exemptions granted under this regulation shall not impair or damage the environment, human health, property, or resources of adjacent or other States. Any State that the Party determines may be adversely affected shall be consulted, with a view to resolving any identified concerns.

7.1.4. Any exemptions granted under this regulation shall be recorded in the Ballast Water record book.

7.2. This section outlines the structured process for submitting, reviewing, and providing a decision on the exemption requests to extend the compliance timeline for BWMS installation under BWR for foreign-flagged vessels in Canadian waters.

7.2.1. Completing the exemption request form ([85-0530E](#))

7.2.1.1. The exemption request form shall be signed by the Vessel Owner's Representative.

7.2.1.2. The exemption request form is structured to collect critical details and supporting documents pertinent to the request.

- 7.2.1.3. The Director Environmental Programs & Protection Standards (AMSK) will coordinate with the subject matter expert at the Department of Fisheries and Oceans (DFO) for consultation, if, and when required.

7.2.2.Documentation and supporting evidence.

- 7.2.2.1. Applicants must provide all necessary documentation and supporting evidence as outlined in the “attachment checklist section” of the exemption request form. This includes, but is not limited to, flag dispensation, letters from shipyards or classification societies, letters from the BWMS manufacturers, and technical assessments.

7.2.3.Submission and review

- 7.2.3.1. The completed form and all attachments must be submitted to AMSK at PollPrevCanada-PrevPollCanada@tc.gc.ca.
- 7.2.3.2. Upon receipt, the application will be reviewed by AMSKE to verify compliance with *Ballast Water Regulation* subsection 5(2), which describes the conditions for an A-4 exemption to the requirements of the Convention.

7.2.4.Decision Process

- 7.2.4.1. Based on the provided documentation, AMSKE will determine whether the vessel should be granted an exemption. AMSKE may also contact the requester to obtain clarification and additional information and documentation, as needed.
- 7.2.4.2. AMSK will consider the comments from the subject matter expert at the DFO in reaching the final decision.
- 7.2.4.3. AMSK issues the decision letter. The decision letter will recommend if the exemption request should be granted or denied.
- 7.2.4.4. The decision letter will then be reviewed by the Director General of Marine Safety & Security and forwarded to the Minister (or their delegate) for approval and signature.
- 7.2.4.5. Should the exemption be granted from the required regulation, the exemption shall be valid for a period of no more than five years from the day of approval, subject to intermediate review. The vessel owner’s representative is responsible for requesting the Intermediate review.
- 7.2.4.6. Upon a change in the vessel's ownership, the exemption will no longer be valid.

7.2.5.Communication of Decision

- 7.2.5.1. Once the exemption decision letter is approved and signed, AMSK will communicate to the IMO and request that relevant information be circulated to all the parties pursuant to Regulation A-4, section 1 of the Convention.
- 7.2.5.2. AMSK will communicate its decision on the exemption request to the applicant.
- 7.2.5.3. This communication will include any conditions attached to the exemption and the validity period of the granted exemption.
- 7.2.5.4. Applicants granted an exemption must adhere to all specified conditions and maintain records as required. Continuous engagement with AMSK and adherence to the evolving guidelines and regulations are essential for maintaining the exemption status.

7.2.6. Publication and documentation of the decision

- 7.2.6.1. All documents and correspondences related to the request will be recorded as per Transport Canada policy and procedures.

8. Related Documents

- 8.1. *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* (BWM)
- 8.2. *Canada Shipping Act, 2001*
- 8.3. *Ballast Water Regulations* (BWR)
- 8.4. DFO Science advisory Report 2021/039: Science advice on risk assessment methods for granting ballast water management exemptions.
- 8.5. DFO Research Document 2021/061: Evaluation of Existing Risk Assessment Methods for Granting Ballast Water Management Exemption
- 8.6. MEPC.289(71) 2017 Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7)
- 8.7. [Application Form 85-0530E](#)

9. Definitions

- 9.1. 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.
- 9.2. Vessel Owner's Representative means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

10. Date of Application

- 10.1. July 25, 2024

11. Date for Review

- 11.1. This procedure must be reviewed within one year of its approval and at a frequency of not less than three (3) years thereafter.

12. RDIMS

- 12.1. The English version of this document is saved in RDIMS under 20396639. The applied naming convention is PROCEDURE – EXTENSION REQUEST TO INSTALL A BWMS FOR FOREIGN-FLAGGED VESSELS.

12.2. La version française du présent document est dans le SGDDI et porte le numéro de référence 20396644. La règle d'affectation des noms est PROCÉDURE - DEMANDE DE PROLONGATION DE L'INSTALLATION DU SGEB POUR NAVIRES ÉTRANGERS.

13. Key words

- 13.1. Ballast water management system
- 13.2. Great Lakes Basin and eastern waters of the St. Lawrence River,
- 13.3. *Ballast Water Regulations*
- 13.4. *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.*
- 13.5. Exemption