

**Z A K O N**  
**O POTVRĐIVANJU MEĐUNARODNE KONVENCIJE**  
**O NADZORU I UPRAVLJANJU BRODSKIM**  
**BALASTNIM VODAMA I TALOZIMA IZ 2004.**  
**GODINE**

**Član 1.**

Potvrđuje se Međunarodna konvencija o nadzoru i upravljanju brodskim balastnim vodama i talozima iz 2004. godine, doneta u Londonu 13. februara 2004. godine u originalu na arapskom, kineskom, engleskom, francuskom, ruskom i španskom jeziku.

**Član 2.**

Tekst Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima iz 2004. godine, u originalu na engleskom jeziku i u prevodu na srpski jezik, glasi:

**INTERNATIONAL CONVENTION FOR THE CONTROL AND  
MANAGEMENT OF SHIPS' BALLAST WATER AND  
SEDIMENTS, 2004**

THE PARTIES TO THIS CONVENTION,

RECALLING Article 196(1) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides that "States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto,"

NOTING the objectives of the 1992 Convention on Biological Diversity (CBD) and that the transfer and introduction of Harmful Aquatic Organisms and Pathogens via ships' ballast water threatens the conservation and sustainable use of biological diversity as well as decision IV/5 of the 1998 Conference of the Parties (COP 4) to the CBD concerning the conservation and sustainable use of marine and coastal ecosystems, as well as decision VI/23 of the 2002 Conference of the Parties (COP 6) to the CBD on alien species that threaten ecosystems, habitats or species, including guiding principles on invasive species,

NOTING FURTHER that the 1992 United Nations Conference on Environment and Development (UNCED) requested the International Maritime Organization (the Organization) to consider the adoption of appropriate rules on ballast water discharge,

MINDFUL of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

ALSO MINDFUL that the 2002 World Summit on Sustainable Development, in paragraph 34(b) of its Plan of Implementation, calls for action at all levels to accelerate the development of measures to address invasive alien species in ballast water,

CONSCIOUS that the uncontrolled discharge of Ballast Water and Sediments from ships has led to the transfer of Harmful Aquatic Organisms and Pathogens, causing injury or damage to the environment, human health, property and resources,

RECOGNIZING the importance placed on this issue by the Organization through Assembly resolutions A.774(18) in 1993 and A.868(20) in 1997, adopted for the purpose of addressing the transfer of Harmful Aquatic Organisms and Pathogens,

RECOGNIZING FURTHER that several States have taken individual action with a view to prevent, minimize and ultimately eliminate the risks of introduction of Harmful Aquatic Organisms and Pathogens through ships entering their ports, and also that this issue, being of worldwide concern, demands action based on globally applicable regulations together with guidelines for their effective implementation and uniform interpretation,

DESIRING to continue the development of safer and more effective Ballast Water Management options that will result in continued prevention, minimization and ultimate elimination of the transfer of Harmful Aquatic Organisms and Pathogens,

RESOLVED to prevent, minimize and ultimately eliminate the risks to the environment, human health, property and resources arising from the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of

ships' Ballast Water and Sediments, as well as to avoid unwanted side-effects from that control and to encourage developments in related knowledge and technology,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention for the Control and Management of Ships' Ballast Water and Sediments,

HAVE AGREED as follows:

#### Article 1

#### DEFINITIONS

For the purpose of this Convention, unless expressly provided otherwise:

1 "*Administration*" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of its natural resources, including Floating Storage Units (FSUs) and Floating Production Storage and Offloading Units (FPSOs), the Administration is the Government of the coastal State concerned.

2 "*Ballast Water*" means 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*" means mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of Harmful Aquatic Organisms and Pathogens within Ballast Water and Sediments.

4 "*Certificate*" means the International Ballast Water Management Certificate.

5 "*Committee*" means the Marine Environment Protection Committee of the Organization.

6 "*Convention*" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments.

7 "*Gross tonnage*" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 or any successor Convention.

8 "*Harmful Aquatic Organisms and Pathogens*" means aquatic organisms or pathogens which, if introduced into the sea including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, impair biological diversity or interfere with other legitimate uses of such areas.

9 "*Organization*" means the International Maritime Organization.

10 "*Secretary-General*" means the Secretary-General of the Organization.

11 "*Sediments*" means matter settled out of Ballast Water within a ship.

12 "*Ship*" means a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, FSUs and FPSOs.

## Article 2

## GENERAL OBLIGATIONS

1 Parties undertake to give full and complete effect to the provisions of this Convention and the Annex thereto in order to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments.

2 The Annex forms an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Annex.

3 Nothing in this Convention shall be interpreted as preventing a Party from taking, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments, consistent with international law.

4 Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.

5 Parties undertake to encourage the continued development of Ballast Water Management and standards to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments.

6 Parties taking action pursuant to this Convention shall endeavour not to impair or damage their environment, human health, property or resources, or those of other States.

7 Parties should ensure that Ballast Water Management practices used to comply with this Convention do not cause greater harm than they prevent to their environment, human health, property or resources, or those of other States.

8 Parties shall encourage ships entitled to fly their flag, and to which this Convention applies, to avoid, as far as practicable, the uptake of Ballast Water with potentially Harmful Aquatic Organisms and Pathogens, as well as Sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by the Organization.

9 Parties shall endeavour to co-operate under the auspices of the Organization to address threats and risks to sensitive, vulnerable or threatened marine ecosystems and biodiversity in areas beyond the limits of national jurisdiction in relation to Ballast Water Management.

## Article 3

## APPLICATION

1 Except as expressly provided otherwise in this Convention, this Convention shall apply to:

- (a) ships entitled to fly the flag of a Party; and
- (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

2 This Convention shall not apply to:

- (a) ships not designed or constructed to carry Ballast Water;
- (b) ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast

Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;

- (c) ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that this Convention applies to such ship;
- (d) ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to subparagraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
- (e) any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention; and
- (f) permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

3 With respect to ships of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

#### Article 4

### CONTROL OF THE TRANSFER OF HARMFUL AQUATIC ORGANISMS AND PATHOGENS THROUGH SHIPS' BALLAST WATER AND SEDIMENTS

1 Each Party shall require that ships to which this Convention applies and which are entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention, including the applicable standards and requirements in the Annex, and shall take effective measures to ensure that those ships comply with those requirements.

2 Each Party shall, with due regard to its particular conditions and capabilities, develop national policies, strategies or programmes for Ballast Water Management in its ports and waters under its jurisdiction that accord with, and promote the attainment of the objectives of this Convention.

#### Article 5

### SEDIMENT RECEPTION FACILITIES

1 Each Party undertakes to ensure that, in ports and terminals designated by that Party where cleaning or repair of ballast tanks occurs, adequate facilities are provided for the reception of Sediments, taking into account the Guidelines developed by the Organization. Such reception facilities shall operate without causing undue delay to ships and shall provide for the safe disposal of such Sediments that does not impair or damage their environment, human health, property or resources or those of other States.

2 Each Party shall notify the Organization for transmission to the other Parties concerned of all cases where the facilities provided under paragraph 1 are alleged to be inadequate.

#### Article 6

##### SCIENTIFIC AND TECHNICAL RESEARCH AND MONITORING

- 1 Parties shall endeavour, individually or jointly, to:
  - (a) promote and facilitate scientific and technical research on Ballast Water Management; and
  - (b) monitor the effects of Ballast Water Management in waters under their jurisdiction.

Such research and monitoring should include observation, measurement, sampling, evaluation and analysis of the effectiveness and adverse impacts of any technology or methodology as well as any adverse impacts caused by such organisms and pathogens that have been identified to have been transferred through ships' Ballast Water.

2 Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

- (a) scientific and technology programmes and technical measures undertaken with respect to Ballast Water Management; and
- (b) the effectiveness of Ballast Water Management deduced from any monitoring and assessment programmes.

#### Article 7

##### SURVEY AND CERTIFICATION

1 Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are so surveyed and certified in accordance with the regulations in the Annex.

2 A Party implementing measures pursuant to Article 2.3 and Section C of the Annex shall not require additional survey and certification of a ship of another Party, nor shall the Administration of the ship be obligated to survey and certify additional measures imposed by another Party. Verification of such additional measures shall be the responsibility of the Party implementing such measures and shall not cause undue delay to the ship.

#### Article 8

##### VIOLATIONS

1 Any violation of the requirements of this Convention shall be prohibited and sanctions shall be established under the law of the Administration of the ship concerned, wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within 1 year after receiving the information, it shall so inform the Party which reported the alleged violation.

2 Any violation of the requirements of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 The sanctions provided for by the laws of a Party pursuant to this Article shall be adequate in severity to discourage violations of this Convention wherever they occur.

#### Article 9

#### INSPECTION OF SHIPS

1 A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2 of this Article, any such inspection is limited to:

- (a) verifying that there is onboard a valid Certificate, which, if valid shall be accepted; and
- (b) inspection of the Ballast Water record book, and/or
- (c) a sampling of the ship's Ballast Water, carried out in accordance with the guidelines to be developed by the Organization. However, the time required to analyse the samples shall not be used as a basis for unduly delaying the operation, movement or departure of the ship.

2 Where a ship does not carry a valid Certificate or there are clear grounds for believing that:

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate; or
- (b) the master or the crew are not familiar with essential shipboard procedures relating to Ballast Water Management, or have not implemented such procedures;

a detailed inspection may be carried out.

3 In the circumstances given in paragraph 2 of this Article, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not discharge Ballast Water until it can do so without presenting a threat of harm to the environment, human health, property or resources.

#### Article 10

#### DETECTION OF VIOLATIONS AND CONTROL OF SHIPS

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.

2 If a ship is detected to have violated this Convention, the Party whose flag the ship is entitled to fly, and/or the Party in whose port or offshore terminal the ship is operating, may, in addition to any sanctions described in Article 8 or any action described in Article 9, take steps to warn, detain, or exclude the ship. The Party in whose port or offshore terminal the ship is operating, however, may grant such a ship permission to leave the port or offshore terminal for the purpose of discharging Ballast Water or proceeding to the nearest appropriate repair yard or reception facility

available, provided doing so does not present a threat of harm to the environment, human health, property or resources.

3 If the sampling described in Article 9.1(c) leads to a result, or supports information received from another port or offshore terminal, indicating that the ship poses a threat to the environment, human health, property or resources, the Party in whose waters the ship is operating shall prohibit such ship from discharging Ballast Water until the threat is removed.

4 A Party may also inspect a ship when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of a provision in this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that appropriate action may be taken.

#### Article 11

### NOTIFICATION OF CONTROL ACTIONS

1 If an inspection conducted pursuant to Article 9 or 10 indicates a violation of this Convention, the ship shall be notified. A report shall be forwarded to the Administration, including any evidence of the violation.

2 In the event that any action is taken pursuant to Article 9.3, 10.2 or 10.3, the officer carrying out such action shall forthwith inform, in writing, the Administration of the ship concerned, or if this is not possible, the consul or diplomatic representative of the ship concerned, of all the circumstances in which the action was deemed necessary. In addition, the recognized organization responsible for the issue of certificates shall be notified.

3 The port State authority concerned shall, in addition to parties mentioned in paragraph 2, notify the next port of call of all relevant information about the violation, if it is unable to take action as specified in Article 9.3, 10.2 or 10.3 or if the ship has been allowed to proceed to the next port of call.

#### Article 12

### UNDUE DELAY TO SHIPS

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 7.2, 8, 9 or 10.

2 When a ship is unduly detained or delayed under Article 7.2, 8, 9 or 10, it shall be entitled to compensation for any loss or damage suffered.

#### Article 13

### TECHNICAL ASSISTANCE, CO-OPERATION AND REGIONAL CO-OPERATION

1 Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the control and management of ships' Ballast Water and Sediments, to provide support for those Parties which request technical assistance:

- (a) to train personnel;
- (b) to ensure the availability of relevant technology, equipment and facilities;
- (c) to initiate joint research and development programmes; and



- (d) to undertake other action aimed at the effective implementation of this Convention and of guidance developed by the Organization related thereto.

2 Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of the control and management of ships' Ballast Water and Sediments.

3 In order to further the objectives of this Convention, Parties with common interests to protect the environment, human health, property and resources in a given geographical area, in particular, those Parties bordering enclosed and semi-enclosed seas, shall endeavour, taking into account characteristic regional features, to enhance regional co-operation, including through the conclusion of regional agreements consistent with this Convention. Parties shall seek to co-operate with the Parties to regional agreements to develop harmonized procedures.

#### Article 14

### COMMUNICATION OF INFORMATION

1 Each Party shall report to the Organization and, where appropriate, make available to other Parties the following information:

- (a) any requirements and procedures relating to Ballast Water Management, including its laws, regulations, and guidelines for implementation of this Convention;
- (b) the availability and location of any reception facilities for the environmentally safe disposal of Ballast Water and Sediments; and
- (c) any requirements for information from a ship which is unable to comply with the provisions of this Convention for reasons specified in regulations A-3 and B-4 of the Annex.

2 The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under subparagraphs 1(b) and (c) of this Article.

#### Article 15

### DISPUTE SETTLEMENT

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice.

#### Article 16

### RELATIONSHIP TO INTERNATIONAL LAW AND OTHER AGREEMENTS

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea.

#### Article 17

### SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1 This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 June 2004 to 31 May 2005 and shall thereafter remain open for accession by any State.

2 States may become Parties to the Convention by:

- (a) signature not subject to ratification, acceptance, or approval; or
- (b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance or approval; or
- (c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

5 Any such declaration shall be notified to the Depository in writing and shall state expressly the territorial unit or units to which this Convention applies.

#### Article 18

##### ENTRY INTO FORCE

1 This Convention shall enter into force twelve months after the date on which not less than thirty States, the combined merchant fleets of which constitute not less than thirty-five percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 17.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry in force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to this Convention is deemed to have been accepted under Article 19, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Convention as amended.

#### Article 19

##### AMENDMENTS

1 This Convention may be amended by either of the procedures specified in the following paragraphs.

2 Amendments after consideration within the Organization:

- (a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.
- (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.

- (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
  - (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
  - (e) An amendment shall be deemed to have been accepted in the following circumstances:
    - (i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
    - (ii) An amendment to the Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
  - (f) An amendment shall enter into force under the following conditions:
    - (i) An amendment to an article of this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).
    - (ii) An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
      - (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection; or
      - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
  - (g) (i) A Party that has notified an objection under subparagraph (f)(ii)(1) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
  - (ii) If a Party that has made a notification referred to in subparagraph (f)(ii)(2) notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
- 3 Amendment by a Conference:
- (a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.

- (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2(e) and (f) respectively.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this Article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

- (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
- (b) any notification made under this Article.

#### Article 20

#### DENUNCIATION

1 This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

2 Denunciation shall be effected by written notification to the Depositary, to take effect one year after receipt or such longer period as may be specified in that notification.

#### Article 21

#### DEPOSITARY

1 This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

2 In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

- (a) inform all States that have signed this Convention, or acceded thereto, of:
  - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
  - (ii) the date of entry into force of this Convention; and
  - (iii) the deposit of any instrument of denunciation from the Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
- (b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 22

LANGUAGES

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this thirteenth day of February, two thousand and four.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments for that purpose, have signed this Convention.

## ANNEX

### Regulations for the Control and Management of Ships' Ballast Water and Sediments

#### Section A

#### GENERAL PROVISIONS

##### Regulation A-1

##### *Definitions*

For the purposes of this Annex:

1 "Anniversary date" means the day and the month of each year corresponding to the date of expiry of the Certificate.

2 "Ballast Water Capacity" means the total volumetric capacity of any tanks, spaces or compartments on a ship used for carrying, loading or discharging Ballast Water, including any multi-use tank, space or compartment designed to allow carriage of Ballast Water.

3 "Company" means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code<sup>1</sup>.

4 "Constructed" in respect of a ship means a stage of construction where:

- .1 the keel is laid; or
- .2 construction identifiable with the specific ship begins; or
- .3 assembly of the ship has commenced comprising at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less; or
- .4 the ship undergoes a major conversion.

5 "Major conversion" means a conversion of a ship:

- .1 which changes its ballast water carrying capacity by 15 percent or greater, or
- .2 which changes the ship type, or
- .3 which, in the opinion of the Administration, is projected to prolong its life by ten years or more, or
- .4 which results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a ship to meet the provisions of regulation D-1 shall not be deemed to constitute a major conversion for the purpose of this Annex.

6 "From the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the Convention, "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00' S, longitude 142°08' E

to a point in latitude 10°35' S, longitude 141°55' E

thence to a point latitude 10°00' S, longitude 142°00' E

thence to a point latitude 9°10' S, longitude 143°52' E  
 thence to a point latitude 9°00' S, longitude 144°30' E  
 thence to a point latitude 10°41' S, longitude 145°00' E  
 thence to a point latitude 13°00' S, longitude 145°00' E  
 thence to a point latitude 15°00' S, longitude 146°00' E  
 thence to a point latitude 17°30' S, longitude 147°00' E  
 thence to a point latitude 21°00' S, longitude 152°55' E  
 thence to a point latitude 24°30' S, longitude 154°00' E  
 thence to a point on the coast of Australia  
 in latitude 24°42' S, longitude 153°15' E.

7 “*Active Substance*” means a substance or organism, including a virus or a fungus, that has a general or specific action on or against Harmful Aquatic Organisms and Pathogens.

#### Regulation A-2

##### *General Applicability*

Except where expressly provided otherwise, the discharge of Ballast Water shall only be conducted through Ballast Water Management in accordance with the provisions of this Annex.

#### Regulation A-3

##### *Exceptions*

The requirements of regulation B-3, or any measures adopted by a Party pursuant to Article 2.3 and Section C, shall not apply to:

- 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:
  - .1 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
  - .2 unless the owner, Company or officer in charge wilfully or recklessly caused damage; 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 with this Annex.

## Regulation A-4

## Exemptions

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

- .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 effective for a period of no more than five years subject to intermediate review;
- .3 granted to ships that do not mix Ballast Water or Sediments other than between the ports or locations specified in paragraph 1.1; and
- .4 granted based on the Guidelines on risk assessment developed by the Organization.

2 Exemptions granted pursuant to paragraph 1 shall not be effective until after communication to the Organization and circulation of relevant information to the Parties.

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.

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

## Regulation A-5

*Equivalent compliance*

Equivalent compliance with this Annex for pleasure craft used solely for recreation or competition or craft used primarily for search and rescue, less than 50 metres in length overall, and with a maximum Ballast Water capacity of 8 cubic metres, shall be determined by the Administration taking into account Guidelines developed by the Organization.

**Section B****MANAGEMENT AND CONTROL REQUIREMENTS FOR SHIPS**

## Regulation B-1

*Ballast Water Management Plan*

Each ship shall have on board and implement a Ballast Water Management plan. Such a plan shall be approved by the Administration taking into account Guidelines developed by the Organization. The Ballast Water Management plan shall be specific to each ship and shall at least:

- 1 detail safety procedures for the ship and the crew associated with Ballast Water Management as required by this Convention;
- 2 provide a detailed 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 Convention;
- 3 detail the procedures for the disposal of Sediments:
  - .1 at sea; and



.2 to shore;

4 include the procedures for coordinating shipboard Ballast Water Management that involves discharge to the sea with the authorities of the State into whose waters such discharge will take place;

5 designate the officer on board in charge of ensuring that the plan is properly implemented;

6 contain the reporting requirements for ships provided for under this Convention; and

7 be written in the working language of the ship. If the language used is not English, French or Spanish, a translation into one of these languages shall be included.

## Regulation B-2

### *Ballast Water Record Book*

1 Each ship 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 information specified in Appendix II.

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 In the event of the discharge of Ballast Water pursuant to regulations A-3, A-4 or B-3.6 or in the event of other accidental or exceptional discharge of Ballast Water not otherwise exempted by this Convention, an entry shall be made in the Ballast Water record book describing the circumstances of, and the reason for, the discharge.

4 The Ballast Water record book shall be kept readily available for inspection at all reasonable times and, in the case of an unmanned ship under tow, may be kept on the towing ship.

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. The entries in the Ballast Water record book shall be in a working language of the ship. If that language is not English, French or Spanish the entries shall contain a translation into one of those languages. When entries in an official national language of the State whose flag the ship is entitled to fly are also used, these shall prevail in case of a dispute or discrepancy.

6 Officers duly authorized by a Party may inspect the Ballast Water record book on board any ship to which this regulation applies while the ship is in its port or offshore terminal, and may make a copy of any entry, and require the master to certify that the copy is a true copy. Any copy so certified shall be admissible in any judicial proceeding as evidence of the facts stated in the entry. The inspection of a Ballast Water record book and the taking of a certified copy shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

## Regulation B-3

### *Ballast Water Management for Ships*

1 A ship constructed before 2009:

.1 with a Ballast Water Capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at

least meets the standard described in regulation D-1 or regulation D-2 until 2014, after which time it shall at least meet the standard described in regulation D-2;

- .2 with a Ballast Water Capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until 2016, after which time it shall at least meet the standard described in regulation D-2.

2 A ship to which paragraph 1 applies shall comply with paragraph 1 not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of delivery of the ship in the year of compliance with the standard applicable to the ship.

3 A ship constructed in or after 2009 with a Ballast Water Capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.

4 A ship constructed in or after 2009, but before 2012, with a Ballast Water Capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.

5 A ship constructed in or after 2012 with a Ballast Water Capacity of 5000 cubic metres or more shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.

6 The requirements of this regulation do not apply to ships that discharge Ballast Water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.

7 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

#### Regulation B-4

##### Ballast Water Exchange

1 A ship conducting Ballast Water exchange to meet the standard in regulation D-1 shall:

- .1 whenever possible, conduct such Ballast Water exchange at least 200 nautical miles from the nearest land and in water at least 200 metres in depth, taking into account the Guidelines developed by the Organization;
- .2 in cases where the ship is unable to conduct Ballast Water exchange in accordance with paragraph 1.1, such Ballast Water exchange shall be conducted taking into account the Guidelines described in paragraph 1.1 and as far from the nearest land as possible, and in all cases at least 50 nautical miles from the nearest land and in water at least 200 metres in depth.

2 In sea areas where the distance from the nearest land or the depth does not meet the parameters described in paragraph 1.1 or 1.2, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct Ballast Water exchange, taking into account the Guidelines described in paragraph 1.1.

3 A ship shall not be required to deviate from its intended voyage, or delay the voyage, in order to comply with any particular requirement of paragraph 1.

4 A ship conducting Ballast Water exchange shall not be required to comply with paragraphs 1 or 2, as appropriate, 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.

5 When a ship is required to conduct Ballast Water exchange and does not do so in accordance with this regulation, the reasons shall be entered in the Ballast Water record book.

#### Regulation B-5

##### *Sediment Management for Ships*

1 All ships shall remove and dispose of Sediments from spaces designated to carry Ballast Water in accordance with the provisions of the ship's Ballast Water Management plan.

2 Ships described in regulation B-3.3 to B-3.5 should, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of Sediments, facilitate removal of Sediments, and provide safe access to allow for Sediment removal and sampling, taking into account guidelines developed by the Organization. Ships described in regulation B-3.1 should, to the extent practicable, comply with this paragraph.

#### Regulation B-6

##### *Duties of Officers and Crew*

Officers and crew shall be familiar with their duties in the implementation of Ballast Water Management particular to the ship on which they serve and shall, appropriate to their duties, be familiar with the ship's Ballast Water Management plan.

### **Section C**

#### **SPECIAL REQUIREMENTS IN CERTAIN AREAS**

#### Regulation C-1

##### *Additional Measures*

1 If a Party, individually or jointly with other Parties, determines that measures in addition to those in Section B are necessary to prevent, reduce, or eliminate the transfer of Harmful Aquatic Organisms and Pathogens through ships' Ballast Water and Sediments, such Party or Parties may, consistent with international law, require ships to meet a specified standard or requirement.

2 Prior to establishing standards or requirements under paragraph 1, a Party or Parties should consult with adjacent or other States that may be affected by such standards or requirements.

3 A Party or Parties intending to introduce additional measures in accordance with paragraph 1 shall:

.1 take into account the Guidelines developed by the Organization.

.2 communicate their intention to establish additional measure(s) to the Organization at least 6 months, except in emergency or epidemic situations, prior to the projected date of implementation of the measure(s). Such communication shall include:

- .1 the precise co-ordinates where additional measure(s) is/are applicable;
- .2 the need and reasoning for the application of the additional measure(s), including, whenever possible, benefits;
- .3 a description of the additional measure(s); and
- .4 any arrangements that may be provided to facilitate ships' compliance with the additional measure(s).

.3 to the extent required by customary international law as reflected in the United Nations Convention on the Law of the Sea, as appropriate, obtain the approval of the Organization.

4 A Party or Parties, in introducing such additional measures, shall endeavour to make available all appropriate services, which may include but are not limited to notification to mariners of areas, available and alternative routes or ports, as far as practicable, in order to ease the burden on the ship.

5 Any additional measures adopted by a Party or Parties shall not compromise the safety and security of the ship and in any circumstances not conflict with any other convention with which the ship must comply.

6 A Party or Parties introducing additional measures may waive these measures for a period of time or in specific circumstances as they deem fit.

#### Regulation C-2

##### *Warnings concerning ballast water uptake in certain areas and related flag State measures*

1 A Party shall endeavour to notify mariners of areas under their jurisdiction where ships should not uptake Ballast Water due to known conditions. The Party shall include in such notices the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. Warnings may be issued for areas:

- .1 known to contain outbreaks, infestations, or populations of Harmful Aquatic Organisms and Pathogens (e.g., toxic algal blooms) which are likely to be of relevance to Ballast Water uptake or discharge;
- .2 near sewage outfalls; or
- .3 where tidal flushing is poor or times during which a tidal stream is known to be more turbid.

2 In addition to notifying mariners of areas in accordance with the provisions of paragraph 1, a Party shall notify the Organization and any potentially affected coastal States of any areas identified in paragraph 1 and the time period such warning is likely to be in effect. The notice to the Organization and any potentially affected coastal States shall include the precise coordinates of the area or areas, and, where possible, the location of any alternative area or areas for the uptake of Ballast Water. The notice shall include advice to ships needing to uptake Ballast Water in the area, describing arrangements made for alternative supplies. The Party shall also notify mariners, the Organization, and any potentially affected coastal States when a given warning is no longer applicable.

#### Regulation C-3

##### *Communication of information*

The Organization shall make available, through any appropriate means, information communicated to it under regulations C-1 and C-2.

**Section D**  
**STANDARDS FOR BALLAST WATER MANAGEMENT**

Regulation D-1

*Ballast water exchange standard*

1 Ships performing Ballast Water exchange in accordance with this regulation shall do so with an efficiency of at least 95 percent volumetric exchange of Ballast Water.

2 For ships exchanging Ballast Water by the pumping-through method, pumping through three times the volume of each Ballast Water tank shall be considered to meet the standard described in paragraph 1. Pumping through less than three times the volume may be accepted provided the ship can demonstrate that at least 95 percent volumetric exchange is met.

Regulation D-2

*Ballast water performance standard*

1 Ships conducting Ballast Water Management in accordance with this regulation shall discharge less than 10 viable organisms per cubic metre greater than or equal to 50 micrometres in minimum dimension and less than 10 viable organisms per millilitre less than 50 micrometres in minimum dimension and greater than or equal to 10 micrometres in minimum dimension; and discharge of the indicator microbes shall not exceed the specified concentrations described in paragraph 2.

2 Indicator microbes, as a human health standard, shall include:

- .1 Toxicogenic *Vibrio cholerae* (O1 and O139) with less than 1 colony forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples;
- .2 *Escherichia coli* less than 250 cfu per 100 millilitres;
- .3 Intestinal Enterococci less than 100 cfu per 100 milliliters.

Regulation D-3

*Approval requirements for ballast water management systems*

1 Except as specified in paragraph 2, Ballast water management systems used to comply with this Convention must be approved by the Administration taking into account Guidelines developed by the Organization.

2 Ballast water management systems which make use of Active Substances or preparations containing one or more Active Substances to comply with this Convention shall be approved by the Organization, based on a procedure developed by the Organization. This procedure shall describe the approval and withdrawal of approval of Active Substances and their proposed manner of application. At withdrawal of approval, the use of the relevant Active Substance or Substances shall be prohibited within 1 year after the date of such withdrawal.

3 Ballast water management systems used to comply with this Convention must be safe in terms of the ship, its equipment and the crew.

Regulation D-4

*Prototype ballast water treatment technologies*

1 For any ship that, prior to the date that the standard in regulation D-2 would otherwise become effective for it, participates in a programme approved by the Administration to test and evaluate promising Ballast Water treatment technologies,

the standard in regulation D-2 shall not apply to that ship until five years from the date on which the ship would otherwise be required to comply with such standard.

2 For any ship that, after the date on which the standard in regulation D-2 has become effective for it, participates in a programme approved by the Administration, taking into account Guidelines developed by the Organization, to test and evaluate promising Ballast Water technologies with the potential to result in treatment technologies achieving a standard higher than that in regulation D-2, the standard in regulation D-2 shall cease to apply to that ship for five years from the date of installation of such technology.

3 In establishing and carrying out any programme to test and evaluate promising Ballast Water technologies, Parties shall:

- .1 take into account Guidelines developed by the Organization, and
- .2 allow participation only by the minimum number of ships necessary to effectively test such technologies.

4 Throughout the test and evaluation period, the treatment system must be operated consistently and as designed.

#### Regulation D-5

##### *Review of standards by the Organization*

1 At a meeting of the Committee held no later than three years before the earliest effective date of the standard set forth in regulation D-2, the Committee shall undertake a review which includes a determination of whether appropriate technologies are available to achieve the standard, an assessment of the criteria in paragraph 2, and an assessment of the socio-economic effect(s) specifically in relation to the developmental needs of developing countries, particularly small island developing States. The Committee shall also undertake periodic reviews, as appropriate, to examine the applicable requirements for ships described in regulation B-3.1 as well as any other aspect of Ballast Water Management addressed in this Annex, including any Guidelines developed by the Organization.

2 Such reviews of appropriate technologies shall also take into account:

- .1 safety considerations relating to the ship and the crew;
- .2 environmental acceptability, i.e., not causing more or greater environmental impacts than they solve;
- .3 practicability, i.e., compatibility with ship design and operations;
- .4 cost effectiveness, i.e., economics; and
- .5 biological effectiveness in terms of removing, or otherwise rendering not viable, Harmful Aquatic Organisms and Pathogens in Ballast Water.

3 The Committee may form a group or groups to conduct the review(s) described in paragraph 1. The Committee shall determine the composition, terms of reference and specific issues to be addressed by any such group formed. Such groups may develop and recommend proposals for amendment of this Annex for consideration by the Parties. Only Parties may participate in the formulation of recommendations and amendment decisions taken by the Committee.

4 If, based on the reviews described in this regulation, the Parties decide to adopt amendments to this Annex, such amendments shall be adopted and enter into force in accordance with the procedures contained in Article 19 of this Convention.

**Section E**  
**SURVEY AND CERTIFICATION REQUIREMENTS FOR BALLAST  
WATER MANAGEMENT**

Regulation E-1

*Surveys*

1 Ships of 400 gross tonnage and above to which this Convention applies, excluding floating platforms, FSUs and FPSOs, shall be subject to surveys specified below:

- .1 An initial survey before the ship is put in service or before the Certificate required under regulation E-2 or E-3 is issued for the first time. This survey shall verify that the Ballast Water Management plan required by regulation B-1 and any associated structure, equipment, systems, fitting, arrangements and material or processes comply fully with the requirements of this Convention.
- .2 A renewal survey at intervals specified by the Administration, but not exceeding five years, except where regulation E-5.2, E-5.5, E-5.6, or E-5.7 is applicable. This survey shall verify that the Ballast Water Management plan required by regulation B-1 and any associated structure, equipment, systems, fitting, arrangements and material or processes comply fully with the applicable requirements of this Convention.
- .3 An intermediate survey within three months before or after the second Anniversary date or within three months before or after the third Anniversary date of the Certificate, which shall take the place of one of the annual surveys specified in paragraph 1.4. The intermediate surveys shall ensure that the equipment, associated systems and processes for Ballast Water Management fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.
- .4 An annual survey within three months before or after each Anniversary date, including a general inspection of the structure, any equipment, systems, fittings, arrangements and material or processes associated with the Ballast Water Management plan required by regulation B-1 to ensure that they have been maintained in accordance with paragraph 9 and remain satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.
- .5 An additional survey either general or partial, according to the circumstances, shall be made after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with this Convention. The survey shall be such as to ensure that any such change, replacement, or significant repair has been effectively made, so that the ship complies with the requirements of this Convention. Such surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.

2 The Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph 1 in order to ensure that the applicable provisions of this Convention are complied with.

3 Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

4 An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 3 shall, as a minimum, empower such nominated surveyors or recognized organizations<sup>2</sup> to:

- .1 require a ship that they survey to comply with the provisions of this Convention; and
- .2 carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party.

5 The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties for the information of their officers.

6 When the Administration, a nominated surveyor, or a recognized organization determines that the ship's Ballast Water Management does not conform to the particulars of the Certificate required under regulation E-2 or E-3 or is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources such surveyor or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall be notified immediately, and it shall ensure that the Certificate is not issued or is withdrawn as appropriate. If the ship is in the port of another Party, the appropriate authorities of the port State shall be notified immediately. When an officer of the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation, including any action described in Article 9.

7 Whenever an accident occurs to a ship or a defect is discovered which substantially affects the ability of the ship to conduct Ballast Water Management in accordance with this Convention, the owner, operator or other person in charge of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph 1 is necessary. If the ship is in a port of another Party, the owner, operator or other person in charge shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

8 In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

9 The condition of the ship and its equipment, systems and processes shall be maintained to conform with the provisions of this Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources.

10 After any survey of the ship under paragraph 1 has been completed, no change shall be made in the structure, any equipment, fittings, arrangements or material associated with the Ballast



Water Management plan required by regulation B-1 and covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.

#### Regulation E-2

##### *Issuance or endorsement of a Certificate*

1 The Administration shall ensure that a ship to which regulation E-1 applies is issued a Certificate after successful completion of a survey conducted in accordance with regulation E-1. A Certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.

2 Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

#### Regulation E-3

##### *Issuance or endorsement of a Certificate by another Party*

1 At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that the provisions of this Convention are complied with, shall issue or authorize the issuance of a Certificate to the ship, and where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with this Annex.

2 A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.

4 No Certificate shall be issued to a ship entitled to fly the flag of a State which is not a Party.

#### Regulation E-4

##### *Form of the Certificate*

The Certificate shall be drawn up in the official language of the issuing Party, in the form set forth in Appendix I. If the language used is neither English, French nor Spanish, the text shall include a translation into one of these languages.

#### Regulation E-5

##### *Duration and validity of the Certificate*

1 A Certificate shall be issued for a period specified by the Administration that shall not exceed five years.

2 For renewal surveys:

- .1 Notwithstanding the requirements of paragraph 1, when the renewal survey is completed within three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
- .2 When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.

- .3 When the renewal survey is completed more than three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

3 If a Certificate is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph 1, provided that the surveys referred to in regulation E-1.1.3 applicable when a Certificate is issued for a period of five years are carried out as appropriate.

4 If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorized by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

5 If a ship at the time when the Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than three months, and a ship to which such extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

6 A Certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

7 In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph 2.2, 5 or 6 of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

8 If an annual survey is completed before the period specified in regulation E-1, then:

- .1 the Anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- .2 the subsequent annual or intermediate survey required by regulation E-1 shall be completed at the intervals prescribed by that regulation using the new Anniversary date;
- .3 the expiry date may remain unchanged provided one or more annual surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation E-1 are not exceeded.

9 A Certificate issued under regulation E-2 or E-3 shall cease to be valid in any of the following cases:

- .1 if the structure, equipment, systems, fittings, arrangements and material necessary to comply fully with this Convention is changed, replaced or significantly repaired and the Certificate is not endorsed in accordance with this Annex;
- .2 upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulation E-1. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the Certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
- .3 if the relevant surveys are not completed within the periods specified under regulation E-1.1; or
- .4 if the Certificate is not endorsed in accordance with regulation E-1.1.

## APPENDIX I

### Form of International Ballast Water Management Certificate

#### INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

Issued under the provisions of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter referred to as "the Convention") under the authority of the Government of

.....  
*(full designation of the country)*

by .....

*(full designation of the competent person or organization authorized under the provisions of the Convention)*

#### Particulars of ship<sup>3</sup>

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross Tonnage .....

IMO number<sup>4</sup> .....

Date of Construction .....

Ballast Water Capacity (in cubic metres) .....

#### Details of Ballast Water Management Method(s) Used

Method of Ballast Water Management used .....

Date installed (if applicable) .....

Name of manufacturer (if applicable) .....

The principal Ballast Water Management method(s) employed on this ship is/are:

- in accordance with regulation D-1
- in accordance with regulation D-2 (describe) .....
- the ship is subject to regulation D-4

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with regulation E-1 of the Annex to the Convention; and

2 That the survey shows that Ballast Water Management on the ship complies with the Annex to the Convention.

This certificate is valid until ..... subject to surveys in accordance with regulation E-1 of the Annex to the Convention.

Completion date of the survey on which this certificate is based: dd/mm/yyyy

Issued at .....

*(Place of issue of certificate)*

.....

*(Date of issue)*

*(Signature of authorized official issuing the certificate)*

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEY(S)**

THIS IS TO CERTIFY that a survey required by regulation E-1 of the Annex to the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey:

Signed.....

*(Signature of duly authorized official)*

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

Annual/Intermediate survey\*:

Signed.....

*(Signature of duly authorized official)*

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

Annual/Intermediate survey\*:

Signed.....

*(Signature of duly authorized official)*

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

Annual survey:

Signed.....

*(Signature of duly authorized official)*

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

**ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH REGULATION E-5.8.3**

THIS IS TO CERTIFY that, at an annual/intermediate\* survey in accordance with regulation E-5.8.3 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed.....

(Signature of duly authorized official)

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION E-5.3 APPLIES**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation E-5.3 of the Annex to the Convention, be accepted as valid until .....

Signed.....

(Signature of duly authorized official)

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION E-5.4 APPLIES**

The ship complies with the relevant provisions of the Convention and this Certificate shall, in accordance with regulation E-5.4 of the Annex to the Convention, be accepted as valid until .....

Signed.....

(Signature of duly authorized official)

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION E-5.5 OR E-5.6 APPLIES**

This Certificate shall, in accordance with regulation E-5.5 or E-5.6\* of the Annex to the Convention, be accepted as valid until .....

Signed.....

(Signature of duly authorized official)

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE  
REGULATION E-5.8 APPLIES**

In accordance with regulation E-5.8 of the Annex to the Convention the new  
Anniversary date is .....

Signed.....

(Signature of duly authorized official)

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

In accordance with regulation E-5.8 of the Annex to the Convention the new  
Anniversary date is .....

Signed.....

(Signature of duly authorized official)

Place.....

Date.....

*(Seal or stamp of the authority, as appropriate)*

## APPENDIX II

### Form of ballast water record book

#### INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS

Period from: ..... to: .....

Name of ship .....

IMO number .....

Gross tonnage .....

Flag .....

Total ballast water capacity (in cubic metres) .....

The ship is provided with a ballast water management plan

Diagram of ship indicating ballast tanks:

### 1 Introduction

In accordance with regulation B-2 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, a record is to be kept of each Ballast Water operation. This includes discharges at sea and to reception facilities.

### 2 Ballast Water and Ballast Water Management

"Ballast Water" means water with its suspended matter taken on board a ship to control trim, list, draught, stability, or stresses of a ship. Management of Ballast Water shall be in accordance with an approved Ballast Water Management plan and taking into account Guidelines<sup>5</sup> developed by the Organization.

### 3 Entries in the Ballast Water Record Book

Entries in the Ballast Water record book shall be made on each of the following occasions:

#### 3 .1 When Ballast Water is taken on board:

- .1 Date, time and location port or facility of uptake (port or lat/long), depth if outside port
- .2 Estimated volume of uptake in cubic metres
- .3 Signature of the officer in charge of the operation.

#### 3 .2 Whenever Ballast Water is circulated or treated for Ballast Water Management purposes:

- .1 Date and time of operation
- .2 Estimated volume circulated or treated (in cubic metres)
- .3 Whether conducted in accordance with the Ballast Water Management plan
- .4 Signature of the officer in charge of the operation

#### 3 .3 When Ballast Water is discharged into the sea:

- .1 Date, time and location port or facility of discharge (port or lat/long)



- .2 Estimated volume discharged in cubic metres plus remaining volume in cubic metres
  - .3 Whether approved Ballast Water Management plan had been implemented prior to discharge
  - .4 Signature of the officer in charge of the operation.
- 3 .4 When Ballast Water is discharged to a reception facility:
- .1 Date, time, and location of uptake
  - .2 Date, time, and location of discharge
  - .3 Port or facility
  - .4 Estimated volume discharged or taken up, in cubic metres
  - .5 Whether approved Ballast Water Management plan had been implemented prior to discharge
  - .6 Signature of officer in charge of the operation
- 3 .5 Accidental or other exceptional uptake or discharges of Ballast Water:
- .1 Date and time of occurrence
  - .2 Port or position of the ship at time of occurrence
  - .3 Estimated volume of Ballast Water discharged
  - .4 Circumstances of uptake, discharge, escape or loss, the reason therefore and general remarks.
  - .5 Whether approved Ballast Water Management plan had been implemented prior to discharge
  - .6 Signature of officer in charge of the operation
- 3 .6 Additional operational procedure and general remarks

#### **4 Volume of Ballast Water**

The volume of Ballast Water onboard should be estimated in cubic metres. The Ballast Water record book contains many references to estimated volume of Ballast Water. It is recognized that the accuracy of estimating volumes of ballast is left to interpretation.

**RECORD OF BALLAST WATER OPERATIONS**

SAMPLE BALLAST WATER RECORD BOOK PAGE

Name of Ship: .....

Distinctive number or letters .....

Date	Item (number)	Record of operations/signature of officers in charge

Signature of master .....

\_\_\_\_\_

<sup>1</sup> Refer to the ISM Code adopted by the Organization by resolution A.741(18), as amended.

<sup>2</sup> Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

<sup>3</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

<sup>4</sup> IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15).

<sup>5</sup> Refer to the Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens adopted by the Organization by resolution A.868(20).

\* Delete as appropriate.

**MEĐUNARODNA KONVENCIJA O NADZORU I  
UPRAVLJANJU BRODSKIM BALASTNIM VODAMA I  
TALOZIMA IZ 2004. GODINE**

STRANE OVE KONVENCIJE,

POZIVAJUĆI SE NA član 196. stav 1. Konvencije Ujedinjenih nacija o pravu mora (UNCLOS) iz 1982. godine, u kojem se navodi da „države preduzimaju sve mere potrebne za sprečavanje, smanjenje i nadzor zagađenja morske sredine prouzrokovanog upotrebom tehnologije pod njihovom jurisdikcijom ili nadzorom, ili namernim ili slučajnim unošenjem u pojedine delove morske sredine stranih ili novih vrsta koje tu mogu prouzrokovati značajne i štetne promene”,

UZIMAJUĆI U OBZIR ciljeve Konvencije o biološkoj raznovrsnosti (CBD) iz 1992. godine i da prenos i unos štetnih vodenih organizama i patogena putem brodskih balastnih voda preči očuvanju i održivom korišćenju biološke raznovrsnosti, kao i odluku IV/5 Konferencije strana (COP 4) CBD-a iz 1998. godine u vezi očuvanja i održivog korištenja morskih i obalnih ekosistema, kao i odluku VI/23 Konferencije država (SOR 6) CBD-a iz 2002. godine o stranim vrstama koje ugrožavaju ekosisteme, staništa ili vrste, uključujući vodeća načela o invazivnim vrstama,

UZIMAJUĆI TAKOĐE U OBZIR da je Konferencija Ujedinjenih nacija o životnoj sredini i razvoju (UNCED) iz 1992. godine zatražila da Međunarodna pomorska organizacija (Organizacija) razmotri usvajanje odgovarajućih propisa o ispuštanju balastnih voda,

IMAJUĆI NA UMU preventivni pristup utvrđen u Načelu br. 15 Deklaracije iz Rija o životnoj sredini i razvoju i naveden u Rezoluciji MEPC.67(37), koji je 15. septembra 1995. godine usvojio Komitet za zaštitu morske sredine Organizacije,

TAKOĐE IMAJUĆI NA UMU da Svetski sastanak na vrhu za održivi razvoj iz 2002. godine u stavu 34. (b) svog Plana sprovođenja poziva na delovanje na svim nivoima kako bi se ubrzao razvoj mera za rešavanje problema invazivnih stranih vrsta u balastnim vodama,

SHVATAJUĆI da je nekontrolisano ispuštanje brodskih balastnih voda i taloga dovelo do prenosa štetnih vodenih organizama i patogena, prouzrokujući štetu ili stradanje životne sredine, ljudskog zdravlja, imovine i sredstava,

PRIZNAJUĆI važnost koju Organizacija pridaje tom pitanju putem Rezolucija Skupštine A.774(18) iz 1993. godine i A.868(20) iz 1997. godine usvojenih u cilju rešavanja problema prenosa štetnih vodenih organizama i patogena,

PRIZNAJUĆI NADALJE da su neke države preduzele sopstvene mere radi sprečavanja, smanjenja i konačnog otklanjanja rizika unosa štetnih vodenih organizama i patogena putem brodova koji uplovljavaju u njihove luke i da ovo pitanje, koje je od svetskog značaja, zahteva preduzimanje postupaka na osnovu globalno važećih propisa i smernica za njihovo efikasno sprovođenje i jedinstveno tumačenje,

ŽELEĆI i dalje razvijati bezbednije i efikasnije mogućnosti upravljanja balastnim vodama koje će rezultirati stalnim sprečavanjem, smanjenjem i konačnim zaustavljanjem prenosa štetnih vodenih organizama i patogena,

ODLUČNE u sprečavanju, smanjenju i konačnom otklanjanju rizika za životnu sredinu, ljudsko zdravlje, imovinu i sredstva, koji nastaju prenosom štetnih vodenih organizama i patogena, putem nadzora i upravljanja brodskim balastnim vodama i talozima, kao i u izbegavanju neželjenih pratećih pojava tog nadzora i podsticanju razvoja pripadajućih znanja i tehnologija,

SMATRAJUĆI DA se ovi ciljevi mogu najefikasnije postići donošenjem Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima,

SPORAZUMELE SU SE kako sledi:

#### Član 1.

##### DEFINICIJE

U svrhu ove Konvencije, osim ako je izričito drukčije navedeno:

1. „Administracija” označava vladu države pod čijom nadležnošću se nalazi brod. Uzimajući u obzir brod koji ima pravo da vije zastavu bilo koje države, administracija je vlada te države. Uzimajući u obzir plutajuće platforme uključene u istraživanje i iskorištavanje morskog dna i njegovog podzemlja uz obalu nad kojom priobalna država ima suverena prava u svrhu istraživanja i iskorištavanja njegovih prirodnih bogatstava, uključujući plovne skladišne jedinice (FCU) i plovne jedinice za proizvodnju, skladištenje i pretovar (FPSO), administracija je vlada predmetne obalne države.

2. „Balastne vode” označava vode sa svojim suspendovanim materijama ukrcanim na brod radi kontrole uzdužnog nagiba broda, poprečnog nagiba broda, gaza, stabilnosti ili pritiska broda.

3. „Upravljanje balastnim vodama” označava mehanički, fizički, hemijski i biološki postupak ili kombinacija tih postupaka, kojim se uklanja, čini bezopasnim ili izbegava uzimanje ili ispuštanje štetnih vodenih organizama i patogena u balastne vode i taloge.

4. „Svedočanstvo” označava Međunarodno svedočanstvo za upravljanje balastnim vodama.

5. „Komitet” označava Komitet za zaštitu morske sredine Organizacije.

6. „Konvencija” označava Međunarodnu konvenciju o nadzoru i upravljanju brodskim balastnim vodama i talozima.

7. „Bruto tonaža” označava bruto tonažu izračunatu u skladu s odredbama o baždarenju navedenim u Dodatku I Međunarodne konvencije o baždarenju brodova iz 1969. godine ili bilo kojoj kasnijoj Konvenciji.

8. „Štetni vodeni organizmi i patogeni” označava vodene organizme ili patogene koji, ako se unesu u mora, uključujući i ušća, ili u slatkovodne tokove, mogu ugroziti životnu sredinu, ljudsko zdravlje, imovinu ili sredstva, narušiti biološku raznovrsnost ili ometati zakonsko korištenje takvih područja.

9. „Organizacija” označava Međunarodnu pomorsku organizaciju (IMO).

10. „Generalni sekretar” označava Generalnog sekretara Organizacije.

11. „Talozi” označava materije nataložene u balastnim vodama unutar broda.

12. „Brod” označava bilo koje plovilo koje plovi u vodenom okruženju, a uključuje podmornice, plovne objekte, plutajuće platforme, plovne skladišne jedinice (FSU) i plovne jedinice za proizvodnju, skladištenje i pretovar (FPSO).

#### Član 2.

##### OPŠTE OBAVEZE

1. Strane se obavezuju na potpuno sprovođenje odredaba ove Konvencije i Dodatka kako bi se sprečio, smanjio i konačno zaustavio prenos štetnih vodenih organizama i patogena putem nadzora i upravljanja brodskim balastnim vodama i talozima.

2. Dodatak je sastavni deo ove Konvencije. Ako nije izričito drukčije navedeno, upućivanje na ovu Konvenciju ujedno je i upućivanje na njen Dodatak.

3. Ništa se u ovoj Konvenciji ne sme tumačiti kao sprečavanje bilo koje strane da preuzima, pojedinačno ili zajednički s drugim stranama, oštrije mere sprečavanja, smanjenja ili zaustavljanja prenosa štetnih vodenih organizama i patogena putem nadzora i upravljanja brodskim balastnim vodama i talozima, u skladu s međunarodnim pravom.

4. Strane se obavezuju na saradnju u svrhu efikasnog usvajanja, usklađivanja i sprovođenja ove Konvencije.

5. Strane se obavezuju na podsticanje stalnog razvoja upravljanja balastnim vodama i standarda za sprečavanje, smanjenje i konačno zaustavljanje prenosa štetnih vodenih organizama i patogena putem kontrole i upravljanja brodskim balastnim vodama i talozima.

6. Strane koje deluju u skladu s ovom Konvencijom nastoje da ne naruše ili ugroze svoju životnu sredinu, ljudsko zdravlje, imovinu ili sredstva u njihovim ili drugim državama.

7. Strane osiguravaju da postupci upravljanja balastnim vodama, koji se primenjuju u skladu s ovom Konvencijom, neće prouzrokovati veću štetu od one koju sprečavaju, a koja se odražava na životnu sredinu, ljudsko zdravlje, imovinu ili sredstva njihovih ili drugih država.

8. Strane podstiču brodove s pravom da viju njihove zastave, na koje se primenjuje ova Konvencija, da u najvećoj mogućoj meri izbegavaju uzimanje balastnih voda s potencijalno štetnim vodenim organizmima i patogenima, kao i taloga koji mogu sadržati takve organizme, uključujući podsticanje odgovarajuće primene preporuka koje je razvila Organizacija.

9. Strane se obavezuju na saradnju pod okriljem Organizacije u cilju rešavanja pretnji i rizika koji se odnose na osetljive, ranjive ili ugrožene morske ekosisteme i biološku raznovrsnost u područjima izvan granica nacionalne jurisdikcije, a s obzirom na upravljanje balastnim vodama.

### Član 3.

#### PRIMENA

1. Izuzev ako nije izričito drukčije određeno ovom Konvencijom, ova se Konvencija primenjuje na:

- a) brodove koji imaju pravo da viju zastavu neke od strana ove Konvencije, i
- b) brodove koji nemaju pravo da viju zastavu neke od strana ove Konvencije, ali koji se nalaze pod nadležnošću neke od strana ove Konvencije.

2. Ova Konvencija se ne primenjuje na:

- a) brodove koji nisu namenjeni ili izgrađeni za prevoz balastnih voda,
- b) brodove strane koji plove isključivo u vodama pod jurisdikcijom te strane, osim ako ta strana utvrdi da bi ispuštanje balastnih voda iz takvih brodova narušilo ili ugrozilo životnu sredinu, ljudsko zdravlje, imovinu ili sredstva njihove ili drugih država,
- c) brodove strane koji plove isključivo u vodama pod jurisdikcijom druge strane, podložne odobrenju takvog izuzeća od druge strane. Nijedna strana ne sme izdati takvo odobrenje ako će time narušiti ili ugroziti

životnu sredinu, ljudsko zdravlje, imovinu ili sredstva svoje, susedne ili drugih država. Svaka strana koja ne izda takvo odobrenje dužna je obavestiti administraciju zainteresovanog broda da se ova Konvencija primenjuje na takav brod,

- d) brodove koji plove isključivo u vodama pod jurisdikcijom jedne strane i na otvorenom moru, izuzev brodova koji nemaju odobrenje na onovu tačke c), osim ako takva strana utvrdi da bi ispuštanje balastnih voda iz takvih brodova narušilo ili ugrozilo životnu sredinu, ljudsko zdravlje, imovinu ili sredstva njihove, okolnih ili drugih država,
- e) bilo koji ratni brod, pomoćni ratni brod ili drugi brod u vlasništvu ili pod upravom neke države koji se privremeno koristi isključivo za nekomercijalne vladine delatnosti. Međutim, svaka strana je dužna osigurati, usvajanjem odgovarajućih mera koje ne narušavaju operacije ili operativne mogućnosti takvih brodova koji su u njihovom posedu ili pod njihovim upravljanjem, da takvi brodovi deluju u skladu s ovom Konvencijom, pod uslovom da je to razumno i sprovedljivo, i
- f) stalne balastne vode u zapečaćenim tankovima na brodovima, koje ne podležu ispuštanju.

3. U odnosu na brodove država koje nisu strane ove Konvencije, strane primenjuju zahteve ove Konvencije na način kojim se osigurava da se na takve brodove ne primenjuje nikakav povlašteni tretman.

#### Član 4.

### KONTROLA PRENOSA ŠTETNIH VODENIH ORGANIZAMA I PATOGENA PUTEM BRODSKIH BALASTNIH VODA I TALOGA

1. Svaka strana zahteva da brodovi na koje se primenjuje ova Konvencija i koji imaju pravo da viju njihovu zastavu ili plove pod njihovom nadležnošću ispunjavaju zahteve utvrđene u ovoj Konvenciji, uključujući primenjive standarde i zahteve iz Dodatka i obavezuju se na preduzimanje efikasnih mera kako bi osigurale da ti brodovi ispunjavaju te zahteve.

2. Svaka strana je dužna, vodeći računa o svojim određenim uslovima i mogućnostima, razvijati nacionalne politike, strategije ili programe za upravljanje balastnim vodama u svojim lukama i vodama pod svojom jurisdikcijom, u skladu s postizanjem i promovisanjem ciljeva ove Konvencije.

#### Član 5.

### PRIJEMNA STANICA ZA TALOG

1. Svaka strana je dužna osigurati da se, u lukama i terminalima koje je sama odredila, a u kojima se obavlja čišćenje ili popravka balastnih tankova, nalaze odgovarajuće prijemne stanice za talog, uzimajući u obzir smernice koje je razvila Organizacija. Rad takvih prijemnih stanica ne sme prouzrokovati nepotrebna kašnjenja brodova i mora osigurati sigurno uklanjanje takvih taloga prilikom čega se ne narušavaju niti ugrožavaju životna sredina, ljudsko zdravlje, imovina ili sredstva njihove ili drugih država.

2. Svaka strana je dužna obavestavati Organizaciju, u cilju prosleđivanja tog obaveštenja drugim zainteresovanim stranama, o svim slučajevima u kojima postoji mogućnost da su prijemne stanice navedene pod stavom 1. nezadovoljavajuće.

#### Član 6.

### NAUČNO I TEHNIČKO ISTRAŽIVANJE I PRAĆENJE STANJA

1. Strane se obavezuju, pojedinačno ili zajednički, na sledeće:

- a) promovisanje i omogućavanje naučnih i tehničkih istraživanja o upravljanju balastnim vodama, i
- b) praćenje efekata upravljanja balastnim vodama na vodenim područjima pod njihovom jurisdikcijom.

Takva istraživanja i praćenja stanja treba da uključe posmatranje, merenje, uzorkovanje, procenu i analizu efikasnosti i nepoželjnih posledica bilo koje tehnologije ili metodologije, kao i bilo kojih nepoželjnih posledica prouzrokovanih organizmima i patogenima za koje je utvrđeno da su preneti brodskim balastnim vodama.

2. Svaka strana je dužna, radi ostvarenja ciljeva ove Konvencije, omogućiti dostupnost odgovarajućih podataka drugim stranama koje ih traže, a koji se odnose na:

- a) naučne i tehnološke programe i tehničke mere preduzete s obzirom na upravljanje balastnim vodama, i
- b) efikasnost upravljanja balastnim vodama izvedenu iz bilo kog programa praćenja i procene stanja.

#### Član 7.

#### PREGLED I IZDAVANJE SVEDOČANSTAVA

1. Svaka strana je dužna osigurati da brodovi, koji viju njenu zastavu ili se nalaze pod njenom nadležnošću i podležu pregledu i izdavanju Svedočanstva, budu pregledani i da im se izda Svedočanstvo u skladu s pravilima navedenim u Dodatku.

2. Strana koja sprovodi mere na osnovu člana 2. stav 3. i Odeljka C Dodatka ne zahteva dodatni pregled i izdavanje Svedočanstva brodu druge strane, niti je administracija broda obavezna pregledati i izdati Svedočanstvo za dodatne mere koje je nametnula druga strana. Provera takvih dodatnih mera je odgovornost strane koja te mere sprovodi i ne sme prouzrokovati nepotrebno kašnjenje broda.

#### Član 8.

#### KRŠENJA

1. Zabranjuje se svako kršenje zahteva ove Konvencije, a sankcije se uspostavljaju na osnovu zakona administracije predmetnog broda, bez obzira na to gde se kršenje dogodilo. Ako je administracija obavještena o takvom kršenju, dužna je da istraži predmet i može od strane od koje je primila obavještenje zahtevati dodatne dokaze navodnog kršenja. Ako administracija smatra da je raspoloživ dovoljan broj dokaza koji omogućuju pokretanje postupka uzimajući u obzir navodno kršenje, dužna je podstaći hitno pokretanje postupka, u skladu s njenim zakonima. Administracija je dužna odmah obavestiti stranu koja je prijavila navodno kršenje, kao i Organizaciju, o bilo kom preduzetom postupku. Ako administracija ne preduzme nikakav postupak u roku od godinu dana nakon dobijanja predmetne informacije, dužna je o tome obavještavati stranu koja je prijavila navodno kršenje.

2. Zabranjeno je svako kršenje zahteva ove Konvencije unutar područja pod jurisdikcijom bilo koje strane, a sankcije se uspostavljaju zakonodavstvom iste strane. Kada se dogodi takvo kršenje, predmetna strana je dužna:

- a) podstaći preduzimanje postupaka u skladu sa svojim zakonodavstvom, ili
- b) dostaviti administraciji broda informacije i dokaze koje poseduje, a koji govore o prijavljenom kršenju.

3. Sankcije predviđene zakonodavstvom strane, u skladu s ovim članom, moraju biti dovoljno stroge kako bi odvrćale od kršenja ove Konvencije na bilo kom području.

#### Član 9.

##### INSPEKCIJA BRODOVA

1. Brod na koji se primenjuje ova Konvencija, u bilo kojoj luci ili odobalnom terminalu druge strane, može biti predmet inspekcije koju vrše službenici valjano ovlašteni od te strane, kako bi se utvrdila usklađenost broda s ovom Konvencijom. Osim kako je propisano u stavu 2. ovoga člana, svaka takva inspekcija je ograničena na sledeće:

- a) proverava postojanja važećeg Svedočanstva na brodu, koje se, ako je validno, prihvata, i
- b) vrši inspekciju dnevnika balastnih voda, i/ili
- c) uzima uzorke brodskih balastnih voda, u skladu sa smernicama koje je razvila Organizacija. Međutim, vreme potrebno za analizu uzoraka neće prouzrokovati neopravdano kašnjenje rada, kretanja ili isplavljanja broda.

2. Ako se na brodu ne nalazi važeće Svedočanstvo ili ako postoje jasni razlozi za pretpostavku da:

- a) stanje broda ili njegove opreme u osnovi ne odgovara pojedinostima Svedočanstva, ili
- b) zapovednik ili posada nisu upoznati s ključnim brodskim postupcima u vezi upravljanja balastnim vodama ili nisu sproveli takve postupke, sme se izvršiti detaljna inspekcija.

3. U uslovima navedenima u stavu 2. ovog člana, strana koja sprovodi inspekciju je dužna preduzeti mere kojima se osigurava da brod ne ispušta balastne vode sve dok to ne bude mogao činiti bez pretnje za životnu sredinu, ljudsko zdravlje, imovinu ili sredstva.

#### Član 10.

##### OTKRIVANJE KRŠENJA I NADZOR BRODOVA

1. Strane se obavezuju na saradnju pri otkrivanju kršenja i sprovođenja odredaba ove Konvencije.

2. Ako se otkrije da je brod prekršio ovu Konvenciju, strana čiju je zastavu brod ovlašćen da vije i/ili strana u čijoj luci ili odobalnom terminalu brod obavlja rad, može, uz bilo koje sankcije opisane u članu 8. ili bilo koje postupke opisane u članu 9, preduzeti korake kako bi upozorila, zadržala ili uskratila brodu pravo korištenja njenih luka. Strana u čijoj luci ili odobalnom terminalu brod obavlja delatnost, međutim, može takvom brodu odobriti isplavljanje iz luke ili odobalnog terminala u svrhu ispuštanja balastnih voda ili plovidbe do najbližeg odgovarajućeg remontnog brodogradilišta ili raspoložive prijemne stanice, pod uslovom da takav postupak ne predstavlja pretnju za životnu sredinu, ljudsko zdravlje, imovinu ili sredstva.

3. Ako uzorkovanje opisano u članu 9. stav 1. tačka c) dovodi do rezultata, ili potkrepljuje informacije dobijene iz druge luke ili odobalnog terminala, kojima se potvrđuje da brod predstavlja pretnju za životnu sredinu, ljudsko zdravlje, imovinu ili sredstva, strana u čijim vodama brod obavlja delatnost dužna je zabraniti takvom brodu ispuštanje balastnih voda sve do otklanjanja takve opasnosti.



4. Strana takođe može izvršiti nadzor broda prilikom njegovog uplovljavanja u luke ili odobalne terminale pod njenom nadležnošću, ako primi zahtev za istragu od bilo koje strane, zajedno s dovoljnim dokazima da brod obavlja delatnost ili je obavljao delatnost uz kršenje odredaba ove Konvencije. Izveštaj o takvoj istrazi šalje se strani koja ga je zatražila, kao i merodavnom telu administracije predmetnog broda, kako bi se mogao preduzeti odgovarajući postupak.

#### Član 11.

##### OBAVEŠTENJE O POSTUPCIMA NADZORA

1. Ako inspekcija izvršena na osnovu čl. 9. ili 10. ukazuje na kršenje ove Konvencije, brod o tome mora biti obavešten. Izveštaj se prosleđuje administraciji, uključujući bilo koje dokaze o kršenju Konvencije.

2. U slučaju preduzimanja bilo kog postupka na osnovu čl. 9. stav 3, 10. stav 2. ili 10. stav 3, službenik koji obavlja takav postupak dužan je odmah obavestiti, u pisanom obliku, administraciju predmetnog broda, a ako to nije moguće, konzula ili diplomatskog predstavnika predmetnog broda, o svim okolnostima u okviru kojih se predmetni postupak smatrao nužnim. Takođe, o tome mora biti obaveštena i priznata organizacija odgovorna za izdavanje Svedočanstva.

3. Administracija države luke dužna je, uz strane spomenute u stavu 2, obavestiti i sledeću luku pristajanja o svim merodavnim informacijama o kršenju, ako nije u mogućnosti preduzeti postupke navedene u čl. 9. stav 3, 10. stav 2. ili 10. stav 3. ili ako je brod dobio odobrenje za plovidbu do sledeće luke pristajanja.

#### Član 12.

##### NEPOTREBNO KAŠNJEŃJE BRODOVA

1. Potrebno je preduzeti sve moguće napore kako bi se izbeglo nepotrebno zadržavanje ili kašnjenje broda, na osnovu čl. 7. stav 2, 8, 9. ili 10.

2. Ako je brod nepotrebno zadržan ili kasni na osnovu čl. 7. stav 2, 8, 9. ili 10. tada ostvaruje pravo na naknadu za bilo kakve nastale gubitke ili štetu.

#### Član 13.

##### TEHNIČKA POMOĆ, SARADNJA I REGIONALNA SARADNJA

1. Strane su dužne da direktno ili posredstvom Organizacije i drugih međunarodnih tela, prema potrebi, uzimajući u obzir nadzor i upravljanje brodskim balastnim vodama i talozima, osiguraju podršku stranama koje zatraže tehničku pomoć:

- a) pri osposobljavanju osoblja,
- b) pri osiguravanju dostupnosti odgovarajućih tehnologija, opreme i postrojenja,
- c) pri pokretanju zajedničkih razvojno-istraživačkih programa, i
- d) pri preduzimanju drugih postupaka usmerenih na efikasno sprovođenje ove Konvencije i uputstava koje je za tu svrhu razvila Organizacija.

2. Strane su dužne da aktivno sarađuju, u skladu sa svojim nacionalnim zakonima, propisima i politikama, u prenosu tehnologija u vezi nadzora i upravljanja brodskim balastnim vodama i talozima.

3. U svrhu postizanja ciljeva ove Konvencije, strane sa zajedničkim interesima zaštite životne sredine, ljudskog zdravlja, imovine i sredstava na određenom geografskom području, a posebno strane koje se graniče sa zatvorenim i

poluzatvorenim morima, dužne su, uzimajući u obzir posebna regionalna obeležja, podsticati regionalnu saradnju, uključujući i sklapanje regionalnih sporazuma u skladu s ovom Konvencijom. Strane se obavezuju na saradnju sa stranama regionalnih sporazuma u cilju razvoja usklađenih postupaka.

#### Član 14.

##### KOMUNIKACIJA INFORMACIJA

1. Svaka strana je dužna obavještavati Organizaciju, a po potrebi i druge strane, o sledećim informacijama:

- a) bilo kojim zahtevima i postupcima u vezi upravljanja balastnim vodama, uključujući svoje zakone, propise i smernice za sprovođenje ove Konvencije,
- b) raspoloživosti i smeštaju bilo kakvih prijemnih stanica za ekološki sigurno odlaganje balastnih voda i taloga, i
- c) bilo kakvim informacijama zatraženim od broda koji nije u mogućnosti ispuniti odredbe ove Konvencije iz razloga navedenih u pravilima A-3 i B-4 Dodatka.

2. Organizacija je dužna obavestiti strane o prijemu svih saopštenja u skladu s postojećim članom i svim stranama proslediti bilo kakve informacije koje su joj dostavljene u skladu s stavom 1. tač. b) i c) ovoga člana.

#### Član 15.

##### REŠAVANJE SPOROVA

Strane svaki međusobni spor vezan za tumačenje ili primenu ove Konvencije rešavaju pregovorima, istragom, posredovanjem, mirenjem, arbitražom, sudskom nagodbom, posredstvom regionalnih agencija ili dogovora ili drugim mirnim sredstvima po vlastitom izboru.

#### Član 16.

##### ODNOS PREMA MEĐUNARODNOM PRAVU I DRUGIM SPORAZUMIMA

Ništa u ovoj Konvenciji ne utiče na prava i obaveze bilo koje države po običajnom međunarodnom pravu, u skladu sa Konvencijom Ujedinjenih nacija o pravu mora.

#### Član 17.

##### POTPISIVANJE, POTVRĐIVANJE, PRIHVATANJE, ODOBRENJE I PRISTUPANJE

1. Ova Konvencija je otvorena bilo kojoj državi za potpisivanje u sedištu Organizacije od 1. juna 2004. godine do 31. maja 2005. godine, a nakon toga ostaje otvorena bilo kojoj državi za pristupanje.

2. Države mogu postati strana ove Konvencije:

- a) potpisivanjem bez uslova potvrđivanja, prihvatanja ili odobrenja, ili
- b) potpisivanjem uz uslov potvrđivanja, prihvatanja ili odobrenja, nakon čega sledi potvrđivanje, prihvatanje ili odobrenje, ili
- c) pristupanjem.

3. Potvrđivanje, prihvatanje, odobrenje ili pristupanje vrši se polaganjem odgovarajućeg instrumenta kod Generalnog sekretara.

4. Ako se država sastoji od dve ili više teritorijalnih jedinica u kojima se, u odnosu na predmet ove Konvencije, primenjuju različiti pravni sistemi, ona može u

trenutku potpisivanja, potvrđivanja, prihvatanja, odobrenja ili pristupanja izjaviti da se ova Konvencija primenjuje na sve njene teritorijalne jedinice, samo na jednu ili na više njih i može tu izjavu u bilo kom trenutku izmeniti podnošenjem druge izjave.

5. Svaka takva izjava dostavlja se u pisanom obliku depozitaru, a mora izričito navoditi na koje se teritorijalne jedinice Konvencija primenjuje.

#### Član 18.

#### STUPANJE NA SNAGU

1. Ova Konvencija stupa na snagu dvanaest meseci od datuma kada je najmanje trideset država, čije trgovačke flote zajednički čine najmanje 35% bruto tonaže svetske trgovačke flote, potpisalo bez rezerve potvrđivanja, prihvatanja ili odobrenja, ili je položilo potrebne instrumente o potvrđivanju, prihvatanju, odobrenju ili pristupanju u skladu sa članom 17.

2. Za države koje polože instrumente o potvrđivanju, prihvatanju, odobrenju ili pristupanju ovoj Konvenciji, nakon ispunjavanja uslova za stupanje na snagu ove Konvencije, ali pre datuma njenog stupanja na snagu, potvrđivanje, prihvatanje, odobrenje ili pristupanje proizvodi efekat na dan stupanja na snagu ove Konvencije ili tri meseca nakon polaganja instrumenata, zavisno o tome koji datum nastupi kasnije.

3. Svaka isprava o potvrđivanju, prihvatanju, odobrenju ili pristupanju, položena nakon datuma stupanja na snagu ove Konvencije, proizvodi efekat tri meseca nakon datuma njenog polaganja.

4. Nakon datuma na koji se izmene ili dopune ove Konvencije smatraju prihvaćenim, u skladu sa članom 19. svaka isprava o potvrđivanju, prihvatanju, odobrenju ili pristupanju primenjuje se na Konvenciju kako je izmenjena i dopunjena.

#### Član 19.

#### IZMENE I DOPUNE

1. Ova Konvencija se može izmeniti i dopuniti putem bilo kog postupka navedenog u sledećim stavovima.

2. Izmene i dopune nakon razmatranja unutar Organizacije:

- a) Bilo koja strana može predložiti izmene i dopune ove Konvencije. Predložene izmene i dopune se podnose Generalnom sekretaru, koji ih zatim prosleđuje stranama i članicama Organizacije najkasnije šest meseci pre njihovog razmatranja.
- b) Izmene i dopune predložene i prosleđene kako je navedeno upućuju se na razmatranje Komitetu. Nezavisno o toga da li su članice Organizacije ili ne, strane imaju pravo učestvovati u postupcima razmatranja i usvajanja izmena i dopuna pred Komitetom.
- c) Izmene i dopune se usvajaju dvotrećinskom većinom strana koje su prisutne i glasuju na Komitetu, pod uslovom da je najmanje jedna trećina strana prisutna za vreme glasanja.
- d) Izmene i dopune usvojene u skladu s tačkom c) Generalni sekretar prosleđuje stranama u svrhu njihova prihvatanja.
- e) Izmene i dopune se smatraju prihvaćene ako su ispunjeni sledeći uslovi:
  - (i) Izmene i dopune nekog člana Konvencije smatraju se prihvaćene na datum kada Generalni sekretar primi obaveštenje dve trećine strana o njihovom prihvatanju predmetnih izmena i dopuna.

(ii) Izmene i dopune Dodatka smatraju se prihvaćenim nakon isteka dvanaest meseci od datuma njihovog usvajanja ili drugog datuma koji je odredio Komitet. Međutim, ako do navedenog datuma više od jedne trećine strana obavesti Generalnog sekretara o svom protivljenju izmenama i dopunama, smatra se da predmetne izmene i dopune nisu prihvaćene.

f) Izmene i dopune stupaju na snagu ako su ispunjeni sledeći uslovi:

(i) Izmene i dopune člana ove Konvencije stupaju na snagu, za one strane koje su izjavile da su ih prihvatile, šest meseci nakon datuma na koji se smatraju prihvaćenim u skladu tačkom e) podtačka (i).

(ii) Izmene i dopune Dodatka stupaju na snagu, u odnosu na sve strane, šest meseci nakon datuma na koji se smatraju prihvaćenim, osim u odnosu na bilo koju stranu koja je:

(1) obavestila o svom protivljenju izmenama i dopunama u skladu s tačkom e) podtačka (ii) i koja nije povukla takvo protivljenje ili

(2) obavestila Generalnog sekretara, pre stupanja na snagu takvih izmena i dopuna, da će predmetne izmene i dopune u odnosu na nju stupiti na snagu nakon naknadnog obaveštenja o njihovom prihvatanju.

g) (i) Strana koja je poslala obaveštenje o svom protivljenju, u skladu s tačkom f) podtačka (ii)(1), može naknadno dostaviti Generalnom sekretaru svoje prihvatanje predmetnih izmena i dopuna. Takve izmene i dopune stupaju na snagu, u odnosu na tu stranu, šest meseci nakon datuma njenog obaveštenja o prihvatanju istih ili na datum stupanja na snagu predmetnih izmena i dopuna, zavisno o tome koji datum nastupi kasnije.

(ii) Ako strana koja je dostavila obaveštenje, u skladu sa tačkom f) podtačka (ii)(2) obavesti Generalnog sekretara o svom prihvatanju izmena i dopuna, te izmene i dopune, u odnosu na tu stranu, stupaju na snagu šest meseci nakon datuma obaveštenja o njihovom prihvatanju, ili na datum stupanja na snagu predmetnih izmena i dopuna, zavisno o toga koji datum nastupi kasnije.

3. Izmene i dopune putem Konferencije:

a) Na zahtev strane s kojim je saglasna najmanje jedna trećina ostalih strana, Organizacija će sazvati Konferenciju radi razmatranja izmena i dopuna ove Konvencije.

b) Generalni sekretar će svim stranama dostaviti izmene i dopune usvojene na Konferenciji dvotrećinskom većinom glasova prisutnih strana koje su glasale, u svrhu njihovog prihvatanja.

c) Osim ako se na Konferenciji ne odluči drukčije, izmene i dopune se smatraju prihvaćenim i stupaju na snagu u skladu sa postupkom navedenim u stavu 2. tač. e) i f) ovog člana.

4. Svaka strana koja odbije prihvatiti određenu izmenu i dopunu Dodatka ne smatra se stranom isključivo u odnosu na primenu predmetne izmene i dopune.

5. Svaka obaveštenja u okviru ovoga člana moraju se u pisanom obliku dostaviti Generalnom sekretaru.

6. Generalni sekretar je dužan da obavesti strane i članice Organizacije o:

- a) svim izmenama i dopunama koje stupaju na snagu, kao i o datumu njihovog stupanja na snagu, uopšteno i u odnosu na svaku pojedinu stranu, i
- b) svim obeveštenjima dostavljenim u skladu sa ovim članom.

#### Član 20.

##### OTKAZ

1. Svaka strana može u bilo kom trenutku otkazati ovu Konvenciju, nakon isteka dve godine od datuma na koji je Konvencija stupila na snagu za tu stranu.

2. Otkaz se daje dostavljanjem pisanog obaveštenja depozitaru i stupa na snagu godinu dana nakon prijema ili dužeg vremenskog perioda koje može biti naznačeno u tom obaveštenju.

#### Član 21.

##### DEPOZITAR

1. Ova Konvencija se deponuje kod Generalnog sekretara, koji overene kopije iste dostavlja svim državama koje su potpisale Konvenciju ili pristupile istoj.

2. Osim obaveza naznačenih u drugim delovima ove Konvencije, Generalni sekretar će:

- a) sve države koje su potpisale ovu Konvenciju ili su joj pristupile obavestavati o:
  - (i) svakom novom potpisu ili polaganju isprave o potvrđivanju, prihvatanju, odobrenju ili pristupanju, zajedno s datumima istih,
  - (ii) datumu stupanja na snagu ove Konvencije, i
  - (iii) polaganju bilo kog instrumenta o otkazu ove Konvencije, zajedno s datumom prijema instrumenta i datumom na koji otkaz stupa na snagu, i
- b) odmah po stupanju na snagu ove Konvencije, Generalni sekretar će dostaviti njen tekst Sekretarijatu Ujedinjenih nacija radi njenog registrovanja i objavljivanja u skladu s članom 102. Povelje Ujedinjenih nacija.

#### Član 22.

##### JEZICI

Ova Konvencija je sastavljena u jednom originalu na arapskom, kineskom, engleskom, francuskom, ruskom i španskom jeziku, pri čemu je svaki tekst jednako verodostojan.

DONETA U LONDONU, trinaestog dana meseca februara, dve hiljade i četvrte godine.

U POTVRDU TOGA, su niže potpisani, u tu svrhu propisno ovlašteni od svojih odnosnih vlada, potpisali ovu Konvenciju.

## DODATAK

### Pravila o nadzoru i upravljanju brodskim balastnim vodama i talozima

#### Odeljak A

#### OPŠTE ODREDBE

##### Pravilo A-1

##### Definicije

Za potrebe ovoga Dodatka:

1. „Datum godišnjice” označava dan i mesec svake godine koji odgovaraju datumu isteka važnosti Svedočanstva.

2. „Kapacitet balastnih voda” označava ukupni zapreminski kapacitet svih tankova, prostora ili odeljaka na brodu koji služe za prevoz, ukrcaj ili ispuštanje balastnih voda, uključujući bilo koje višenamenske tankove, prostore ili odeljke izgrađene za prevoz balastnih voda.

3. „Kompanija” označava vlasnika broda ili bilo koje drugo fizičko ili pravno lice, kao što je menadžer ili bareboat čarterer, koje je preuzelo odgovornost za upravljanje brodom od vlasnika broda i koje je preuzimanjem takve odgovornosti preuzelo ovlašćenja i odgovornosti u skladu sa Međunarodnim pravilnikom upravljanja za bezbedan rad brodova i sprečavanje zagađenja<sup>1</sup>.

4. „Izgrađen”, u odnosu na brod, označava stepen izgradnje u kom je ostvareno sledeće:

- 1) kobilica je položena, ili
- 2) počinje izgradnja tačno određenog broda, ili
- 3) započinje sklapanje najmanje 50 tona ili 1% procenjene količine ukupnog konstrukcijskog materijala, zavisno o tome što je manje, ili
- 4) na brodu su izvršene veće prepravke.

5. „Veća prepravka” označava prepravku broda:

- 1) kojom se menja njegov teretni kapacitet balastnih voda za 15% ili više, ili
- 2) kojom se menja tip broda, ili
- 3) koja je, prema mišljenju administracije, namenjena produženju životnog veka broda za deset ili više godina, ili
- 4) koja, osim zamene sastavnih delova, prouzrokuje i druge prepravke brodskog sistema balastnih voda. Za potrebe ovoga Dodatka, većom prepravkom se ne smatra prepravka broda izvršena s ciljem ispunjavanja odredbi iz Pravila D-1.

6. „Od najbližeg kopna” označava izraz kojim se označava udaljenost od osnovne linije od koje je uspostavljeno teritorijalno more predmetne teritorije, u skladu s međunarodnim pravom, izuzev što, za potrebe ove Konvencije, „od najbližeg kopna” na severoistočnoj obali Australije znači od linije povučene iz tačke na obali Australije na

11°00' južne geografske širine, 142°08' istočne geografske dužine

do tačke 10°35' južne geografske širine, 141 °55' istočne geografske dužine,

zatim do tačke 10°00' južne geografske širine, 142°00' istočne geografske dužine,

zatim do tačke 9°10' južne geografske širine, 143°52' istočne geografske dužine,  
 zatim do tačke 9°00' južne geografske širine, 144°30' istočne geografske dužine,  
 zatim do tačke 10°41' južne geografske širine, 145°00' istočne geografske dužine,  
 zatim do tačke 13°00' južne geografske širine, 145°00' istočne geografske dužine,  
 zatim do tačke 15°00' južne geografske širine, 146°00' istočne geografske dužine,  
 zatim do tačke 17°30' južne geografske širine, 147°00' istočne geografske dužine,  
 zatim do tačke 21°00' južne geografske širine, 152°55' istočne geografske dužine,  
 zatim do tačke 24°30' južne geografske širine, 154°00' istočne geografske dužine,  
 zatim do tačke na obali Australije na 24°42' južne geografske širine, 153°15' istočne geografske dužine.

7. „Aktivna materija” označava materiju ili organizam, uključujući viruse ili gljivice, koji uopšteno ili specifično deluju na štetne vodene organizme i patogene ili protiv njih.

#### Pravilo A-2

##### Opšta primenljivost

Izuzev ako nije izričito drukčije određeno, ispuštanje balastnih voda obavlja se isključivo kroz postupke upravljanja balastnim vodama u skladu s odredbama ovoga Dodatka.

#### Pravilo A-3

##### Odstupanja

Zahtevi Pravila B-3, ili bilo koje mere koje je strana usvojila na osnovu člana 2. stav 3. i Odeljka C, ne primenjuje se na:

1) uzimanje ili ispuštanje balastnih voda i taloga koje je neophodno u cilju osiguravanja bezbednosti broda u kriznim situacijama ili spasavanja života na moru, ili

2) slučajno ispuštanje balastnih voda ili unos balastnih voda i taloga usled oštećenja broda ili njegove opreme:

(1) pod uslovom da su preduzete sve potrebne mere predostrožnosti pre i posle pojave oštećenja ili otkrivanja oštećenja ili ispuštanja u svrhu sprečavanja ili smanjenja ispuštanja, i

(2) osim ako vlasnik, kompanija ili ovlašćena lice namerno ili nepažnjom prouzrokuju oštećenje, ili

3) uzimanje i ispuštanje balastnih voda i taloga prilikom korištenja za potrebe izbegavanja ili smanjenje slučaja zagađenja sa broda, ili

4) uzimanje i kasnije ispuštanje u morima izvan teritorijalnih voda istih balastnih voda i taloga, ili

5) ispuštanje balastnih voda i taloga sa broda na istoj lokaciji na kojoj su nastale iste balastne vode i talozi i pod uslovom da nije došlo do mešanja neobrađenih balastnih voda i taloga iz drugih područja. Ako je ipak došlo do mešanja, balastne vode uzete iz drugih područja podležu propisima o upravljanju balastnim vodama u skladu s ovim Dodatkom.

#### Pravilo A-4

##### Izuzeća

1. Strana ili strane, u vodama unutar svog područja nadležnosti, mogu odobriti izuzeća u vezi bilo kog zahteva za primenu Pravila B-3 ili Pravila C-1, uz izuzeća sadržana drugde u ovoj Konvenciji, ali samo ako su:

- 1) odobrena brodu ili brodovima na putovanju ili putovanjima između naznačenih luka ili mesta, ili brodu koji plovi isključivo između naznačenih luka ili mesta,
- 2) važeća tokom vremenskog perioda od najduže pet godina, uz obavljanje revizije unutar tog vremenskog perioda,
- 3) odobrena za brodove koji ne mešaju balastne vode ili taloge, osim između luka ili mesta naznačenih u stavu 1. tačka 1), i
- 4) odobrena na osnovu smernica o proceni rizika koje je razvila Organizacija.

2. Izuzeća odobrena prema stavu 1. nisu važeća sve dok se ne pošalje saopštenje Organizaciji i dok se stranama ne proslede odgovarajuće informacije.

3. Sva izuzeća odobrena na osnovu ovog pravila ne smeju narušavati ili ugrožavati životnu sredinu, ljudsko zdravlje, imovinu ili sredstva okolnih ili drugih država. Bilo koja država za koju strana utvrdi da može biti izložena štetnom uticaju poziva se na konsultacije, s ciljem rešavanja bilo kakvih utvrđenih problema.

4. Sva izuzeća odobrena na osnovu ovog pravila upisuju se u Dnevnik balastnih voda.

#### Pravilo A-5

##### Jednaka usklađenost

Jednaku usklađenost s ovim Dodatkom za plovila za rekreaciju koja se isključivo koriste za rekreaciju ili takmičenja ili plovila koja se prvenstveno koriste za traganje i spasavanje, ukupne dužine manje od 50 metara i sa maksimalnim kapacitetom balastnih voda 8 kubnih metara, određuje administracija, uzimajući u obzir smernice koje je razvila Organizacija.

#### Odeljak B

### **ZAHTEVI UPRAVLJANJA I NADZORA NAD BRODOVIMA**

#### Pravilo B-1

##### Plan upravljanja balastnim vodama

Na svakom brodu se mora nalaziti i primenjivati Plan upravljanja balastnim vodama. Takav plan odobrava administracija, uzimajući u obzir smernice koje je razvila Organizacija. Plan upravljanja balastnim vodama je specifičan za svaki brod i mora makar:

1) sadržati detaljan opis bezbednosnih postupaka za brod i posadu uzimajući u obzir upravljanje balastnim vodama, u skladu sa zahtevima ove Konvencije,

2) pružiti detaljan opis aktivnosti koje je potrebno preduzeti radi sprovođenja zahteva upravljanja balastnim vodama i dodatnih postupaka upravljanja balastnim vodama, kako je izloženo u ovoj Konvenciji,

3) detaljno navesti postupke za odlaganje taloga:

- (1) u moru, i
- (2) na obali,



4) uključiti postupke za koordinaciju broskog upravljanja balastnim vodama, koje obuhvata njihovo ispuštanje u more, s nadležnim telima države u čijim će se vodama takvo ispuštanje vršiti,

5) imenovati službenika na brodu nadležnog za pravilno sprovođenje plana,

6) sadržati zahteve za izveštavanjem s brodova predviđene na osnovu ove Konvencije, i

7) biti napisan na radnom jeziku broda. Ako radni jezik nije engleski, francuski ili španski, potrebno je priložiti prevod na jednom od navedenih jezika.

#### Pravilo B-2

##### Dnevnik balastnih voda

1. Na svakom brodu se mora nalaziti Dnevnik balastnih voda koji može biti elektronski sistem zapisivanja, ili koji može biti uključen u drugi dnevnik ili sistem i koji sadrži makar podatke navedene u Prilogu II.

2. Zapisi u Dnevniku balastnih voda čuvaju se na brodu tokom vremenskog perioda od najmanje dve godine nakon unosa poslednjeg zapisa, a nakon toga se čuvaju u sedištu kompanije tokom vremenskog perioda od najmanje tri godine.

3. U slučaju ispuštanja balastnih voda prema pravilima A-3, A-4 ili B-3 stav 6, ili u slučaju drugog slučajnog ili izuzetnog ispuštanja balastnih voda koji nije na drugi način izuzet ovom Konvencijom, u Dnevnik balastnih voda se unosi zapis koji opisuje okolnosti i razloge ispuštanja balastnih voda.

4. Dnevnik balastnih voda mora biti dostupan na uvid u svakom razumnom trenutku, a u slučaju bespilotnog tegljenog broda može se nalaziti i na tegljaču.

5. Svaka operacija vezana za balastne vode u potpunosti se upisuje, bez odlaganja, u Dnevnik balastnih voda. Svaki zapis potpisuje službenik nadležan za tu operaciju, a svaku ispisanu stranicu potpisuje zapovednik broda. Zapisi u Dnevniku balastnih voda upisuju se na radnom jeziku broda. Ako taj jezik nije engleski, francuski ili španski, zapisi moraju biti prevedeni na jedan od navedenih jezika. Kada se koriste i zapisi na službenom nacionalnom jeziku države čiju zastavu brod ima pravo da vije, ti zapisi su merodavni u slučaju spora ili nepodudarnosti.

6. Službenici, koje je strana za to valjano ovlastila, smeju vršiti kontrolu Dnevnika balastnih voda na bilo kom brodu na koji se primenjuje ovo pravilo, dok se brod nalazi u luci ili odobalnom terminalu i smeju napraviti prepis ili kopiju bilo kog zapisa i zatražiti od zapovednika potvrdu da su prepis ili kopija verodostojni. Svaki tako potvrđen primerak smatra se prihvatljivim u bilo kom sudskom postupku, kao dokaz činjenica navedenih u zapisu. Kontrola Dnevnika balastnih voda i uzimanje overene kopije ili prepisa obavlja se na najbrži mogući način, bez prouzrokovanja neopravdanog kašnjenja broda.

#### Pravilo B-3

##### Upravljanje balastnim vodama za brodove

1. Brod sagrađen pre 2009. godine:

1) s kapacitetom balastnih voda od 1500 do 5000 kubnih metara, sprovodi upravljanje balastnim vodama koje zadovoljava makar standard opisan u Pravilu D-1 ili Pravilu D-2 do 2014. godine, nakon čega mora zadovoljavati makar standard opisan u Pravilu D-2;

2) s kapacitetom balastnih voda manjim od 1500 ili većim od 5000 kubnih metara sprovodi upravljanje balastnim vodama koje zadovoljava makar standard opisan u Pravilu D-1 ili Pravilu D-2 do

2016. godine, nakon čega mora zadovoljavati makar standard opisan u Pravilu D-2.

2. Brod na koji se primenjuje stav 1. mora ispunjavati uslove iz stava 1. najkasnije do prvog međupregleda ili pregleda u svrhu produženja važnosti Svedočanstva, zavisno koje se pre izvrši, nakon datuma godišnjice isporuke broda u godini usklađenosti sa standardom primenjivim na brod.

3. Brod sagrađen 2009. godine ili kasnije, s kapacitetom balastnih voda manjim od 5000 kubnih metara, sprovodi upravljanje balastnim vodama koje zadovoljava makar standard opisan u Pravilu D-2.

4. Brod sagrađen 2009. godine ili kasnije, ali pre 2012. godine, s kapacitetom balastnih voda od 5000 kubnih metara ili više, sprovodi upravljanje balastnim vodama u skladu sa stavom 1. tačka 2).

5. Brod sagrađen 2012. ili kasnije, s kapacitetom balastnih voda od 5000 kubnih metara ili više, sprovodi upravljanje balastnim vodama koje zadovoljava makar standard opisan u Pravilu D-2.

6. Zahtevi iz ovoga pravila ne primenjuju se na brodove koji ispuštaju balastne vode u prijemne stanice pri čijoj su konstrukciji uzete u obzir smernice koje je Organizacija razvila za takva postrojenja.

7. Druge metode upravljanja balastnim vodama takođe se mogu prihvatiti kao alternative zahtevima opisanima u st. 1.-5, pod uslovom da takve metode osiguravaju makar jednak nivo zaštite životne sredine, ljudskog zdravlja, imovine ili sredstava i da ih u načelu odobrava Komitet.

#### Pravilo B-4

##### Promena balastnih voda

1. Brod koji vrši promenu balastnih voda radi zadovoljavanja standarda iz Pravila D-1 mora:

- 1) kada god je moguće, vršiti takvu promenu balastnih voda najmanje 200 nautičkih milja udaljen od najbližeg kopna i u vodi čija dubina iznosi najmanje 200 metara, uzimajući u obzir smernice koje je razvila Organizacija,
- 2) u slučajevima kada brod ne može izvršiti promenu balastnih voda u skladu sa stavom 1. tačka 1), takva se promena balastnih voda vrši uzimajući u obzir smernice opisane u stavu 1. tačka 1) i što je dalje moguće od najbližeg kopna, a u svakom slučaju makar 50 nautičkih milja od najbližeg kopna i u vodi čija je dubina najmanje 200 metara.

2. U pomorskim područjima u kojima dubina ili udaljenost od najbližeg kopna ne zadovoljavaju parametre opisane u stavu 1. tač. 1) ili 2), država luke može odrediti područja, nakon savetovanja s okolnim ili drugim državama, prema potrebi, u kojima brod može izvršiti promenu balastnih voda, uzimajući u obzir smernice opisane u stavu 1. tačka 1).

3. Od broda se ne sme tražiti da skrene sa svog predviđenog puta plovidbe niti da odloži plovidbu u cilju ispunjavanja bilo kog zahteva iz stava 1.

4. Od broda koji vrši promenu balastnih voda se ne sme zahtevati ispunjavanje propisa iz stava 1. ili 2, prema potrebi, ako zapovednik opravdano zaključi da bi takva promena ugrozila bezbednost ili stabilnost broda, njegove posade, ili njegovih putnika zbog nepovoljnih vremenskih uslova, konstrukcije broda ili naprezanja, kvara na opremi ili bilo kog drugog vanrednog stanja.

5. Ako brod treba da izvrši promenu balastnih voda i ne uradi to u skladu s ovim pravilom, razlozi se upisuju u Dnevnik balastnih voda.

#### Pravilo B-5

##### Upravljanje talozima za brodove

1. Svi brodovi su dužni ukloniti i odbaciti taloge iz prostora namenjenih za prevoz balastnih voda, u skladu s odredbama broskog Plana upravljanja balastnim vodama.

2. Brodovi opisani u Pravilu B-3 st. 3.-5. treba, bez ugrožavanja bezbednosti i radne efikasnosti, da budu projektovani i sagrađeni tako da omogućavaju smanjenje unosa i neželjenog zadržavanja taloga, olakšano uklanjanje taloga i bezbedan pristup radi uklanjanja taloga i uzimanja uzoraka, uvažavajući smernice koje je razvila Organizacija. Brodovi opisani u Pravilu B-3 stav 1. treba, u najvećoj mogućoj meri, da ispunjavaju zahteve ovoga stava.

#### Pravilo B-6

##### Dužnosti oficira i posade

U sprovođenju upravljanja balastnim vodama, oficiri i posada moraju biti upoznati sa svojim dužnostima specifičnim za brod na kom su angažovani i moraju, u skladu sa svojim dužnostima, biti upoznati s brodskim Planom upravljanja balastnim vodama.

### Odeljak C

#### POSEBNI ZAHTEVI U ODREĐENIM PODRUČJIMA

##### Pravilo C-1

##### Dodatne mere

1. Ako jedna od strana, pojedinačno ili zajednički s drugim stranama, utvrdi da su, pored mera navedenih u Odeljku B, neophodne dodatne mere u cilju sprečavanja, smanjenja ili zaustavljanja prenosa štetnih vodenih organizama i patogena kroz brodske balastne vode i taloge, tada predmetna strana, pojedinačno ili zajednički s drugim stranama, može, u skladu s međunarodnim pravom, zahtevati da brodovi ispunjavaju određene standarde ili uslove.

2. Pre uspostavljanja standarda ili zahteva u okviru stava 1, neophodno je da se strana ili strane konsultuju s okolnim ili drugim državama na koje mogu uticati takvi standardi ili zahtevi.

3. Strana ili strane koje nameravaju uvesti dodatne mere u skladu sa stavom 1. dužne su:

- 1) uzeti u obzir smernice koje je razvila Organizacija,
- 2) obavestiti Organizaciju sa svojom namerom uvođenja dodatne mere ili mera najmanje 6 meseci, izuzev u hitnim ili slučajevima epidemije, pre predviđenog datuma sprovođenja mere ili mera. Takvo obaveštenje mora uključivati:

- (1) precizne koordinate mesta primene dodatne mere ili mera,
- (2) potrebu i razloge primene dodatne mere ili mera, uključujući, kada god je moguće, očekivane prednosti,
- (3) opis dodatne mere ili mera, i
- (4) bilo kakve postupke koji bi mogli olakšati usklađenost brodova s dodatnom merom ili merama,

3) u obimu propisanom običajnim međunarodnim pravom, prema Konvenciji Ujedinjenih nacija o pravu mora, po potrebi, pribaviti odobrenje Organizacije.

4. Strana ili strane, prilikom uvođenja takvih dodatnih mera, dužne su učiniti dostupnim sve odgovarajuće usluge koje mogu uključivati, ali nisu ograničene na, obaveštenja pomorcima o područjima, raspoloživim i alternativnim pravcima ili lukama, u najvećoj mogućoj meri, kako bi se smanjilo opterećenje broda.

5. Bilo koje dodatne mere usvojene od strane ili strana ne smeju ugroziti bezbednost i zaštitu broda i ni u kakvim okolnostima ne smeju biti suprotne s bilo kojom drugom konvencijom koje se mora pridržavati predmetni brod.

6. Strana ili strane koje uvode dodatne mere smeju odbaciti primenu tih mera tokom određenog vremenskog perioda ili u određenim okolnostima koje smatraju primerenim.

#### Pravilo C-2

Upozorenja u vezi uzimanja balastnih voda u pojedinim područjima i odgovarajuće mere države pripadnosti

1. Strana se obavezuje da obaveštava pomorce o područjima pod svojom nadležnošću u kojima brodovi ne smeju uzimati balastne vode zbog poznatih okolnosti. Predmetna strana je dužna da u takva obaveštenja uključi precizne koordinate područja i, ako je moguće, navede bilo koje alternativno područje pogodno za uzimanje balastnih voda. Upozorenja se mogu izdati za područja:

- 1) za koja je poznato da sadrže izvore epidemija, zaraza ili populacija štetnih vodenih organizama i patogena (npr. otrovna cvetanja algi) koji mogu biti od uticaja prilikom uzimanja ili ispuštanja balastnih voda,
- 2) koja se nalaze u blizini kanalizacijskih ispusta, ili
- 3) na kojima su plimna ispiranja slaba ili vremenskog perioda u kojima su struje plime i oseke zamućenije nego inače.

2. Osim obaveštavanja pomoraca o područjima u skladu s odredbama stava 1. strana je dužna obavestiti Organizaciju i bilo koju potencijalno ugroženu priobalnu državu o bilo kojim područjima navedenima u stavu 1. i o vremenskim periodima tokom kojih takva upozorenja mogu biti na snazi. Obaveštenje Organizaciji i bilo kojoj potencijalno ugroženoj priobalnoj državi mora uključivati precizne koordinate područja i, ako je moguće, navesti bilo koje alternativno područje pogodno za uzimanje balastnih voda. Obaveštenje mora uključivati savet brodovima koji treba da uzmu balastnu vodu u tom području, uz opis postupaka predviđenih za druge načine snabdevanja. Predmetna strana je takođe dužna obavestiti pomorce, Organizaciju i bilo koju potencijalno ugroženu priobalnu državu o vremenu u kojem određeno upozorenje prestaje važiti.

#### Pravilo C-3

##### Komunikacija informacija

Organizacija je dužna na bilo koji prikladan način omogućiti dostupnost informacija koje su joj dostavljene na osnovu Pravila C-1 i Pravila C-2.

#### Odeljak D

### STANDARDI ZA UPRAVLJANJE BALASTNIM VODAMA

#### Pravilo D-1

Standard za promenu balastnih voda

1. Brodovi koji vrše promenu balastnih voda u skladu s ovim pravilom dužni su to raditi uz efikasnost od najmanje 95% zapreminske promene balastnih voda.

2. Uzimajući u obzir brodove koji menjaju balastne vode metodom pumpanja, ako je pumpanje izvršeno tri puta za zapreminski kapacitet svakog balastnog tanka, smatra se da je zadovoljen standard opisan u stavu 1. Ako je pumpanje izvršeno manje od tri puta, zapreminski kapacitet se može prihvatiti pod uslovom da brod može dokazati da je ispunjeno najmanje 95% zapreminske promene.

#### Pravilo D-2

##### Standard za ispuštanje balastnih voda

1. Brodovi koji sprovode upravljanje balastnim vodama u skladu s ovim pravilom dužni su ispustiti manje od 10 održivih organizama po kubnom metru, čije su minimalne dimenzije veće ili jednake 50 mikrometara i manje od 10 održivih organizama po mililitru, čije su minimalne dimenzije manje od 50 mikrometara i čije su minimalne dimenzije veće od ili jednake 10 mikrometara, tako da ispuštanje indikativnih mikroba ne sme biti veće od zadate koncentracije opisane u stavu 2.

2. Indikativni mikrobi, kao standard za ljudsko zdravlje, uključuju:

- 1) Toksikogeni mikroorganizam *Vibrio cholerae* (O1 i O139) s manje od 1 jedinice koja stvara kolonije (cfu) na 100 mililitara ili manje od 1 cfu po 1 gramu (težina u vlažnom stanju) uzoraka zooplanktona,
- 2) *Escherichia coli*, manje od 250 cfu na 100 mililitara,
- 3) Crevna enterokoka, manje od 100 cfu na 100 mililitara.

#### Pravilo D-3

##### Zahtevi za odobrenje sistema upravljanja balastnim vodama

1. Izuzev kako je navedeno u stavu 2, sisteme upravljanja balastnim vodama korištene u skladu s ovom Konvencijom mora odobriti administracija, uzimajući u obzir smernice koje je razvila Organizacija.

2. Sisteme upravljanja balastnim vodama koji koriste aktivne materije ili preparate koji sadrže jednu ili više aktivnih materija radi usklađenosti s ovom Konvencijom odobrava Organizacija, na osnovu postupka koji je sama razvila. Taj postupak mora opisivati postupke odobrenja i povlačenja odobrenja aktivnih materija i predloženi način njihove primene. Kod povlačenja odobrenja, korištenje odgovarajuće aktivne materije ili više njih se zabranjuje na godinu dana nakon datuma takvog povlačenja.

3. Sistemi upravljanja balastnim vodama korišteni u skladu s ovom Konvencijom moraju biti bezbedni uzimajući u obzir brod, njegovu opremu i posadu.

#### Pravilo D-4

##### Prototipske tehnologije obrade vodenog balasta

1. Za svaki brod koji, pre nego što se na njega počne primenjivati standard iz Pravila D-2, učestvuje u programu odobrenom od administracije, s ciljem ispitivanja i procene novih tehnologija obrade vodenog balasta, standard iz Pravila D-2 se neće početi primenjivati na taj brod dok ne prođe pet godina od datuma kada bi brod inače trebao biti usklađen s takvim standardom.

2. Za svaki brod koji, nakon datuma kada se na njega počne primenjivati standard iz Pravila D-2, učestvuje u programu odobrenom od administracije, uzimajući u obzir smernice koje je razvila Organizacija, s ciljem ispitivanja i procene novih tehnologija obrade balastnih voda iz kog mogu nastati tehnologije obrade sa

standardom većim od onoga iz Pravila D-2, standard iz Pravila D-2 se prestaje primenjivati na taj brod tokom vremenskog perioda od pet godina od datuma uvođenja takve tehnologije.

3. Pri uspostavljanju i sprovođenju bilo kog programa ispitivanja i procene novih tehnologija obrade balastnih voda, strane se obavezuju na sledeće:

- 1) uvažavanje smernica koje je razvila Organizacija, i
- 2) dozvoljavanje učešća tek minimalnog broja brodova neophodnih za efikasno ispitivanje takvih tehnologija.

4. Tokom vremenskog perioda ispitivanja i procene, sistem obrade se mora koristiti dosledno i u skladu s predviđenim planom.

#### Pravilo D-5

##### Revizija standarda koju vrši Organizacija

1. Na sastanku Komiteta održanom najkasnije tri godine pre najranijeg datuma stupanja na snagu standarda navedenog u Pravilu D-2, Komitet je dužan izvršiti reviziju kojom se utvrđuje raspoloživost odgovarajućih tehnologija u cilju dostizanja tog standarda, procenjuju kriterijumi iz stava 2, kao i društveno-ekonomske posledice, posebno uzimajući u obzir razvojne potrebe zemalja u razvoju, naročito malih ostrvskih država u razvoju. Komitet se takođe obavezuje na obavljanje povremenih revizija, prema potrebi, s ciljem provere primenjivih zahteva za brodove opisane u Pravilu B-3 stav 1, kao i bilo kojih drugih funkcija upravljanja balastnim vodama navedenih u ovom Dodatku, uključujući bilo koje smernice koje je razvila Organizacija.

2. Takve revizije odgovarajućih tehnologija takođe uzimaju u obzir:

- 1) bezbednosna razmatranja vezana za brod i posadu,
- 2) ekološku prihvatljivost, tj. ne smeju stvarati veći uticaj na životnu sredinu od onog koji otklanjaju,
- 3) izvodljivost, tj. usklađenost s projektovanjem i radom broda,
- 4) isplativost, tj. ekonomičnost, i
- 5) biološku efikasnost u smislu uklanjanja ili onemogućavanja održivosti štetnih vodenih organizama i patogena u balastnim vodama.

3. Komitet može osnovati grupe za sprovođenje revizija opisanih u stavu 1. Komitet određuje sastav, referentne uslove i određena pitanja kojima se bave navedene osnovane grupe. Takve grupe mogu razvijati i prosleđivati stranama na razmatranje predloge izmena i dopuna ovog Dodatka. Isključivo strane smeju učestvovati u sastavljanju preporuka, izmena i dopuna odluka Komiteta.

4. Ako, na osnovu revizija opisanih u ovom pravilu, strane odluče usvojiti izmene i dopune ovoga Dodatka, takve izmene i dopune se usvajaju i stupaju na snagu u skladu s postupcima sadržanim u članu 19. ove Konvencije.

#### Odeljak E

##### **ZAHTEVI ZA PREGLED I IZDAVANJE SVEDOČANSTAVA ZA UPRAVLJANJE BALASTNIM VODAMA**

#### Pravilo E-1

##### Pregledi

1. Brodovi čija težina iznosi 400 bruto tona i više, a na koje se primenjuje ova Konvencija, isključujući plutajuće platforme, plovne skladišne jedinice (FSU) i

plovne jedinice za proizvodnju, skladištenje i pretovar (FPSO), podležu sledećim pregledima:

- 1) Početnom pregledu pre stavljanja broda u službu ili pre prvog izdavanja Svedočanstva propisanog pravilima E-2 ili E-3. Ovim pregledom se potvrđuje da su Plan upravljanja balastnim vodama, propisan Pravilom B-1 i sve pripadajuće konstrukcije, oprema, sistemi, uređaji, uređenje i materijali ili postupci, potpuno u skladu sa zahtevima ove Konvencije.
- 2) Pregledu radi produženja važnosti Svedočanstva, u razmacima koje odredi administracija, ali koji ne prelaze pet godina, izuzev ako se primenjuju pravila E-5 stav 2, E-5 stav 5, E-5 stav 6 ili E-5 stav 7. Ovim pregledom se potvrđuje da je Plan upravljanja balastnim vodama, propisan Pravilom B-1 i sve pripadajuće konstrukcije, oprema, sistemi, uređaji, uređenja i materijali ili postupci, potpuno u skladu sa zahtevima ove Konvencije.
- 3) Međupregled u roku od tri meseca pre ili posle druge godišnjice ili u roku od tri meseca pre ili posle treće godišnjice potpisivanja Svedočanstva, koji se vrši umesto jednog od godišnjih pregleda navedenih u stavu 1. tačka 4). Međupregledima se potvrđuje da su oprema, pripadajuće konstrukcije i postupci za upravljanje balastnim vodama potpuno u skladu s primenjivim zahtevima ovog Dodatka i da su u ispravnom stanju. Takvi se međupregledi potvrđuju Svedočanstvom izdatim na osnovu Pravila E-2 ili Pravila E-3.
- 4) Godišnji pregled u roku od tri meseca pre ili posle svakog datuma godišnjice, uključujući opštu inspekciju konstrukcije, bilo kojeg dela opreme, sistema, uređaja, uređenja i materijala ili postupaka povezanih s Planom upravljanja balastnim vodama, na osnovu Pravila B-1, kako bi se osiguralo da su održavani u skladu sa stavom 9. i da su i dalje prihvatljivi za službu kojoj je brod namenjen. Takvi se godišnji pregledi potvrđuju Svedočanstvom izdatim na osnovu Pravila E-2 ili Pravila E-3.
- 5) Dodatni pregled, bilo opšti ili delimični, u skladu s okolnostima, vrši se nakon promene, zamene ili značajne prepravke konstrukcije, opreme, sistema, uređaja, uređenja i materijala neophodnih za postizanje potpune usklađenosti s ovom Konvencijom. Pregledom se mora utvrditi da li je takva promena, zamena ili značajna prepravka efikasno izvršena i da li je brod usklađen sa zahtevima ove Konvencije. Takvi pregledi se potvrđuju Svedočanstvom izdatim na osnovu Pravila E-2 ili Pravila E-3.

2. Administracija utvrđuje odgovarajuće mere za brodove koji ne podležu odredbama stava 1. u cilju osiguravanja usklađenosti s važećim propisima ove Konvencije.

3. Preglede brodova u svrhu sprovođenja propisa ove Konvencije vrše službenici administracije. Administracija može, međutim, poveriti preglede inspektorima imenovanim za tu svrhu ili priznatim organizacijama.

4. Administracija koja imenuje inspektore ili priznate organizacije za obavljanje pregleda, kako je opisano u stavu 3, dužna je, kao minimum, ovlastiti takve imenovane inspektore ili priznate organizacije<sup>2</sup> da:

- 1) zahtevaju usklađenost broda koji pregledaju s odredbama ove Konvencije, i

- 2) sprovode preglede i inspekcije ako to zatraže odgovarajuća nadležna tela države luke koja je strana ove Konvencije.

5. Administracija je dužna obavestiti Organizaciju o posebnim odgovornostima i uslovima ovlašćenja dodeljenih imenovanim inspektorima ili priznatim organizacijama, kako bi te informacije bile prosleđene stranama za potrebe informisanja njihovih službenika.

6. Ako administracija, imenovani inspektor ili priznata organizacija utvrde da brodsko upravljanje balastnim vodama nije u skladu s pojedinostima navedenim u Svedočanstvu propisanom pravilima E-2 ili E-3, ili da brod nije u stanju nastaviti plovidbu bez opasnosti od izazivanja štete životnoj sredini, ljudskom zdravlju, imovini ili sredstvima, tada su inspektor ili priznata organizacija dužni hitno osigurati preduzimanje popravne radnje radi usklađivanja broda sa Svedočanstvom. Inspektor ili priznata organizacija se o tome odmah obaveštavaju, vodeći računa da se u tom slučaju Svedočanstvo ne izda ili, ako je izdato, da se povuče, prema potrebi. Ako se brod nalazi u luci druge strane, odgovarajuća nadležna tela države luke moraju o tome biti hitno obaveštena. Kada službenik administracije, imenovani inspektor ili priznata organizacija o tome obaveštavaju odgovarajuća nadležna tela države luke, vlada predmetne države luke dužna je pružiti tom službeniku, inspektoru ili priznatoj organizaciji svaku potrebnu pomoć pri vršenju obaveza u okviru ovoga pravila, uključujući bilo koji postupak opisan u članu 9.

7. Kada brod zadesi nesreća ili se otkrije nedostatak koji u velikoj meri utiče na sposobnost broda da upravlja balastnim vodama u skladu s ovom Konvencijom, vlasnik, brodar ili drugo lice odgovorno za brod dužni su o tome hitno obavestiti administraciju, priznatu organizaciju ili imenovanog inspektora odgovornog za izdavanje odgovarajućeg Svedočanstva, koji će podstaći pokretanje istrage kojom se utvrđuje potreba za pregledom propisanim u stavu 1. Ako se brod nalazi u luci druge strane, vlasnik, brodar ili drugo odgovorno lice takođe su dužni da hitno o tome obaveste odgovarajuća nadležna tela države luke, a imenovani inspektor ili priznata organizacija utvrđuje da li je takav izveštaj poslat.

8. U svakom slučaju, predmetna administracija u celosti garantuje potpunost i efikasnost pregleda i osigurava nužne postupke za ispunjavanje ove obaveze.

9. Stanje broda i njegove opreme, sistema i postupaka se održava takvim da zadovoljava propise ove Konvencije, kako bi se osiguralo da brod u svakom pogledu može nastaviti ploviti morem bez opasnosti od štete po životnu sredinu, ljudsko zdravlje, imovinu ili sredstva.

10. Po obavljanju bilo kog pregleda broda iz stava 1, nikakva se promena ne sprovodi na konstrukciji, bilo kom delu opreme, uređajima, sistemima ili materijalima povezanim s Planom upravljanja balastnim vodama propisanim Pravilom B-1 i obuhvaćenim pregledom, bez odobrenja administracije, izuzev ako je u pitanju direktna zamena takve opreme ili uređaja.

## Pravilo E-2

### Izdavanje ili overa Svedočanstva

1. Administracija je dužna da obezbedi izdavanje Svedočanstva brodu na koji se primenjuje Pravilo E-1 nakon uspešnog završetka pregleda izvršenog u skladu s Pravilom E-1. Svedočanstvo izdato pod nadležnošću strane dužne su priznati druge strane i za sve potrebe ove Konvencije smatra se jednako važnim kao i Svedočanstvo koje same izdaju.

2. Svedočanstva izdaje ili overava administracija ili bilo koja lica ili organizacija koja je za to valjano ovlašćena. U svakom slučaju, administracija preuzima punu odgovornost za Svedočanstvo.



## Pravilo E-3

Izdavanje ili overa Svedočanstva koju vrši druga strana

1. Na zahtev administracije, druga strana može zatražiti pregled broda nakon čega, ako je zadovoljena usklađenost s odredbama ove Konvencije, izdaje ili odobrava izdavanje Svedočanstva brodu i ako je potrebno, overava ili odobrava overu tog Svedočanstva na brodu, u skladu s ovim Dodatkom.

2. Primerak Svedočanstva i primerak izveštaja o pregledu se hitno prosleđuju administraciji koja ih potražuje.

3. Tako izdato Svedočanstvo mora da sadrži izjavu o tome da je izdato na zahtev administracije i ima jednaku važnost i priznatost kao i Svedočanstvo koje izdaje administracija.

4. Nikakvo Svedočanstvo se ne izdaje brodu koji ima pravo da vije zastavu države koja nije strana ove Konvencije.

## Pravilo E-4

## Obrazac Svedočanstva

Svedočanstvo se sastavlja na službenom jeziku strane koja ga izdaje, prema obrascu prikazanom u Prilogu I. Ako taj jezik nije engleski, francuski ili španski, tekst mora uključivati prevod na jedan od tih jezika.

## Pravilo E-5

## Trajanje i važnost Svedočanstva

1. Svedočanstvo se izdaje za vremenski period koji određuje administracija, ali ne duži od pet godina.

2. Pregled u svrhu produženja važnosti Svedočanstva:

- 1) Uprkos zahtevima stava 1, po završetku pregleda izvršenog u svrhu produženja važnosti Svedočanstva tri meseca pre datuma isteka postojećeg Svedočanstva, novo Svedočanstvo ima važnost od datuma završetka pregleda u svrhu produženja važnosti Svedočanstva do datuma koji ne sme biti duži od pet godina od datuma isteka važnosti postojećeg Svedočanstva.
- 2) Po završetku pregleda u svrhu produženja važnosti Svedočanstva nakon datuma isteka postojećeg Svedočanstva, novo Svedočanstvo ima važnost od datuma završetka pregleda u svrhu produženja važnosti Svedočanstva do datuma koji ne sme biti duži od pet godina od datuma isteka važnosti postojećeg Svedočanstva.
- 3) Ako je pregled u svrhu produženja važnosti Svedočanstva izvršen više od tri meseca pre datuma isteka postojećeg Svedočanstva, novo Svedočanstvo ima važnost od datuma završetka pregleda u svrhu produženja važnosti Svedočanstva do datuma koji ne sme biti duži od pet godina od datuma završetka pregleda u svrhu produženja važnosti Svedočanstva.

3. Ako je Svedočanstvo izdato za vremenski period kraći od pet godina, administracija može produžiti vremenski period važnosti Svedočanstva nakon datuma isteka do maksimalnog vremenskog perioda navedenog u stavu 1, pod uslovom da su pregledi navedeni u Pravilu E-1 stav 1. tačka 3) primenjivi kada je Svedočanstvo izdato za vremenski period od pet godina i izvršeni na odgovarajući način.

4. Ako je pregled u svrhu produženja važnosti Svedočanstva obavljen, a novo Svedočanstvo se ne može izdati ili predati brodu pre datuma isteka postojećeg Svedočanstva, lica ili organizacija koju je ovlastila administracija mogu prihvatiti postojeće Svedočanstvo, a takvo Svedočanstvo se prihvata kao važeće za sledeći vremenski period koji ne sme biti duži od pet meseci od datuma isteka Svedočanstva.

5. Ako se brod u vreme isteka važnosti Svedočanstva ne nalazi u luci u kojoj se treba izvršiti pregled, administracija može privremeno produžiti rok važnosti Svedočanstva, no to se privremeno produženje odobrava isključivo kako bi se brodu omogućilo da završi svoje putovanje u luku u kojoj se treba izvršiti pregled, a zatim samo u slučajevima u kojima je to primereno i razumno. Nijedno privremeno produženje Svedočanstva ne sme biti duže od tri meseca, a brod kome je odobreno takvo privremeno produženje, po dolasku u luku u kojoj se treba izvršiti pregled, nema zahvaljujući takvom privremenom produženju pravo napustiti luku bez novog Svedočanstva. Po završetku pregleda u svrhu produženja važnosti Svedočanstva, novo Svedočanstvo ima važnost do datuma koji ne sme biti duži od vremenskog perioda od pet godina od datuma isteka važnosti postojećeg Svedočanstva pre izdavanja privremenog produženja.

6. Svedočanstvo izdato brodu koji plovi na kratkim putovanjima, a koje nije privremeno produženo u skladu sa prethodnim stavovima ovoga pravila, može privremeno produžiti administracija tokom dodatnog vremenskog perioda od najviše mesec dana od datuma isteka važnosti koji je na njoj naveden. Po završetku pregleda u svrhu produženja važnosti Svedočanstva, novo Svedočanstvo ima važnost do datuma koji ne sme biti duži od vremenskog perioda od pet godina od datuma isteka važnosti postojećeg Svedočanstva pre izdavanja privremenog produženja.

7. U posebnim okolnostima, prema odluci administracije, novo Svedočanstvo ne treba biti datirano od datuma isteka važnosti postojećeg Svedočanstva, prema zahtevima st. 2. tačka 2), 5. ili 6. ovoga pravila. U takvim posebnim okolnostima, novo Svedočanstvo ima važnost do datuma koji ne sme biti duži od pet godina od datuma završetka pregleda u svrhu produženja važnosti Svedočanstva.

8. Ako je godišnji pregled obavljen pre vremenskog perioda navedenog u Pravilu E-1, tada:

- 1) datum godišnjice naznačen u Svedočanstvu treba izmeniti, uz overu, u datum koji ne sme biti duži od tri meseca nakon datuma završetka pregleda,
- 2) sledeći godišnji pregled ili međupregled propisan Pravilom E-1 moraju se završiti u razmacima propisanim istim pravilom, koristeći novi datum godišnjice,
- 3) datum isteka važnosti može ostati nepromenjen pod uslovom da se izvrši jedan ili više godišnjih pregleda, prema potrebi, na način da se ne prekorače najduži razmaci između pregleda propisanih Pravilom E-1.

9. Svedočanstvo izdato na osnovu Pravila E-2 ili Pravila E-3 prestaje da važi u bilo kom od sledećih slučajeva:

- 1) ako je došlo do izmene, zamene ili značajne prepravke konstrukcije, opreme, sistema, uređaja, uređenja i materijala koji moraju biti potpuno usklađeni s ovom Konvencijom, a Svedočanstvo nije overeno u skladu s ovim Dodatkom,

- 2) po prelasku broda da vije zastavu druge države. Novo Svedočanstvo se izdaje isključivo kada se strana koja izdaje novo Svedočanstvo u potpunosti uveri da je brod u skladu sa zahtevima Pravila E-1. U slučaju prelaska da vije zastavu druge strane, ako se Svedočanstvo potražuje u roku od tri meseca nakon prelaska na plovidbu pod drugom zastavom, strana čiju je zastavu brod prethodno vijao dužna je, što je pre moguće, proslediti administraciji primerke Svedočanstva broda pre prelaska i, ako postoje, primerke odgovarajućih izveštaja o pregledu,
- 3) ako odgovarajući pregledi nisu završeni u vremenskom periodu naznačenom u Pravilu E-1 stav 1, ili
- 4) ako Svedočanstvo nije overeno u skladu s Pravilom E-1 stav 1.

## PRILOG I

**Obrazac Međunarodnog Svedočanstva o upravljanju balastnim vodama**

**MEĐUNARODNO SVEDOČANSTVO O UPRAVLJANJU BALASTNIM VODAMA**

Izdato u skladu sa odredbama Međunarodne konvencije o nadzoru i upravljanju brodskim balastnim vodama i talozima (u nastavku teksta: Konvencija) pod nadležnošću Vlade

.....  
(pun naziv države)

od .....

(pun naziv ovlašćenog lica ili organizacije ovlaštene u skladu s odredbama Konvencije)

Podaci o brodu<sup>3</sup>

Ime broda .....

Broj ili znak raspoznavanja .....

Luka upisa .....

Bruto tonaža .....

IMO broj<sup>4</sup> .....

Datum izgradnje .....

Kapacitet tankova balastnih voda (u kubnim metrima) .....

Pojedinosti o korištenim metodama upravljanja balastnim vodama

Korištena metoda upravljanja balastnim vodama .....

Datum uvođenja (ako je primenjivo) .....

Ime proizvođača (ako je primenjivo) .....

Glavne metode upravljanja balastnim vodama koje se koriste na brodu su:

u skladu s Pravilom D-1

u skladu s Pravilom D-2 (opisati) .....

brod podleže Pravilu D-4

OVIM SE POTVRĐUJE:

1. da je brod pregledan u skladu s Pravilom E-1 Dodatka ove Konvencije, i
2. da je pregledom utvrđeno da je upravljanje balastnim vodama na brodu u skladu s Dodatkom Konvenciji.

Ovo Svetočanstvo važi do dana ..... i podleže pregledima u skladu s Pravilom E-1 iz Dodatka ovoj Konvenciji.

Datum završetka pregleda koji je osnova ovog Svetočanstva piše se u obliku: dan/mesec/godina

Izdato u .....

(Mesto izdavanja svetočanstva)

.....  
 (Datum izdavanja) (Potpis ovlašćenog lica koje je izdalo svedočanstvo)

(Pečat ili žig nadležnog organa)

OVERA GODIŠNJEG PREGLEDA I MEĐUPREGLEDA

OVIM SE POTVRĐUJE da je pregledom propisanim Pravilom E-1 iz Dodatka Konvenciji utvrđeno da brod ispunjava odgovarajuće odredbe ove Konvencije:

Godišnji pregled: Potpis .....  
 (Potpis ovlašćenog lica)  
 Mesto .....  
 Datum .....

(Pečat ili žig nadležnog organa)

Godišnji pregled/Međupregled\*: Potpis .....  
 (Potpis ovlašćenog lica)  
 Mesto .....  
 Datum .....

(Pečat ili žig nadležnog organa)

Godišnji pregled/Međupregled\*: Potpis .....  
 (Potpis ovlašćenog lica)  
 Mesto .....  
 Datum .....

(Pečat ili žig nadležnog organa)

Godišnji pregled: Potpis .....  
 (Potpis ovlašćenog lica)  
 Mesto .....  
 Datum .....

(Pečat ili žig nadležnog organa)

GODIŠNJI PREGLED / MEĐUPREGLED U SKLADU S PRAVILOM E-5 stav 8. tačka 3)

OVIM SE POTVRĐUJE da je, prilikom godišnjeg pregleda/međupregleda\* u skladu s Pravilom E-5 stav 8. tačka 3) iz Dodatka ovoj Konvenciji, utvrđeno da brod ispunjava odgovarajuće odredbe ove Konvencije:

Potpis .....

*(Potpis ovlašćenog lica)*

Mesto .....

Datum .....

*(Pečat ili žig nadležnog organa)*

OVERA ZA PRODUŽENJE VAŽENJA SVEDOČANSTVA AKO JE VAŽENJE KRAĆE OD PET GODINA UZ PRIMENU PRAVILA E-5 STAV 3.

Brod ispunjava odgovarajuće odredbe Konvencije, a ovo Svedočanstvo se, u skladu s Pravilom E-5 stav 3. iz Dodatka Konvenciji, prihvata kao važeće do .....

Potpis .....

*(Potpis ovlašćenog lica)*

Mesto .....

Datum .....

*(Pečat ili žig nadležnog organa)*

OVERA NAKON IZVRŠENOG PREGLEDA U SVRHU PRODUŽENJA VAŽENJA SVEDOČANSTVA UZ PRIMENU PRAVILA E-5 STAV 4.

Brod ispunjava odgovarajuće odredbe Konvencije, a ovo Svedočanstvo se, u skladu s Pravilom E-5 stav 4. iz Dodatka Konvenciji, prihvata kao važeće do .....

Potpis .....

*(Potpis ovlašćenog lica)*

Mesto .....

Datum .....

*(Pečat ili žig nadležnog organa)*

OVERA ZA PRODUŽENJE VAŽENJA SVEDOČANSTVA DO DOLASKA U LUKU PREGLEDA ILI ZA DODATNI VREMENSKI PERIOD UZ PRIMENU PRAVILA E-5 STAV 5. ILI PRAVILA E-5 STAV 6.

Ovo Svedočanstvo se, u skladu s Pravilom E-5 stav 5. ili Pravilom E-5 stav 6.\* iz Dodatka Konvenciji, prihvata kao važeće do .....

Potpis .....

*(Potpis ovlašćenog lica)*

Mesto .....

Datum .....

*(Pečat ili žig nadležnog organa)*

OVERA ZA PROMENU DATUMA GODIŠNjICE UZ PRIMENU PRAVILA E-5 STAV 8.

U skladu s Pravilom E-5 stav 8. iz Dodatka Konvenciji, novi datum godišnjice je .....

Potpis .....

*(Potpis ovlašćenog lica)*

Mesto .....

Datum .....

*(Pečat ili žig nadležnog organa)*

U skladu s Pravilom E-5 stav 8. iz Dodatka Konvenciji, novi datum godišnjice je .....

Potpis .....

*(Potpis ovlašćenog lica)*

Mesto .....

Datum .....

*(Pečat ili žig nadležnog organa)*

**PRILOG II****Obrazac dnevnika balastnih voda****MEĐUNARODNA KONVENCIJA O NADZORU I UPRAVLJANJU BRODSKIM BALASTNIM VODAMA I TALOZIMA**

Vremenski period od: ..... do: .....

Ime broda .....

IMO broj .....

Bruto tonaža .....

Zastava .....

Kapacitet tankova balastnih voda (u kubnim metrima) .....

Brod poseduje Plan upravljanja balastnim vodama 

Dijagram broda s označenim tankovima balastnih voda:

**1. Uvod**

U skladu s Pravilom B-2 iz Dodatka Međunarodnoj konvenciji o nadzoru i upravljanju brodskim balastnim vodama i talozima, obavezno je voditi dnevnik o svim radnjama u vezi balastne vode. To se takođe odnosi na ispuštanje balastnih voda u more i u prihvatne stanice.

**2. Balastne vode i upravljanje balastnim vodama**

„Balastne vode” su vode sa svojim suspendovanim materijama ukrcanima na brod radi kontrole uzdužnog nagiba broda, poprečnog nagiba broda, gaza, stabilnosti ili pritiska broda. Upravljanje balastnim vodama u skladu je s odobrenim Planom upravljanja balastnim vodama, uzimajući u obzir smernice<sup>5</sup> koje je razvila Organizacija.

**3. Beleške u Dnevnik balastnih voda**

Beleške u Dnevnik balastnih voda vrše se u sledećim slučajevima:

**3.1. Prilikom uzimanja balastnih voda:**

1. Datum, vreme i lokacija luke ili prijemne stanice (luka ili geografska širina/dužina) i dubina ako se uzimanje obavlja izvan luke.
2. Procenjena zapremina prihvata izražena u kubnim metrima.
3. Potpis službenika nadležnog za postupak.

**3.2. Svaki put kada balastne vode cirkulišu ili se obrađuju za potrebe upravljanja balastnim vodama:**

1. Datum i vreme postupka.
2. Procenjena zapremina koja cirkuliše ili se obrađuje (izražena u kubnim metrima).
3. Postoji li usklađenost s Planom upravljanja balastnim vodama.
4. Potpis službenika nadležnog za postupak.

**3.3. Ako se balastne vode ispuštaju u more:**

1. Datum, vreme i lokacija luke ili prijemne stanice (luka ili geografska širina/dužina).



2. Procenjena zapremina ispuštena u more i izražena u kubnim metrima plus preostala zapremina izražena u kubnim metrima.
  3. Da li je odobreni Plan upravljanja balastnim vodama primenjen pre ispuštanja.
  4. Potpis službenika nadležnog za postupak.
- 3.4. Ako se balastne vode ispuštaju u prijemne stanice:
1. Datum, vreme i lokacija uzimanja balastnih voda.
  2. Datum, vreme i lokacija ispuštanja balastnih voda.
  3. Luka ili postrojenje.
  4. Procenjena zapremina uzetih ili ispuštenih balastnih voda, izražena u kubnim metrima.
  5. Da li je odobreni Plan upravljanja balastnim vodama primenjen pre ispuštanja.
  6. Potpis službenika nadležnog za postupak.
- 3.5. Slučajno ili drugo vanredno uzimanje ili ispuštanje balastnih voda:
1. Datum i vreme događaja.
  2. Luka ili položaj broda u vreme događaja.
  3. Procenjena zapremina ispuštenih balastnih voda.
  4. Okolnosti uzimanja, ispuštanja, curenja ili gubitka balastnih voda, razlozi i opšte napomene.
  5. Da li je odobreni Plan upravljanja balastnim vodama primenjen pre ispuštanja.
  6. Potpis službenika nadležnog za postupak.
- 3.6. Dodatni operativni postupci i opšte napomene.

#### 4. Zapremina balastnih voda

Zapreminu brodskih balastnih voda treba određivati u kubnim metrima. Dnevnik balastnih voda sadrži veliki broj referentnih podataka o procenjenoj zapremini balastnih voda. Podrazumeva se da tačnost procene zapremine balasta zavisi od tumačenja.

**BELEŠKA O POSTUPCIMA S BALASTNIM VODAMA**  
PRIMER STRANICE DNEVNIKA BALASTNIH VODA

Ime broda .....

Broj ili znak raspoznavanja .....

Datum	Broj predmeta	Zapis operacija/potpis zaduženog oficira

Potpis zapovednika broda .....

\_\_\_\_\_

<sup>1</sup> Odnosi se na Međunarodni pravilnik upravljanja za bezbedan rad brodova i sprečavanje zagađenja koji je usvojila Organizacija rezolucijom A.741(18), sa izmenama i dopunama.

<sup>2</sup> Odnosi se na smernice koje je usvojila Organizacija rezolucijom A.739(18), sa izmenama i dopunama, i tehničke podatke koje je usvojila Organizacija rezolucijom A.789(19), sa izmenama i dopunama.

<sup>3</sup> Podaci o brodu mogu se upisati i vodoravno u kućice.

<sup>4</sup> U skladu s planom IMO-a za dodelu identifikacionih brojeva brodovima (IMO Ship Identification Number Scheme) koji je organizacija prihvatila Rezolucijom A.600(15).

<sup>5</sup> Odnosi se na Smernice za nadzor i upravljanje brodskim balastnim vodama u cilju smanjenja prenosa štetnih vodenih organizama i patogena, koje je Organizacija usvojila Rezolucijom A.868(20).

\* Izbrisati nepotrebno.

**Član 3.**

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije – Međunarodni ugovori”.