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Sayı
Our Reference: 4930

17.12.2015

Konu
Subject : Amerika Deniz Ticaret Odası Kasım 2015 Raporu Hk.

Sirküler No: 854 / 2015

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 03.11.2015 tarih ve ICS(15)54 sayılı yazı ve Eki.

İlgi yazıda, ICS Üyeleri, Amerika Deniz Ticaret Odası'ndan (Chamber of Shipping of America - CSA) alınan, yazı Ekindeki raporu dikkate almaya davet edilmektedir. Rapor, özetle aşağıdaki hususları içermektedir:

1. ABD Sahil Güvenlik Komutanlığı (U.S. Coast Guard – USCG), balast suyu uygulama tarihlerinin uzatılmasına ilişkin 13-01 sayılı Politika Belgesinin ikinci revizyonunu tamamlamıştır. Bahse konu Politika Belgesi, uygunluk tarihleri, ilk planlı kuru havuzlama ve süre uzatımı taleplerinin teslim edilmesine ilişkin usullerle ilgili karışıklığı gidermeyi amaçlamaktadır. 'Orijinal Uyum Tarihi ve İlk Planlı Kuru Havuzlama' ile ilgili olarak:
 - Önceki yorumların aksine, **bir geminin 'ilk planlı kuru havuzlaması' geminin kuru havuza girdiği tarih olarak tanımlanmaktadır.** Önceki yorumlarda, 'ilk planlı kuru havuzlama' teriminin, geminin sörveyler ve sertifikalar gibi gerekli belgelerinde anılan kuru havuzlama tarihi olarak tanımlanabileceği ileri sürülmekteydi. Şimdi ise, örneğin bir geminin uygunluk tarihi 1 Ocak 2016 tarihinden sonraki ilk planlı kuru havuzlaması ise ve gemi bu tarihten önce havuza girip 1 Ocak 2016 tarihinden sonra kuru havuzdan çıktıysa, bahse konu kuru havuzlama uygunluk amaçlarıyla yapılan ilk planlı kuru havuzlama olarak değerlendirilmeyecektir. Aksine, ilk planlı kuru havuzlaması geminin 1 Ocak 2016 tarihinden sonraki havuzlaması olacaktır.
 - Amerika Deniz Ticaret Odası, tanımlamaya ilişkin yukarıda bahsedilen gelişmeyi takdir etmekle birlikte; geminin en son kuru havuza giriş/havuzdan çıkış tarihini gösteren sözleşmeler, kayıtlar ya da seyir jurnali gibi gemide bulunan belgelerin önemli hale geldiğini ileri sürmektedir. Çünkü pek çok geminin sertifikasında ve sörvey raporlarında kuru havuzlama tarihi, havuzlama sürecinin sonunda ya da sonuna yakın bir tarihte kaydedilmekte, bu tarih de orijinal uygulama tarihinden sonraya denk gelebilmektedir. Bu noktada çözüm, ABD Sahil Güvenlik Komutanlığı'nın çeşitli sörvey ya da sertifikalarda yer alan kuru havuzlama tarihlerine değil, **kuru havuza giriş tarihine** başvuracak olmasıdır.
 - Geminin uygunluk tarihinden sonra acil onarımlar için yapılan planlı olmayan havuzlama, uygunluk amaçları için yapılan ilk planlı havuzlama olarak değerlendirilmemektedir.
 - Yasal gereklilikleri karşılamak, keza balast suyu yönetimiyle ilgili olmayan hususlar da dâhil olmak üzere tadilatlar türünden planlanmış işleri bitirmek için geminin uygunluk tarihinden sonra başlatılan planlı bir havuzlama 'ilk planlı havuzlama' olarak değerlendirilir.
 - Kuru havuza alınmak yerine bir su altı denetiminden (underwater inspection in lieu of drydocking – UWILD) geçen ve beş yıllık bir zaman dilimi içerisinde bir havuzlama gören gemiler için UWILD 'ilk planlı havuzlama' olarak değerlendirilmeyecektir.



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‘Süre Uzatımı ve Ek Süre Uzatımı Talepleri’ ile ilgili olarak:

- Süre uzatımları, USCG tarafından belirlenen gerekli minimum süreden daha uzun olmayacak şekilde verilecektir.
 - Süre uzatımı talepleri geminin uygunluk tarihinden en az 12 ay önce teslim edilmelidir. Bununla birlikte USCG, bazı durumlarda söz konusu teslim tarihinin mümkün olmayabileceğini ve bu durumlarda süre uzatımı talebinin olabildiğince erken teslim edilmesi gerektiğini bildirmektedir.
 - Süre uzatımı alan gemiler, uzatma tarihine kadar uygunluk göstermelerinin hala mümkün olmadığı durumlarda ek süre talebinde bulunabilirler.
2. USCG iki yıllık bir değerlendirmeden sonra, balast suyu yönetimi raporlama ve kayıt tutma gerekliliklerini değiştiren nihai kuralını yayınlamıştır. Söz konusu düzenleyici değişikliğin amacı, mevcut kayıt tutma ve raporlama programlarını modern hale getirmektir. Yapılan değişikliklerin ana hatları Amerika Deniz Ticaret Odası'nın Kasım ayı raporunda yer almaktadır.
 3. Balast suyu yönetimi sistemlerinin tip onayı ile ilgili olarak Ekim ayından bu yana kayda değer bir gelişme olmamıştır.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER
Genel Sekreter**EKLER:**

Ek-1: İlgili yazı ve Eki Amerika Deniz Ticaret Odası Kasım Ayı Raporu.

DAĞITIM:**Gereği:**

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3 November 2015

ICS(15)54

TO: ALL FULL AND ASSOCIATE MEMBERS

**Copy: Shipping Policy Committee
Marine Committee
Construction & Equipment Sub-Committee**

US DEVELOPMENTS - NOVEMBER 2015

Action required: To note the attached report from the Chamber of Shipping of America (CSA).

Attached at **Annex A**, please find the monthly report from CSA for November 2015.

The report contains:

1. News that the U.S. Coast Guard (USCG) has finalised its second revision of Policy Letter (No. 13-01) on extensions to the USCG ballast water implementation dates. The Policy Letter is intended to address confusion regarding the compliance dates and the 'first scheduled dry docking', as well as the format for the submission of extension requests. CSA provides an analysis of the content of the Policy Letter with respect to these two issues.
2. Notice that, after two years of evaluation, the USCG has published its final rule amending the current ballast water management reporting and recordkeeping requirements. CSA summarises the key changes introduced by the new rule.
3. An update on USCG activities relating to the type approval of ballast water management systems. There have been no significant developments since the October CSA Report.
4. News that the USCG has announced a public meeting on 8-9 December, in Washington DC, aimed at promoting an exchange of information on the topic of sewage treatment technologies and related matters.

Joe Francombe
Senior Adviser



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MONTHLY REPORT FOR ICS

NOVEMBER 2015

NOTE TO THE READER: Reference to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

**EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST
WATER MANAGEMENT METHODS**

(USCG CG-OES Policy Letter 13-01, issued November 16, 2015)

The USCG has finalized Revision 2 of CG-OES 13-01 which seeks to clarify some of the confusion surrounding determination of compliance dates with USCG ballast water regulations e.g. better defining "first scheduled dry-docking" and clarifies certain aspects of the extension request and granting process. It is important to note that while this document provides helpful clarifications to USCG regulations, the industry is still left in the unenviable position where EPA will consider the extension but will not be bound by the USCG decision. EPA has tried to minimize the discomfort level in this respect by issuing the "low enforcement priority" document provided last year. To date, we are not aware of any compliance actions taken against vessels by EPA who have a bona fide USCG extension letter in hand.

Noting that the regulations well define "original compliance date" as the first dry-docking after the vessel's implementation date (but for new vessels which must comply on their delivery date), a number of questions have arisen relative to how these provisions will be applied relative to the definition of "first scheduled dry-docking".

A couple of specific points are worth noting relative to **"Original Compliance Date and First Scheduled Dry-docking"**:

- Contrary to prior interpretations, a vessel's "first scheduled dry-docking" is now defined as the date the vessel **ENTERS** the dry-dock. Prior interpretations suggested that this term would be defined as the dry-docking date memorialized on required vessel documentation e.g. surveys, certificates. For example, if a vessel's compliance date is the



"first scheduled dry-docking" after 1 January 2016 and the vessel enters the dry-dock prior to that date but departs the dry-dock after that date, that dry-dock would no longer be considered the first scheduled dry-docking for compliance purposes. Rather, in this case, the first scheduled dry-docking would be the next dry-docking when the vessel enters the dry-dock after 1 January 2016.

- While we appreciate the positive development described above, it now becomes critical that the vessel retain on board documentation in the form of contracts, records or logbooks indicating the date of entry/departure of the last dry-docking. This is important given that many of the vessel's certificates and survey reports may note the dry-docking date at or near the end of the dry-docking period which may actually occur after the original implementation date. The key here is that USCG will apply the dry-dock entry date and not the dry-dock dates as listed in various surveys and/or certificates.
- A dry-docking ("unscheduled") begun after the vessel's compliance date necessary for emergency repairs is not considered the first scheduled dry-docking for compliance purposes.
- A scheduled dry-docking begun after the vessel's compliance date to meet statutory requirements or to complete planned work e.g. retrofits for any purpose including those unrelated to ballast water management, is considered the "first scheduled dry-docking". As an example, a vessel had scheduled a short dry-docking solely for the purpose of retrofitting exhaust gas cleaning equipment and after much discussion, USCG decided that this would be considered the first scheduled dry-docking after its compliance date since the dry-docking was planned in advance thus giving the vessel owner/operator sufficient time to plan for ballast water management upgrades subject to availability or to apply for an extension.
- For vessels that undergo one underwater inspection in lieu of dry-docking (UWILD) and one dry-docking in a five year period, the UWILD is not considered the "first scheduled dry-docking".

A couple of specific points are worth noting relative to **"Extension Requests and Supplemental Extension Requests"**:

- Extensions will be granted for no longer than the minimum time needed as determined by the USCG when the extension request is evaluated.
- Extension requests should be submitted at least 12 months prior to the vessel's compliance date. However the USCG recognizes that this advance submission date may not be possible in some circumstances



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and in these situations, the request should be submitted as early as possible.

- Vessels which have been granted extensions may request a supplemental extension where compliance by the extension date is still not possible. In this case, the date specified in the supplemental extension grant will be the next scheduled dry-docking after its current extension date, although it is noted that if that date is less than two years away, USCG may grant the supplemental extension to the second dry-docking after that date.
- A detailed listing of the contents for the extension or supplemental extension request may be found at pages 4 and 5 of the policy letter.

The policy letter may be viewed at:
https://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentTypeId=2&channelId=-18366&contentId=466465&programId=13065&programPage=%2Fep%2Fprogram%2Feditorial.jsp&pageTypeId=13489&BV_SessionID=@@@0231189785.1448736854@@@&BV_EngineID=cccdadqhlqikllcfngcfkmdfhdfgm.0

BALLAST WATER MANAGEMENT REPORTING AND RECORDKEEPING **(FINAL RULE, Federal Register, November 24, 2015, pg. 73105-73115)**

Summary: After two years evaluation, the USCG has published its final rule amending the current ballast water management reporting and recordkeeping requirements. The stated goal of this regulatory change was to modify and streamline the current recordkeeping and reporting programs while still assuring the USCG and NBIC (National Ballast Information Clearinghouse) have access to relevant data that enables them to assess the effectiveness of regulations in reducing the risk of aquatic nuisance species invasions.

Key points of these changes include:

- Vessels trading solely within a single COTP zone must file an annual report for three years. This was deemed a necessary set of data so that risk comparisons can be made between these vessels and those subject to voyage based reporting requirements e.g. vessels trading in multiple COTP zones or inbound US from international voyages.
- Revisions have been made to the ballast water reporting form to align the reporting requirements (151.2060) with the recordkeeping requirements (151.2070)
- The one exception to the above alignment of the information in both requirements is the sediment discharge requirement found in 151.2070



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which is subject to the recordkeeping requirements but is not subject to the reporting requirements.

- USCG has agreed that reports may be electronically signed by the reporting officer. This capability has been integrated into the NBIC reporting web site.
- Despite our comments to the docket, the USCG/NBIC did not agree to enter an entire column of values in the report based on errors resulting from this capability noted in a pilot study which did permit multiple cell entries.
- USCG/NBIC has modified the reporting form to permit entry of volumes in either gallons or cubic meters by adding a drop-down menu which enables selection of one or the other.
- Accepting our comments to the docket, the USCG has revised the timing of ballast water report submission from pre-arrival filing to a requirement that permits reporting filing up to 6 hours after arrival or upon departure, whichever is earlier. Note that arrival is defined as reaching "any port or place to which a vessel is bound to anchor or moor". Thus the 6 hour post arrival clock starts when the vessel makes arrival as per the logbook regardless of whether the vessel anchors awaiting berth or travels directly to the berth.
- The above change is welcomed and supported by our comments to the docket such that the need for amended reports is minimized.
- 151.2060(c) contains the revised information that needs to be submitted in the report including vessel information, voyage information, ballast water information, information on ballast water tanks that are to be discharged in the US (either to the water or to a reception facility) and a certification of accuracy.
- In the event that an amended report is required, this report must be submitted before the vessel departs US waters or not later than 24 hours after departure, whichever is earlier.

Status of USCG Activities relating to BWTS Type Approvals

No new developments or decisions have been reached relative to US type approvals of ballast water management systems. CSA continues to monitor the status of US ballast water treatment system type approvals, or in the instant case, the lack thereof.



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As noted in prior updates, decisions on the UV based systems submitted for USCG review are pending until such time as the USCG decides on the acceptability of the use of the Most Probable Number (MPN) efficacy assessment methodology. Based on recent discussions with USCG, it is reasonable to expect a decision on this issue by the end of 2015.

**Sewage Treatment Technology – Type Approval of Marine Sanitation
Devices (MSDs)**
(Federal Register, October 16, 2015, pgs. 62551-62554)

USCG has announced a public meeting to be held on December 8-9, 2015 at the DOT Headquarters Building in Washington, DC. The purpose of the meeting is to promote an exchange of information relative to sewage treatment technologies, issues associated with testing and type approval of MSDs and issues surrounding gray water discharges. Both USCG and EPA will participate in this meeting. Specific topics to be discussed include:

- Sewage treatment technologies (existing and developing)
- Issues related to testing of MSDs for type approval
- Onboard verification checks for MSD performance
- Impact of gray water on the environment and ship
- Gray water processing technologies
- Issues re: existing US standards and MARPOL Annex IV equipment standards (Resolution MEPC.227(64))
- Impact of No Discharge Zones
- Revision of industry consensus standard ASTM F2363 (Standard Specification for Sewage and Graywater Flow Through Treatment Systems)

CSA will attend the meeting and provide a summary of discussions from the meeting in our next update.