



# Gibraltar Maritime Administration

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## Shipping Guidance Notice 126 PSCircular 104 - Residual COVID-19 issues

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To: Ship Owners, Operators, Master's and Recognised Organisations

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### 1. Summary

- 1.1. Paris MOU have released PSCircular 104 providing information on “residual COVID-19 issues”, appended to this Shipping Guidance Notice (SGN).
- 1.2. The circular for the most part highlights COVID-19 incurred delays for the provision, installation, and/or commissioning of ballast water treatment systems (BWTS) in respect of compliance with Ballast Water Management (BWM) Convention, D-2 requirements.
- 1.3. The circular additionally provides guidance to Port State Control Officers on acceptable circumstances for a vessel to continue meeting the BWM D-1 Standard, and where the flag State has by means of a suitable documentation confirmed and agreed to an extension to the timeframe for the installation and/or commissioning of a BWTS.
- 1.4. Any such permissions should be supported by a short-term Ballast Water Management Certificate.
  - 1.4.1. *Until such time as the implementation of the BWM Convention into Gibraltar legislation, Ballast Water Statements of Compliance are issued in lieu of certificates.*

### 2. Flag State Dispensations

- 2.1. Gibraltar Maritime Administration will consider applications for the extension past a vessel's compliance due date for installation and/or commissioning of BWTS, with a view towards the issuance of a conditional Flag State Dispensation.
- 2.2. Applications must be supported by the vessel's Class.
- 2.3. Applications as a minimum must include:
  - 2.3.1. Evidence acceptable to the Administration demonstrating that every effort has been made within ample time prior to the compliance due date by the owners/managers to provide the BWTS on the applicable vessel, and/or for the required commissioning to be completed; and,
  - 2.3.2. An established plan inclusive of the anticipated timeframe for the installation and/or commissioning of the BWTS.

### 3. Ballast Water Treatment Systems – Contingency Measures

- 3.1. This guidance is not applicable to malfunctions or operational difficulties with installed BWTS.
- 3.2. In relation to such circumstances, reference should be made to Flag State SGN 125.

Steve Gomez – Chief Surveyor (Ag)  
*For & on behalf of the Maritime Administrator*

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# *PSCircular 104*

22 NOVEMBER 2023

## Residual COVID-19 issues

### Introduction

- 1 During PSCC56 it was discussed that there are still some effects of the Covid-19 pandemic faced by PSCOs during the inspections. Effects are mainly related to Ballast Water management (BWM) and the increased number of PI vessels calling into ports. It was agreed to issue a PSCircular on this regard.

### Ballast Water Management

- 2 During the pandemic, flag Administrations applied some flexibility to the fulfillment of the installation of the ballast water management system due to delays of dry-docking caused by disruption from COVID-19.
- 3 Despite the situation returning to normal, other issues have arisen. These issues are related to the delay in supplying electronic components of ballast water management systems, difficulties to find available technical staff to finalize the installation of the BWM system or to carry out the commissioning test (insufficient technicians for the demand) or difficulties to find available laboratories to take the pertinent samples and analyze them, among others.

As a result of the above situation, flag States have allowed vessels to continue using standard D-1 beyond the D-2 standard applicable compliance date.

- 4 In these cases, PSCOs may accept a short-term BWM certificate accompanied by a document issued by and confirming the acceptance of the flag State (not the Recognized Organization). The document should include detailed justification for giving this extension, as well as the conditions and the duration of the extension. Also, there should be evidence that the ship has a plan to complete the BWM system installation with the required tests and to comply with BWM convention. Where the document is missing, the PSCO should consult the flag state to confirm the authorization granted.
- 5 Notwithstanding the above, where the documentation issued clearly demonstrates a willingness to postpone the installation rather than resolve the difficulties identified in a timely manner (e.g. where an exemption has been issued by a flag State much later than the required date of installation), PSCC Instruction "Guidelines on acceptance of flag State exemptions and flag State conditions" should be applied. The extension of IOPP and/or IBWM certificates, the issuing of exemptions by the flag State, for the sole purpose of unduly avoiding compliance with the Ballast Water Management Convention (ballast water management instead of ballast water exchange) should not be accepted.

## **Other issues**

- 6 Due to the Covid-19 pandemic, PSC activity stopped, and it took time to come back to normal activity. This led to an increased number of PI vessels.
- 7 However, despite having resumed the usual PSC activities, the number of PI vessels calling in ports is still higher than before the pandemic. TF52 is monitoring the possible consequences thereof.

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