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Ballast water discharge in Guinea (Conakry)

Dear Sirs,

Following a recurrent number of problems relating to ballast water discharge in West Africa, and more particularly in Guinea Conakry, we thought it was important to point out the following.

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Please be informed that the discharge of ballast water is governed at the international level by two conventions and that provisions in this respect are also included in local law.

1) INTERNATIONAL CONVENTIONS

i. MARPOL convention

The first one, the MARPOL convention, features regulations for preventing pollution from ships, including the management of ballast water.

Indeed, its first annex specifically focuses on the prevention of pollution by oil and addresses the issue of ballast water contaminated with oil and oily substances. It sets out rules to prevent such pollution, including the requirement for ships to exchange or treat their ballast water to remove or neutralize any harmful organisms or pathogens.

ii. Ballast Water Management (BWM) convention

The second one, The Ballast Water Management (BWM) Convention, adopted in 2004, aims at preventing the spread of harmful aquatic organisms from one region to another and halting damage to the marine environment from ballast water.

It requires ships to manage their ballast water so that aquatic organisms and pathogens are removed or rendered harmless before the ballast water is discharged.

2) GUINEAN LAW

i. **MARITIME CODE OF THE REPUBLIC OF GUINEA**

While Guinean law is silent on the application of the latter convention (BWM), the MARITIME CODE OF THE REPUBLIC OF GUINEA outlines the requirements for ships in Guinean waters as per MARPOL regulations.

The MARITIME CODE OF THE REPUBLIC OF GUINEA specifies that oil tankers of 150 gross tonnage or less, and ships other than oil tankers of 400 gross tonnage or less, must retain polluted ballast water on board until it is discharged in reception facilities ashore, subject to the provisions of MARPOL Annex I, Regulation 13.

Additionally, ships other than oil tankers with a gross tonnage of 400 or more but less than 10,000 must be equipped with an oil filtering system in compliance with the provisions of MARPOL Annex I, Regulation 16, paragraph 4.

For ships of 10,000 gross tonnage or more, further requirements for oil filtering, alarm devices, and automatic stopping of hydrocarbon discharge are specified.

It is also mentioned that it is strictly prohibited to discharge clean, segregated ballast water into the sea, unless it is treated by an approved process.

The products or substances used to treat ballast water must not be toxic, bio-cumulative, or persistent for biological communities, and a detailed description of the treatment method must be available on board in two languages, including French.

ii. **Police, Security and General Operating Regulations of the Port of Conakry**

In addition, article 3.16 of The Police, Security and General Operating Regulations of the Port of Conakry prohibits discharging harmful substances into the water, throwing materials into the port waters, and loading certain materials without proper containment. It also outlines the obligation to notify the Harbour Master of any spill or discharge and the responsibility to clean up and, if necessary, restore the affected areas. Failure to comply may result in the work being carried out at the expense of the responsible party, as determined by the Harbour Master.

Article 3.17 states that ballasting operations are only authorized in special cases, and subject to verification of the cleanliness of the ballast water by the harbor master's office or the competent authority.

If the water is not clean, ballasting can only be carried out in the facilities provided for this purpose and with the authorization of the harbour master's office. In addition, it sets out rules for the disposal

of oil residues, liquid or solid waste and garbage from ships, emphasizing that special decisions and controls may be carried out to ensure compliance with these rules.

According to article 13.9, any Infringements to articles 3.16 and 3.17 of the present regulations, are punishable by a fine equal to the full amount of the vessel's DA for the call at Conakry plus fifty percent (50%) for each infringement observed.

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To avoid any fines from the local authorities, we would advise members to refrain from discharging any ballast water in Guinean territorial waters regardless of the tonnage of the vessels they manage, and regardless of the ballast water treatment system they are using.

We remain at members' entire disposal shall they encounter an issue regarding this specific case or any other situation that may arise.

In annexes, a free translation of:

- MARITIME CODE OF THE REPUBLIC OF GUINEA
- Police, Security and General Operating Regulations of the Port of Conakry

ANNEX:

MARITIME CODE OF THE REPUBLIC OF GUINEA (free translation).

Article 219: Subject to the provisions of regulation 13 of MARPOL Annex I, any oil tanker of 150 gross tonnage or less, and any ship other than an oil tanker of 400 gross tonnage or less, navigating in waters under Guinean sovereignty or jurisdiction must keep polluted ballast water on board until it has been discharged into reception facilities ashore.

Article 220 : Any ship other than an oil tanker of 400 gross tonnage or more and less than 10,000 gross tonnage shall be fitted with an oil filtering system complying with the provisions of regulation 16, paragraph 4 of MARPOL Annex I and, if carrying large quantities of liquid fuel, shall comply with the provisions of regulation 16, paragraph 2 or regulation 14, paragraph 1.

Article 221: All vessels with a gross tonnage of 10,000 or more must be equipped with:

- Filtering equipment ;
- An alarm device; and
- A device to automatically stop any discharge of an oil mixture when the oil content of the effluent exceeds 15 parts per million.

The filtering equipment must be designed to ensure that the hydrocarbon mixture discharged into the sea after passing through the system(s) has a hydrocarbon content of less than 15 parts per million.

The alarm device must indicate when this level is likely to be exceeded.

Article 222: The Maritime Authority shall ensure that ships of less than 400 gross tonnage are equipped, so far as practicable, to retain on board oil or oily mixtures and to discharge them in accordance with the requirements of regulation 9(1)(b) of MARPOL Annex I.

Article 223: The discharge of clean, segregated ballast water into Guinean waters is prohibited, except where it is sufficiently treated by an approved process that acts on or against harmful aquatic organisms and pathogens and eliminates them.

The products or substances used to treat ballast water must be harmful to aquatic organisms, but must not be toxic, bio-cumulative or persistent for biological communities.

Article 224: A detailed description of the treatment method used must be available on board in two languages, including French.

The method used must not compromise the safety of the ship or its crew.

POLICE, SECURITY AND GENERAL OPERATING REGULATIONS OF THE PORT OF CONAKRY (free translation).

ARTICLE 3.16 CONSERVATION OF THE WATER SURFACE AND POOL DEPTHS :

No person may impair the good condition of the harbour in terms of its depth, cleanliness and facilities. In particular, it is forbidden - discharging water which may contain hydrocarbons, dangerous, unhealthy or inconvenient substances or substances in suspension, without prejudice to the provisions of section 7 below, - throwing or allowing earth, rubble, rubbish or any other material to fall into the waters of the port and its outbuildings. - loading, unloading or transshipping powdery or friable materials, without having placed between the vessel and the quay, or in the case of transshipment, between the vessels, a well-packed or securely fastened receptacle, unless an exemption is granted by the Harbour Master.

The Harbour Master must be notified immediately of any spill, discharge, fall and generally any contribution of material or dirt, whatever its origin. The person responsible for the discharge or spillage, and in particular the captain or skipper of the vessel, is required to have the water and structures soiled by the spillage cleaned up.

He may be required to re-establish the depths if the spills have been such as to reduce the useful depths of the basins. In the event of failure to do so, the work will be carried out automatically, at the expense, risk and peril of the party responsible, at the discretion of the Harbour Master.

ARTICLE 3.17. - DEBALLASTING, DEGASSING. EVACUATION OF RESIDUES, BUNKERING :

3.17.1. - Without prejudice to the provisions of Title 7 below, ballasting operations of vessels in port waters are only authorised in special cases, after systematic verification by the Harbour Master, or by an expert appointed by him, that the ballast water is clean. If this is not the case, ballasting operations may only be carried out in the facilities provided for this purpose and with the authorisation of the Harbour Master.

3.17.2. - Residues or mixtures of hydrocarbons such as waste oil, bilge water, tank wash water containing hydrocarbons, as well as all liquid or solid waste and rubbish, from buildings may only be disposed of in areas provided for this purpose. A special decision by the port's Director General may require any vessel, prior to its departure, to dispose of oil, wastewater, refuse and rubbish of any kind on board at these locations. The Harbour Master may make authorisation to leave the port conditional on the vessel complying with this requirement, and carry out the necessary checks on board.

3.17.3. - The Harbour Master may prescribe special precautions The Harbour Master may prescribe special precautions to prevent bunkering operations from giving rise to spills on the water. Free translation

ARTICLE 13.9 CONSERVATION OF THE WATER SURFACE AND BASIN DEPTHS : DEBALLASTING, DEGASSING, RESIDUE REMOVAL, BUNKERING

Infringements of Articles 3.16 and 3.17 of the present regulations, insofar as they are not subject to other penalties, are punishable by a fine equal to the agent fees / DA fees actually due plus fifty percent (50%) for each infringement observed.

Yours's sincerely,



ETIC SAS / AFRICA P&I Services / OCEANIA P&I

Boutigny & Co. in Le Havre is joining ETIC group as from 1st January 2024

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