

<b>STATION DE PILOTAGE.</b> <b>NOUMEA.</b> <b>Nouvelle-Calédonie .</b>	<b>Traduction libre de l'arrêté relatif aux conditions de déballastage des navires dans les eaux Territoriales de la Nouvelle-Calédonie .</b>	<b>Ref :</b> Traduction de l'arrêté n°3/AEM. <b>Rév :</b> B. <b>Application :</b> 12 juillet 2006. Page 1 sur 4.
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**PLAN :**

**Traduction de l'arrêté n°3/AEM du 13 juillet 2006 r elatif aux conditions de déballastage des navires dans les eaux Territoriales de la Nouvelle-Calédonie.**

**OBJET DES MODIFICATIONS :**

Correction de la première traduction.  
Ballast water déclaration est en fichier annexe.

**DIFFUSION :**

- Dossier « DOCUMENTATION EXTERNE ».
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	<b>Fonctions.</b>	<b>Noms.</b>	<b>Visas.</b>	<b>Date.</b>
<b>Traduction</b>		Luc DUFLOS		6 nov 2006.
<b>Approbation.</b>	Président.	F. URBAIN.		6 nov 2006.

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## WATER BALLAST DISCHARGE IN NEW CALEDONIA TERRITORIAL AND INTERNAL WATERS

Extracts from High Commissioner decree N° 3:AEM dated 13 July 2006

**A.** For the purpose of this decree:

- “Ship” means a vessel of any type whatsoever operating in the marine environment, including submarines.
- “Ballast Water” means water with its suspended matter taken onboard a ship to control her trim, list, draught, stability or structural stresses
- “Sediments” means matter settled out of ballast water within ship ballasts.
- “Ballast Water Management” means mechanical, physical, chemical or biological processes, either singularly or in combination, to kill, remove or render harmless the pathogens and harmful aquatic organisms contained in ship ballast waters.
- “Ballast Water Discharge Control Area” means the area including New Caledonia territorial and internal waters as defined in decree n° 2002-827 dated 3 May 2002.

**B.** This decree applies to all ships entering the Ballast Water Discharge Control Area, except:

- ships which enter New Caledonia territorial or internal waters with no intention to discharge ballast water;
- ships not designed or constructed to carry ballast water;
- ships which operate exclusively in New Caledonia territorial or internal waters or assigned to inter-island traffic only;
- warships and French Navy vessels used on government non-commercial service.

**C.** Ships to which this decree applies are prohibited from entering the Ballast Water Discharge Control Area, unless they have previously conducted ballast water exchange in a minimum depth of 2000 metres, by means of:

- sequential method in which each ballast tank is pumped out and refilled,  
or:
- flow-through method in which each ballast tank is simultaneously filled and discharged, by pumping at least three times the tank volume, and allowing the water to overflow.

This operation should not affect the safety of the ship and those onboard, neither her stability or structural integrity.

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**D.** Above provisions do not apply to ships with regards to this decree when:

- they conduct ballast water movements in an emergency situation, in order to preserve the ship and the crew safety;
- they uptake and discharge ballast water originated from the Ballast Water Discharge Control Area, as long as this water has not been contaminated onboard with existing ballast water from another origin;
- they uptake or discharge ballast water to avoid or minimize a risk of pollution or a pollution by the ship.

**E.** The master of any ship to which the present decree applies shall:

- send to his agent in New Caledonia, 24 hours before his estimated time of arrival, the Ballast Water Declaration, as per Annex 1 of the present decree,
- produce the same declaration to the pilot upon his arrival onboard.

On this declaration, the master shall clearly notify the ship ETA at the pilot boarding ground, her port of destination in New Caledonia and the origins of her ballast water.

If he intends to discharge ballast water within the Ballast Water Discharge Control Area, the master shall confirm :

- that he has conducted or is going to conduct ballast water exchange prior to entering the Ballast Water Discharge Control Area
- or
- that the ballast water has been treated by using an IMO approved method.

The pilotage application lodged by the agent, on sight of the ship Ballast Water Declaration, shall expressly state that the ship has complied, or will have complied before entering the Ballast Water Discharge Control Area, with one or the other above mentioned obligations.

The lack of this mention on the pilotage application shall prevent the pilot from undertaking the pilotage operation and the New Caledonia pilots office shall report the situation to the Commander of the French Navy (MRCC Nouméa) and to the Chief of the Marine Department.

**F.** The master of any ship to which this decree applies shall keep, ready for inspection, the following Ballast Water Management documents:

- an IMO approved Ballast Water Management Plan including
  - a detailed description of the actions taken to implement the Ballast Water Management Plan,
  - the safety procedures associated to the Ballast Water Management Plan,
  - the procedure for the disposal of sediments,
  - the location of sampling points.

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- an IMO approved Ballast Water Management Record Book containing the following entries:
    - any ballast water uptake, discharge or exchange in deep ocean,
    - the exception cases mentionned in paragraph D of this decree,
    - when applicable, the precise reasons why the exchange in deep ocean could not be undertaken.
  - the Ballast Water Declaration as per Annex 1 of this decree.
- G.** For compliance monitoring purpose, the master of any ship with regards to paragraph B of this decree shall allow authorized officers to access the ballast water sampling points and provide them with proper assistance.
- H.** Any master of a ship with regards to paragraph B who has not complied with the terms of this decree shall incur punishment in accordance with provisions of the Merchant Marine Penal and Disciplinary Code (*Code pénal et disciplinaire de la Marine Marchande*), more particularly in its article 63, and may be directed to divert his ship towards a Ballast Water Exchange Area designated by the MRCC Nouméa.
- I.** The Commander of the French Navy in New Caledonia, the Commander of the *Gendarmerie Nationale* and the Chief of the Marine Department shall enforce this decree.