

# JAPAN P&I NEWS

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To the Members

Dear Sirs,

## **Ukraine – Ballast Water Problems**

The Association has been informed by Dias Marine Consulting p.c., our correspondents in Ukraine, of problems regarding ballast water inspections by the local ecological inspectors.

According to the Club's correspondents, despite the new Ukrainian law which cancelled the segregated ballast quality control on board ships, the local ecological inspectors are still trying to go on board vessels and exact bribes from the Master. The Immigration Service of Ukraine was given special instructions to exclude the ecological inspectors from the list of official bodies who carry out inward clearance of ships. Nevertheless, the ecological inspectors are still trying to go on board and take samples of ballast water by taking advantage of the Master's lack of knowledge of Ukrainian law.

In the above circumstances, the Club's correspondents recommend Members not to follow the inspectors' instructions and not to allow them to take any samples of ballast water. The Club's correspondents also suggest that the Master should show the below extract of the regulations to the ecological inspectors in order to support his arguments that the ecological inspectors have no right to take samples of ballast water. Members should also ask for the assistance of the correspondents.

### Extract of the Ukrainian ecological regulation

“On April 03 2015, there came into force Order 82 dd. 18.03.2015 (filing No. 343/26788) of the Ministry of Ecology and Natural Resources of Ukraine “on introducing changes into some state ecological control regulations”. By virtue of this Order chemical control of segregated ballast is cancelled. The said Order is aimed at improvement of the ecological control service activity and also it is intended to bring certain Ukrainian normative and legal acts in conformity with the international law.

For example, some changes were made in the regulations related to ecological control of ships at the national frontier check-points and areas covered by the regional customs. In particular, Item 1.4 of the said regulations gives a definition of the notion of “segregated ballast” in accordance with MARPOL Convention 73/78. Besides, paragraph 7 of Item 1.12 of the said regulations was also amended – in the new redaction authority of the state ecological inspectors to make analysis of the segregated ballast water is annulled. In the same way their authority to take samples and carry out laboratory analyses of the segregated ballast for its contents and characteristics is withdrawn by force of the amended Item 6.9 of the marine ecological inspections regulations.”

Recent information from the Club's correspondents suggests that the racketeering by ecological inspectors is fading out gradually, but it is still happening in various Ukrainian ports. Members are recommended to instruct the Master not to allow the ecological inspectors to go on board to inspect the ship's documents and take samples, as such inspection is allowed to be carried out only by the Port State Control officers.

Yours faithfully,

**The Japan Ship Owners' Mutual Protection & Indemnity Association**