



Wednesday 8th May 2019

Bulletin 1167 - 05/19 - Notification of deballasting in Ukrainian sea ports

The Ukrainian Government has abolished the control of segregated ballast waters in Ukrainian sea ports.

On March 27 2019, the Ukrainian Cabinet of Ministers adopted the Resolution No.367 "Some Issues of Deregulation of Commercial Activity", which amends the Government Resolution No.269 dd. 29 February 1996 "The Rules of Protection of Inland Sea Waters and Territorial Waters from Littering and Polluting" with regard to ballast waters control in Ukrainian sea ports (hereinafter – "the Regulation").

ANK Law Office, Odessa advise that the Regulation was adopted in order to ensure abolishing the excessive administrative proceedings leading to unnecessary complication of the commercial activities, and bringing the bylaws into compliance with international conventions and Ukrainian laws.

Among other important issues, the Regulation abolished the control of segregated ballast waters on the seagoing ships in Ukrainian ports. Also, the procedure of detecting the pollution discharge was brought into compliance with MARPOL 73/78. The Regulation established that the State Ecological Inspection is forbidden to execute control of the segregated ballast waters on the seagoing ships until the Government adopts the special procedure that should regulate the conducting of ballast water inspections, taking the samples and carrying out their analysis.

As of 06 May 2019 the Government, competent Ministries, Ukrainian Sea Ports Authority and merchant shipping experts elaborate the special procedure that should finally settle the issues of segregated ballast control preventing the ports pollution.

In the meantime, according to the Regulation, once the special procedure is adopted, the State Ecological Inspection will be entitled to check the level of ballast water pollution only in comparison with the background figures of the port's area, which should be determined by the port's administration. Heretofore the Inspection took the fixed pollution index as the basis for inspection (except the suspended matters), regardless of the actual pollution level at the port. As to the suspended matters, inspectors determined its background index by themselves, which could cause reasonable doubts of objectiveness.

Source of Information

Loss Prevention / ANK Law Office, Odessa Ukraine