



International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

Notice to all Ship Owners, Ship Operators, Fishing Vessel Owners, Port and Harbour Authorities, UK Recognised Organisations and Surveyors

This MIN expires 1 April 2018

Summary

This Marine Information Note provides:

- Information regarding the Ballast Water Management Convention and its implementation.
- Information on the UK implementation of the Ballast Water Management Convention.
- The information contained within this MIN is up to date at the time of writing.

1. Introduction

1.1 Loading and discharging ballast water is an essential part of a ship's operation, with large ships requiring many thousands of tonnes of water to maintain their stability, draft and manoeuvrability. By the very nature of the operation, this ballast water contains hundreds of micro and macroscopic species that will be carried to new destinations by the ship. Some of these species will not survive the journey; however, the species that do survive may establish themselves in a new environment if the biological and physical conditions are favourable. Such non-native species may cause serious ecological, economic and public health impacts, particularly when they become invasive.

1.2 In response to this, the International Maritime Organization (IMO) through its Marine Environment Protection Committee (MEPC), developed the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" which was adopted at a Diplomatic Conference during 2004.

1.3 Further background information and links to the Guidelines that have been developed to support the Convention are available from the IMO website, including a document



detailing available ballast water management guidance and a list of approved ballast water treatment systems.

1.4 This information can be found on the IMO website.

<http://www.imo.org/OurWork/Environment/BallastWaterManagement/Documents/Compilation%20of%20relevant%20Guidelines%20and%20guidance%20documents.pdf>

2. Entry into Force

2.1 The Ballast Water Management (BWM) Convention will enter into force internationally on 8th September 2017.

3. Application

3.1 The Convention applies to all vessels that operate in the waters of more than one Party to the Convention (internationally operating vessels).

3.2 The Convention does not apply to:

- Ships not constructed/designed to carry ballast water;
- Ships that only operate in the waters of a single Party to the Convention (Domestically operating vessels);
- Ships operating in the waters of a single Party and on the High Seas;
- Warships, naval auxiliary or ship owned or operated by a State and used only on Government non-commercial service; and
- Permanent ballast water in sealed tanks on ships that is not subject to discharge.

3.3 The Convention applies to all vessels, regardless of size/tonnage, that are entitled to fly the Flag of a Party to the Convention.

3.4 The Convention defines ship as a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, FSUs and FPSOs.

4. Convention Requirements

4.1 Ships subject to the Convention requirements will be obliged to conduct ballast water management in accordance with the provisions within the Convention, as outlined below.

4.2 Ballast Water Management Plan

4.2.1 Ships shall carry and implement a Ballast Water Management Plan that has been approved by the Administration. The plan must include details of the safety procedures for the ship and crew and provide a detailed description of the actions to be taken to implement the ballast water management requirements. Further information is provided in IMO Guideline G4.



4.3 Ballast Water Record Books

4.3.1 Ships shall carry a Ballast Water Record Book, which must be completed after each ballast water operation. The form of the Ballast Water Record Book should emulate that contained in Appendix II of the Convention.

4.4 Ballast Water Management Standards

4.4.1 The Convention, as amended by IMO Resolution A.1088(28), introduces the phased implementation of two ballast water standards (D1 – Ballast Water Exchange Standard and D2 – Ballast Water Performance Standard). Any ballast water discharged from a ship shall be required to meet the appropriate management standard as required to do so by A.1088(28), the dates of which are based on the ship's ballast water capacity and its construction date. This approach means that ballast water exchange as a management method will be replaced by treatment to meet more stringent water quality standards. Further details on the performance standards can be found in section 5 of this document.

4.5 Sediment Management for Ships

4.5.1 All ships shall remove and dispose of sediments from spaces designed to carry ballast water in accordance with the ship's Ballast Water Management Plan.

4.6 Duties and Officers and Crew

4.6.1 Officers and crew shall be familiar with their duties with respect to the implementation of the ship's Ballast Water Management Plan.

4.7 Exceptions

4.7.1 The requirement to meet the ballast water management standards shall not apply to:

- the uptake and discharge of ballast water necessary for ensuring the safety of the ship in emergency situations;
- the accidental discharge or ingress of ballast water as a result of damage to the ship or its equipment;
- the uptake or discharge of ballast water for the purpose of avoiding or minimising pollution incidents from the ship;
- the uptake and subsequent discharge on the high seas of the same ballast water; or
- the discharge of ballast water from a ship at the same location where the whole of the ballast water originated, provided no mixing of unmanaged ballast water from other areas has occurred. If mixing occurs, the ballast water is subject to management in accordance with the Convention. Further details regarding Same Location are provided in Section 6.

4.8 Exemptions

4.8.1 Exemptions to the requirement to meet the management standard may be granted in specific circumstances. Exemptions may only be granted to a ship or ships on a voyage(s) between specified locations or to a ship that operates exclusively between specified locations and can be effective for no longer than 5 years. The exemption can only be granted if ballast water is not mixed, other than in the locations specified on the exemption, and must be based on a detailed risk assessment taking into consideration the IMO Guidelines (Guideline G7). Further information regarding exemptions can be found in section 6, below.

4.9 Equivalent Compliance

4.9.1 Vessels used solely for recreation or competition or crafts used primarily for search and rescue, that are less than 50m in overall length and have a maximum ballast capacity of 8m³ may apply to their Administration for equivalent compliance. The decision to grant equivalent compliance will be determined based on the guidance developed by the IMO, Guidelines for ballast water management equivalent compliance (G3).



4.9.2 There is no other equivalent compliance available under the Convention. Any alternative methods of meeting the discharge requirements of the Convention are known as 'Other Methods'. More details are provided below in section 5.

4.10 Survey and Certification of Ships

4.10.1 Ships of 400 gross tonnage and above shall be subject to a survey and certification regime as stipulated within the Convention. Vessels under this threshold are still required to meet the requirements of the Convention. Administrations are required to establish appropriate measures to ensure compliance by vessels of less than 400gt.

5. Ballast Water Management Standards

5.1.1 The Convention requires that ballast water is managed to meet the standards set and allows for the phased introduction of two standards as detailed under Regulations D1 and D2. D1 details requirements relating to ballast water exchange and D2 details allowable limits for organisms within the ballast water discharge. The Convention allows for D1 to be used until such time as D2 is required but does not prevent ships operating to the D2 standard ahead of schedule.

5.2 D1 – Ballast Water Exchange (BWE)

5.2.1 The standard set by the Convention states that ships undertaking BWE shall do so with an efficiency of at least 95% volumetric exchange of ballast water. For ships exchanging the ballast water by the pumping-through method, pumping through three times the volume of each ballast tank will be considered equivalent to meeting the 95% standard.

5.2.2 Ships undertaking ballast water exchange should conduct it at least 200 nautical miles from the nearest land and in water at least 200 metres in depth; or in cases where the ship is unable to conduct ballast water exchange in accordance with the above, as far from the nearest land as possible, and in all cases at least 50 nautical miles from the nearest land and in water at least 200 metres depth.

5.2.3 In sea areas where the minimum distance and depth criteria cannot be met, the Parties to the Convention have the ability, within their waters, to designate ballast water exchange areas.

5.3 D2 – Ballast Water Performance Standard

5.3.1 D2 stipulates the acceptable level of organisms that may be found within discharged ballast water. Ballast water treatment equipment is developed and type approved on the basis of the equipment's ability to treat the ballast water to the required standard. Although not the only way to meet the D2 standard, the installation of an appropriately type approved ballast water treatment system is the most common method used.

5.4 Other Methods of Ballast Water Management

5.4.1 Other methods may be accepted as alternatives to either D1 or D2 provided the methods ensure at least the same level of protection to the environment, human health, property or resources and are approved in principle by the IMO.

5.5 Current Ballast Water Management Implementation Schedule

5.5.1 Ships will be required to meet either the D1 or D2 standard until such time as required to meet D2. The table below outlines the implementation dates for the D-2 standard based on Resolution A.1088(28).

5.5.2 The requirement to meet either D1 or D2 standards does not apply to ships that discharge ballast water to a reception facility that has been designed taking into consideration Guideline G5: Guidelines for ballast water reception facilities.



5.5.3 Table detailing the current implementation schedule for D2 compliance.

Ballast Capacity (m ³)	Ships constructed before 2009	Ships constructed after 2009 but before 2012	Ships constructed in or after 2012
<1500	By 1st IOPP renewal survey	By 1st renewal of IOPP following Entry into force (EIF) of the Convention	
	By 1st IOPP renewal survey		
1500-5000	By 1st renewal of IOPP following date of EIF		
>5000	By 1st IOPP renewal survey		By 1st IOPP renewal after EIF
	By 1st IOPP renewal survey		

The IOPP renewal refers to the renewal survey of the IOPP Certificate required by MARPOL Annex I.

6. UK Implementation of The Ballast Water Management Convention

6.1 The UK has not yet ratified the Convention and is currently drafting the legislation that will allow accession to the Convention to take place.

6.2 Domestically Operating Vessels

6.2.1 Once UK legislation is in place, the requirements of the Convention will not apply to vessels which operate exclusively in UK waters or in UK waters and on the High Seas.

6.2.2 UK flagged vessels that operate exclusively within the waters of another Party to the Convention or in the waters of another Party to the Convention and on the High Seas should contact the Coastal State to ascertain whether the requirements of the Convention are being applied to such vessels.

6.3 Internationally Operating Vessels

6.3.1 The UK legislation will apply to UK flagged ships that enter into the waters of more than one Party to the Convention, and to non-UK flagged ships that operate in UK waters and in the waters of at least one other Party to the Convention.

6.3.2 The requirements of the Convention will apply equally to ships of non-Parties to the Convention.

6.4 Same Location

6.4.1 As the Convention does not, at present, define the area covered by the term Same Location, the UK considers that the term Same Location, for purposes of an exception to the Convention under Article A-3, is determined to be the area of a port or harbour identified within the ports Port Security Designation Order.

6.4.2 Where a port does not have a Port Security Designation Order, the appropriate legislation used to identify and designate a port or harbour should be used. Where no such legislation exists for the area identified as a potential Same Location, the Maritime and Coastguard Agency should be contacted using the Ballastwater@mcga.gov.uk email address.



6.5 Permanent Sealed Tanks

- 6.5.1 Operators considering undertaking a conversion to sealed permanent ballast tanks that will only be discharged during dry docking should liaise with the appropriate Recognised Organisation and/or their Customer Service Manager to ensure that any work undertaken adequately meets UK Administration requirements. This includes a review of stability requirements for the vessel, details verifying that existing ballasting systems and pipework are disconnected and a means of ensuring that any modifications are tamperproof.
- 6.5.2 If a vessel wishes to be excluded from the Convention requirements by using permanent sealed tanks, no discharge is permissible.
- 6.5.3 In cases where water may be discharged during dry dock for maintenance reasons, the owner will need to ensure that the water held within the tank is discharged ashore. This will need to be recorded within the appropriate the Ballast Water Management Plan and Ballast Water Record Book.

6.6 Floating platforms, FSUs, and FPSO Units

- 6.6.1 Floating platforms, FSUs and FPSOs are included within the BWM Convention's definition of a ship. However, floating platforms, FSUs and FPSOs may not need ongoing certification if they enter a period of exclusive operation within the waters under the jurisdiction of a single Party to the Convention. BWM.2/Circ.52 should be considered when planning repositioning and dry-docking voyages of these ship types.

6.7 Plan Approval, Survey and Certification

- 6.7.1 For those ships of 400gt or above, to which the Convention applies, the UK has delegated survey, certification requirements and Ballast Water Management Plan approvals to UK Recognised Organisations.
- 6.7.2 Prior to the introduction of UK legislation, the UK will issue Statements of Compliance with the Convention.
- 6.7.3 The Convention requires that Administrations establish appropriate measures to ensure compliance of ships that are not subject to the Conventions survey and certification requirements. The UK is currently considering how to ensure compliance of those ships of less than 400gt and will publish further guidance once an appropriate regime has been established. Operators are advised to contact their Recognised Organisation or local Marine Office to discuss plan approvals at the earliest opportunity to ensure compliance when the Convention enters into force.

6.8 D1 - Ballast Water Exchange

- 6.8.1 Vessels entering UK waters will be expected to have carried out BWE as per the Convention requirements.
- 6.8.2 Owners are urged to contact relevant port State Administrations for confirmation of BWE requirements within local waters.
- 6.8.3 BWE within the North Sea
 - 6.8.3.1 For ships undertaking intra-North Sea voyages, BWE areas have been identified. The implementation and details of these areas are contained within BWM.2/Circ.56. Operators should use the co-ordinates provided in Annex 3 of the document to identify the BWE areas; the map in Annex 2 should not be relied on as this is only a visual representation and may not accurately reflect the areas identified. It should



be noted that the most westerly line identified on the map transects the UK and therefore includes an area of the Irish Sea and the Bristol Channel, neither of which are BWE areas.

6.8.3.2 Ships arriving from outside the North Sea, or leaving for a destination outside the North Sea, should not use the BWE Areas identified in BWM.2/Circ.56. These ships should undertake exchange as per the Regulation B-4.1 or B-4.2 of the Convention before entering or after leaving the North Sea.

6.8.3.3 In situations where ballast water exchange areas are not available or not applicable and vessels cannot meet the D1 discharge standard, vessels would not, currently, be expected to meet the D2 standard until required to do so according to the Convention implementation schedule. Such vessels will be expected to undertake normal (pre-Convention entry into force) ballasting operations and adequately record the events and reasons for not being able to meet the D1 standard. Such operators are encouraged to act in accordance with the spirit of the Convention and in an environmentally responsible manner by considering the use of an Other Method of compliance or by adopting contingency measures in order to minimise the impact of any discharged ballast water and to fully meet their obligations under the Convention.

6.8.3.4 Operators are advised to contact relevant port States to ensure compliance with local and national legislation.

6.9 D2 – Ballast Water Performance Standard

6.9.1 The implementation table in section 5 should be used to determine when a ship is required to meet the D2 standard.

6.9.2 The requirement to meet the D2 ballast water performance standard may be achieved through the installation of an appropriately approved ballast water management system. The UK recognises all ballast water management systems that have been type approved in accordance with the relevant IMO guidelines and does not restrict the installation of such equipment to the approval of a UK Recognised Organisation, on UK flagged vessels. Owners are advised to contact the relevant organisation to ascertain Class requirements for the fitting of ballast water management systems.

6.9.3 Decoupling of IOPP Certificate

6.9.3.1 As a supporter of the BWM Convention and its aims, the UK is keen to ensure that the requirements of the Convention are implemented on board vessels as soon as possible in order to reduce the impact of invasive non-native species. The UK therefore does not support the de-harmonising of the IOPP Certificate in order to prolong the lead time for fitting BWM Systems. However, there is no legal requirement for the IOPP anniversary date to be aligned with other HSSC certificates, although other flag states may have legal means to prevent decoupling.

6.9.3.2 The decision whether to renew the IOPP certificate early is a commercial decision which needs to be made by the owner taking into consideration all the pros and cons of such a move, bearing in mind that the HSSC was developed in order to bring benefits to ship owners. If an owner goes ahead and decouples the IOPP certificate, they should be made aware that it is UK policy, and in the spirit of the HSSC, to have all relevant certificates harmonised. Owners therefore need to carefully consider the ramifications of decoupling the IOPP certificate from Harmonised System of Survey and Certification (HSSC).



6.9.3.3 No authorisation is required in order for the decoupling of the IOPP to take place. At the request of the owner the UK will issue a letter confirming that decoupling of the IOPP certificate and survey has been noted.

6.9.3.4 If the IOPP survey is de-harmonised by advancing the due date of the IOPP Renewal Survey, then any additional mandatory carriage requirements should also be complied with as applicable and verified as part of that Renewal Survey.

6.9.4 D2 Implementation for Non-IOPP Vessels

6.9.5 The IMO has not yet agreed a D2 implementation schedule for ships that do not carry an IOPP certificate. Such vessels will be required to meet the D2 standard and owners are advised to plan in preparation in order to meet the requirements when an implementation schedule is approved.

6.9.6 Under the current implementation schedule, vessels that do not have an IOPP certificate will be required to meet the D-1 Convention requirements on 8th September 2017. Until the IMO has confirmed the implementation of the ballast water performance (D2) standard for non-IOPP vessels such vessels will be required to at least meet the D1 standard, although nothing prevents these vessels from meeting the D2 standard or fitting ballast water management equipment.

6.10 **Other Methods**

6.10.1 UK flagged vessels wishing to use an 'Other Method' should in the first instance contact the Maritime and Coastguard Agency as Flag Administration to discuss the method and what may be required to gain approval as an 'Other Method' at the IMO. When sufficient and appropriate information is provided the method will be presented to the IMO for approval at the next meeting of the Marine Environment Protection Committee.

6.10.2 Fresh Water – Potable / Produced Water

6.10.2.1 The use of potable fresh water has not been approved by the IMO. When reviewed by the Marine Environment Protection Committee it was concluded that the chemicals and equipment used to produce fresh water would need to go through the same approval process as a ballast water management system that employs the use of Active Substances to ensure that the discharged water does not pose a threat to the environment.

6.10.3 Fresh Water – Municipal/Public (tap) Water

6.10.3.1 The Marine Environment Protection Committee further concluded that fresh water from municipal sources varied greatly from region to region and as such could not give a 'blanket' approval for the use of municipal waters but invited region specific applications. No such applications have been received to date.

6.11 **Ballast Water Reception Facilities**

6.11.1 Ballast water may be discharged to a ballast water reception facility as an alternative to meeting the ballast water discharge standard. Ballast water reception facilities should take into consideration the guidance provided in Guideline G5: Guidelines for ballast water reception facilities.

6.11.2 There is no requirement for States or ports to provide such facilities.

6.11.3 Ships are advised to contact local ports/harbours to ask if such facilities are available.

6.12 **Ballast Water Sediment and Sediment Reception Facilities**



6.12.1 Sediment

6.12.2 There is no requirement for vessels to remove sediment from their ballast tanks prior to entry into force of the Convention. However, vessels that apply for an exception from the Convention under Article A-3, Same Location or uptake and discharge on the High Seas, or an Exemption under Article A-4 will be required to clean their tanks to ensure no mixing of sediments or water takes place.

6.12.3 Sediment Reception Facilities

6.12.4 There is a requirement to ensure adequate sediment reception facilities are available within those ports and terminals where the cleaning and repair of ballast tanks occurs.

6.12.5 Information regarding the availability of sediment reception facilities should be available from the IMO but ships are advised to contact local ports/harbours to determine if such facilities are available.

6.13 Exemptions

6.13.1 The UK is accepting exemption applications.

6.13.2 If considering applying for an exemption owners should first contact their flag Administration to ensure that the flag is able to issue an exemption and to confirm the process that must be followed.

6.13.3 Vessels wishing to apply for an exemption in UK waters should contact the Maritime and Coastguard Agency via email (ballastwater@mcga.gov.uk) for details regarding the risk assessment requirements and application process.

6.13.4 As per the Convention and Guideline G7, a risk assessment must be undertaken in order to ascertain that there is a low level of risk of spreading invasive species should an exemption be granted.

6.13.5 The approach taken by the UK will be based upon the Joint HELCOM/OSPAR Guidelines on the granting of exemptions under the International Convention for the Control and Management of Ships' Ballast Water and Sediments, Regulation A-4, which is available to download. Although based upon this document, depending upon the application being made, the UK may not require all of the elements outlined in the HELCOM/OSPAR document to be completed. Those considering applying for an exemption within UK waters are therefore urged to contact the Maritime and Coastguard Agency at the earliest opportunity to discuss any potential exemption application, data collection requirements and criteria for the appropriate risk assessment.

6.13.6 UK flagged vessels wishing to apply for an exemption in the waters of another Party to the Convention should contact the relevant Administration.

6.14 Equivalent Compliance

6.14.1 The UK will consider applications for equivalent compliance from vessels that meet the criteria outlined within the Convention on a case by case basis.

6.15 Contingency Planning

6.15.1 The IMO is currently looking into contingency planning and actions that could be taken should a ship be found to be noncompliant with the requirements of the Convention.



6.15.2 Owners should consider actions that may be required should their ship not be able to meet the set standards and are advised to include reference to such actions within the ship's Ballast Water Management Plan.

More Information

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