

## **Ballast Water Management convention - guidance and FAQs**

Adopted in 2004 the Ballast Water Management, BWM Convention (the 'convention'), is the International Convention for the control and management of ship's ballast water and sediments. The aim of the convention is to remove, render harmless or avoid uptake or discharge of harmful aquatic organisms and pathogens within ballast water sediments by mechanical, physical, chemical and biological processes (either singularly or in combination).

### **When will the BWM convention enter into force?**

The convention will come into effect from 8 September 2017.

### **To which vessels does the BWM convention apply?**

It applies to all vessels operating in the aquatic environment. This includes submersibles, floating crafts, floating platforms, floating storage units (FSU), floating production storage and offloading units (FPSOs). However, it will not apply to the following:

- Ships not designed or constructed to carry ballast water.
- Ships trading domestically (unless the coastal state within whose jurisdiction the ship trades requires compliance with the convention).
- Any warships, naval auxiliary or other ships owned or operated by a State provided it is used only on government non-commercial service.
- Ships with permanent ballast water in sealed tanks and therefore not subject to discharge at any time.

### **For vessels of less than 400GT, what documents are required for compliance with the BWM convention?**

The convention does not require vessels of less than 400GT to be issued with an International Ballast Water Management Certificate (IBWMC) but it does not explicitly rule out the requirement for other documentation such as Ballast Water Management Plans and Ballast Water Record Books.

The convention states:

- A ship is required to have on board and implemented a Ballast Water Management Plan (BWMP) approved by the Administration [flag State].

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- A ship is required to have on board and maintain a Ballast Water Record Book (BWRB) which shall at least contain the information specified in appendix II of the convention, for a minimum period of two years after the last entry has been made.

Members should contact the appropriate flag States to confirm their particular requirements in relation to the convention for vessels of less than 400GT as requirements may vary between flag States.

## **For vessels 400GT and over, what documents are required for compliance with the BWM convention?**

In addition to the two aforementioned documents, vessels of 400GT and over must also carry the following according to the convention:

- An International Ballast Water Management Certificate (IBWMC), excluding floating platforms, FSUs and FPSOs, as identified in Section E of the convention, Survey and Certification requirements for BWM.

## **What else is required for compliance with the BWM convention?**

Vessels are required to meet either the ballast water exchange (regulation D-1) or performance (regulation D-2) standards.

After the ship undergoes the necessary survey by the flag State or recognised organisation (vessels of less than 400GT may not be required to undergo an inspection), no changes shall be made to related equipment or systems without expressed approval from the flag State. Systems and equipment shall be duly maintained and equipment replaced with like for like parts/materials.

Compliance with the convention also requires, in addition to control of ballast water, the proper removal and disposal of sediments in accordance with the BWMP.

## **Installation of ballast water treatment systems**

Following a meeting of the IMO's Marine Environmental Protection Committee (MEPC) on 7 July 2017 an agreement was reached which, under the defined circumstances, postpones the requirement for the installation of ballast water treatment systems on board vessels constructed before 8 September 2017. Notwithstanding the postponement of the installation of ballast water treatment systems, vessels are still required to comply with the convention from the 8 September 2017. For more information about the MEPC 71<sup>st</sup> session please refer to the related [IG P&I Club circular](#) available on the Club website.

## **When can ballast water exchange be carried out?**

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- Ballast water exchange is conducted at least 200 nm from the nearest land and in waters at least 200 m in depth;
  - or in cases where the ship is unable, at least 50 nm from the nearest land and in water at least 200 m in depth;
  - or in a designated ballast water exchange area in accordance with regulation B-4.
  - Members are encouraged to check State requirements local to the operating areas of their vessel(s) to confirm whether more stringent limits are in place.

## **The Ballast Water Management Plan (BWMP)**

The ballast water management plan shall be approved by the Flag State or an approved recognised organisation. Officers and crew shall be familiar with the contents and implementation of the plan.

## **What entries should be made in the Ballast Water Record Book (BWRB)?**

Routine entries in the BWRB should include:

1. When ballast water is taken on board.
2. Whenever ballast water is circulated or treated for management purposes.
3. When ballast water is discharged into the sea.
4. When ballast water is discharged to a reception facility.

The above mentioned ballast activities should include a log of location, volume and depth of water. Entries shall also be made to record any exemptions issued in relation to the convention, any accidental or exceptional discharges and any instances where ballast water was not exchanged in accordance with the convention.

## **What action should be taken in the event of accidental discharge or defective equipment?**

In the event of accidental discharge of ballast water or defective equipment which affects the ability to comply with the convention, the flag State and local Port State should be informed.

## **Can exemptions from complying with the convention be obtained?**

An exemption can be obtained in accordance with IMO Resolution MEPC. 162(56), which requires a scientific risk assessment to be completed and submitted. Exemptions are issued by State Authorities and applicable to that jurisdiction only. The applicable State should be contacted for further information on obtaining exemptions. Guidance can also be found in *Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7)*.

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## **Whats are the consequences if a vessel does not comply with the convention where required?**

During or following a Port State Control (PSC) inspection, where a vessel is found not to comply with the convention, the PSC authority has the ability to prevent the discharge of ballast water until any deficiencies are rectified or grant permission for a vessel to discharge ballast water to another vessel, reception facilities or leave the port in order to discharge ballast water at sea. The PSC Officer (PSCO) may also choose to warn, detain or exclude the vessel from the jurisdiction in question. States may also choose to issue financial penalties and in some cases, deception to PSCOs (including falsifying of documents) may constitute a 'felony' (depending on the jurisdiction) which may lead to criminal charges.

**For further information please contact our [Loss Prevention team](#).**