



Maritime &
Coastguard
Agency

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Ballast Water Management FAQ

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Forward

This FAQ has been developed based upon queries received from interested stakeholders.

Updates will be made to this document based up on feedback from stakeholders.

You are therefore advised to check back on this document periodically.

Updates since the last iteration of the Ballast Water FAQ's have been highlighted in yellow.

1. Has the UK ratified the BWM Convention?

- 1.1 The UK has not yet ratified the Convention however, the UK regulatory package has been drafted and the Government remains committed to acceding to the Convention and implementing it into UK law.
- 1.2 Whilst accession and implementation was scheduled for 2020 it has been decided to delay the launch of the consultation to allow industry to focus on maintaining the flow of essential goods during the COVID-19 crisis.
- 1.3 The public consultation was published on www.gov.uk between 24 March - 16 June 2021. The results of the consultation will be published on www.gov.uk in due course.

2. To what ships does the Convention apply?

2.1 Internationally operating ships

- 2.1.1 The Convention and, once in place, the UK legislation, will apply to UK flagged ships that enter the waters of more than one Party to the Convention, and to non-UK flagged ships that operate in UK controlled waters and in the waters of at least one other Party to the Convention.
- 2.1.2 The requirements of the Convention will apply equally to ships in UK controlled waters regardless of whether the flag State has ratified the Convention or not.

2.2 Domestically operating vessels

- 2.2.1 The proposed UK legislation will not apply to vessels which operate exclusively in UK controlled waters or in UK controlled waters and on the High Seas.
- 2.2.2 If the UK legislation does not apply to a vessel no further paperwork is required.
- 2.2.3 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.

2.3 Dredgers

- 2.3.1 Please see BWM.2/Circ.32 which applies to hopper dredgers.

2.4 Fishing Vessels

- 2.4.1 As indicated above, the Convention and associated proposed UK regulations may, depending on their area of operation, apply to fishing vessels.
- 2.4.2 Refrigerated Sea Water (RSW) tanks and water storage areas that are used to feed RSW tanks are not considered to fall under the requirements of the Convention.

2.5 **Floating platforms, FSUs, and FPSO Units**

- 2.5.1 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.

3. What are the Survey and Certification Requirements?

3.1 **Ships of 400gt and greater**

- 3.1.1 Ships of 400gt or above, to which the Convention applies, are required to undergo a survey regime and hold appropriate certification. The UK has delegated survey and certification requirements and Ballast Water Management Plan approvals to the UK Recognised Organisations.
- 3.1.2 Prior to the introduction of UK legislation, Statements of Compliance with the Convention will be issued.

3.2 **Ships of less than 400gt**

- 3.2.1 The Convention requires that Administrations establish appropriate measures to ensure compliance of ships that are not subject to the Conventions survey and certification requirements but are still required to hold an approved Ballast Water Management Plan. Operators of ships of less than 400gt are advised to contact their Recognised Organisation or local Marine Office to discuss plan approvals at the earliest opportunity to ensure compliance with the Convention and to discuss a D-2 implementation schedule.
- 3.2.2 The proposed UK legislation will apply the same survey and certification requirements to ships under 400gt as those above 400gt. This is to ensure the UK fulfils its obligations under the Convention and is only applicable where the Convention requirements would apply to the ship's operations.

3.3 **Statements of Non-applicability**

- 3.3.1 The UK will not be issuing Statements of Non-applicability.

4. Can Ballast Water Exchange (BWE) be undertaken in UK Waters?

4.1 What is required?

- 4.1.1 Ships entering UK controlled waters will be expected to have carried out BWE as per the Convention requirements.
- 4.1.2 Ships which, due to operational reasons, are not able to undertake BWE are still required to manage their ballast water in order to meet the requirements of the Convention. This may mean managing the ballast to the D2 standard earlier than required to do so by the Convention implementation schedule, using an Other Method or looking at the use of an exemption or exception in order to be compliant.

4.2 BWE in the North Sea

- 4.2.1 For ships undertaking intra-North Sea voyages, BWE areas have been identified. The implementation, details and terms of use of these areas are contained within BWM.2/Circ.56. 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, co-ordinates are provided in Annex 3. 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.
- 4.2.2 If full BWE of all tanks cannot be completed, as many tanks as possible should be fully exchanged. Partial exchange of a tank should not be undertaken as this may revive organisms within the ballast water or sediments and increase the risk posed. For the remaining tanks BWE should not be undertaken and the reasons for this recorded within the Ballast Water Record Book.
- 4.2.3 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.

4.3 Availability of BWE Areas

- 4.3.1 In situations where ballast water exchange cannot be completed in accordance with the requirements of the Convention and BWE areas are not available or not applicable, ships would not, normally, be expected to meet the D2 standard until required to do so according to the Convention implementation schedule (BWM2/Circ.63).
- 4.3.2 Such ships will be expected to record the events and reasons for not being able to meet the D1 standard within the Ballast Water Record Book. Such ships are encouraged to act in accordance with the spirit of the Convention and in an environmentally responsible manner by considering the early fitment of treatment equipment, 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.

- 4.3.3 In cases where a port State has designated a BWE area in accordance with Regulation B-4.2 of the Convention, ships should comply with the terms of use of the area, as provided by the port State. Where no terms of use are stipulated, the ship should not be required to deviate or delay its voyage in order to conduct ballast water exchange.
- 4.3.4 If a ship within a designated BWE area does not have sufficient time to exchange all of its ballast water in accordance with the D1 standard, the ship, taking into account its Ballast Water Management Plan, should comply with the terms of use provided by the port State.
- 4.3.5 It should be noted that some States may require ballast water treatment if BWE is not available. Operators are therefore advised to contact relevant port States to confirm BWE requirements and to ensure compliance with local and national legislation.
- 4.3.6 In UK controlled waters where it is not possible to meet the depth and distance requirements, or to do so would require the ship to deviate or delay its voyage a ship should:
- 4.3.6.1 Use the designated Ballast Water Exchange area if applicable.
 - 4.3.6.2 Conduct ballast water exchange on the high seas before entering UK waters.
 - 4.3.6.3 Use alternate means to manage the ship's ballast water for instance using a reception facility.
 - 4.3.6.4 Conduct ballast water exchange as far from land and in water as deep as possible.

5. Do I need to fit a Ballast Water Treatment System (BWTS)?

- 5.1 The requirement to meet the D2 ballast water performance standard may be achieved through the installation of an appropriately approved ballast water management system (BWMS).
- 5.2 The UK recognises all ballast water management systems that have been issued with a statutory IMO Type Approval certificate in accordance with the BWM Convention and BWMS Code by a UK approved **Nominated Body** on behalf of the UK Administration. The proposed Regulations will recognise statutory IMO Type Approval certificates issued by any of the following:
- 5.2.1 ABS Europe Ltd
 - 5.2.2 Bureau Veritas
 - 5.2.3 DNV GL
 - 5.2.4 Lloyd's Register

5.2.5 RINA Services S.p.A.

5.2.6 A ballast water management system type approved to the relevant IMO standards issued by **a Nominated Body** listed above will be accepted for installation on UK flagged vessels. It should be noted that a statutory IMO type approval is different from a class type approval, and class type approval certificates for ballast water treatment systems will not be accepted to allow equipment to be installed on UK ships. Owners are advised to contact the relevant organisation to ascertain Class requirements for the fitting of BWMS.

5.3 The installation of equipment is not the only way to meet the D-2 standard. Please see section 7 and 9 for possible alternatives.

6. When Do I need to fit a BWTS?

6.1 D2 implementation for ships that hold an IOPP Certificate

6.1.1 The Convention implementation schedule for meeting the D2 standard is based upon the renewal date of a vessels IOPP Certificate. Details of the implementation schedule can be found at <https://www.gov.uk/guidance/control-and-management-of-ballast-water>

6.2 D2 Implementation for Non-IOPP ships

6.2.1 Ships constructed before the entry into force of the Convention, which do not have an IOPP certificate must be compliant with the D2 standard by a date agreed by the relevant Administration but no later than 8th September 2024. Operators are advised to contact their Customer Service Manager or local Marine Office in order to arrange a D2 implementation schedule.

6.3 If I have a BWTS fitted, do I have to use it?

6.3.1 Ships can utilise either the D1 or D2 standards as methods of compliance until such time as the vessel is required to meet the D2 standard.

6.3.2 We would advise that any vessel that BWTS equipment fitted, use the equipment regularly for the familiarity of the crew and the maintenance of the equipment.

7. What Alternatives to meeting the D1 or D2 Standards are available?

7.1 Same Location

7.1.1 The Convention stipulates that the requirement to manage ballast water to either the D1 or D2 standards, will not apply to the discharge of ballast water and sediments when the discharge occurs at the same location from which the whole of the ballast was taken from, provided no mixing of ballast water or sediments from another location takes place.

- 7.1.2 The UK definition of same location as defined by the proposed Regulations is currently uptake and discharge within 1 nautical mile. This definition will only apply in UK controlled waters.
- 7.1.3 As the definition of 'same location' may differ between States if vessels are intending to use this exception in the waters of another State vessels should contact the Port State to ensure they are compliant with local requirements.
- 7.1.4 Use of this exception should be noted in the Ballast Water Record Book and also in the Ballast Water Management Plan if used regularly.

7.2 Isolating Ballast Tanks from the Ballast System

- 7.2.1 Operators considering undertaking a conversion to isolate ballast tanks, from the piping system, which 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 is considered acceptable and is included within the Ballast Water Management Plan. This includes a review of stability requirements for the vessel, details verifying that the ballasting systems and pipework are disconnected, a means of ensuring that any modifications are tamperproof and ensuring that safety aspects, such the ability to discharge in emergency situations, are maintained and effective.
- 7.2.2 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 and disposed of appropriately and is not returned to the aquatic environment. This will need to be adequately reflected within the Ballast Water Management Plan and Ballast Water Record Book.
- 7.2.3 If a vessel wishes to be excluded from the Convention requirements by using permanent sealed tanks, no discharge is permissible.

7.3 Other Methods

- 7.3.1 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.

7.4 Potable/Municipal Water

- 7.4.1 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 (Guideline G9) to ensure that the discharged water does not pose a threat to the environment.
- 7.4.2 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.

7.5 Ballast Water Reception Facilities

- 7.5.1 Ballast water may be discharged to a ballast water reception facility as an alternative to meeting either D1 or D2. Ballast water reception facilities should take into consideration the guidance provided in Guideline G5: Guidelines for ballast water reception facilities.
- 7.5.2 There is no requirement for States or ports to provide such facilities.
- 7.5.3 Ships are advised to contact local ports/harbours to ask if such facilities are available.

8. What about Sediments?

- 8.1 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.
- 8.2 Vessels are required to manage and dispose of ballast water sediments in order to minimise the introduction of invasive species; details of the procedures for which should be included within the Ballast Water Management Plan.
- 8.3 States should ensure adequate sediment reception facilities are available within those ports and terminals where the cleaning and repair of ballast tanks occurs.

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.

9. Can I be exempted from the requirements to meet the D1 or D2 Standard?

- 9.1 The definition and use of exemptions are very specific under the Convention (Regulation A-4). Vessels can apply for an exemption and the UK is accepting exemption applications.
- 9.2 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.
- 9.3 Vessels wishing to apply for an exemption in UK controlled waters should contact the Maritime and Coastguard Agency via email (environment@mcga.gov.uk) for details regarding the risk assessment requirements and application process.
- 9.4 As per the Convention and Guideline G7, a risk assessment must be undertaken in order to ascertain the level of risk of spreading invasive species should an exemption be granted.
- 9.5 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 can be downloaded at <https://www.ospar.org/work-areas/eiha/shipping>
- 9.6 Those considering applying for an exemption within UK controlled 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.
- 9.7 UK flagged vessels wishing to apply for an exemption in the waters of another Party to the Convention should contact the relevant Administration.

10. Are any equivalencies available?

- 10.1 The Convention only allows equivalent compliance for 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.
- 10.2 The UK will consider applications for equivalent compliance from vessels that meet the criteria outlined within the Convention on a case by case basis. Applications should take into consideration the guidance developed by the IMO, the Guidelines for ballast water management equivalent compliance (G3).
- 10.3 No other equivalencies are available, operators may however approach the UK with applications for 'Other Methods' as detailed above.

11. What if my ballast water will not meet the D1 or D2 Standards?

- 11.1 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 contingency measures within the ship's Ballast Water Management Plan.
- 11.2 BWM.2/Circ.62 details potential actions that may be considered appropriate in the event of non-compliant ballast water.
- 11.3 When a ship suspects that it may discharge non-compliant ballast water, the port State and Port Authority should be contacted as soon as possible in order for an appropriate course of action to be determined and implemented.

12. Can I ballast a cargo tank?

- 12.1 If the Convention is applicable to a vessel and ballast water, as defined by the Convention, is taken on board (to control trim, list, draught, stability or stresses of the ship) then the Convention requirements will apply to the discharge of this water, independently of where or how the water is stored.
- 12.2 If a cargo tank is used for ballasting then vessels must ensure that all other applicable international conventions are adhered to.
- 12.3 If a vessel is likely to use cargo tanks for ballasting, as defined above, on a regular basis then this information should be detailed in the Ballast Water Management Plan.