

# The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2021

**Notice to owners, Ship Operators and Managers, Charterers, Master and Officers of Merchant Ships, Skippers of Fishing Vessels, Shipbuilders, Port Authorities, Operators of Fixed and Floating Platforms and Drilling Rigs and Classification Societies**

*This Merchant Shipping Notice (MSN) should be read with the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2021 and MGN XXXX.*

## **Please Note:-**

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances – for example, from ship to ship and you should consider seeking independent legal advice if you are unsure of your own legal position.

## **Summary**

The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2021 ("the Regulations"), implements the requirements of the International Convention for the Control and Management of Ships' Ballast Water and Sediments ("BWM Convention").

This Notice provides additional information on the technical requirements to comply with the the Regulations and therefore the BWM Convention. It covers:

- The meaning of "IOPP renewal survey" in regulation 5 of the Regulations;
- The guidance Certifying Authorities must take into account when considering whether to approve a Ballast Water Management Plan;
- The information which must be recorded in Ballast Water Record Books, and the operations which must be recorded;
- Further information on ballast water exchange;
- The information which must be contained in an IBWM Certificate;
- The procedure and requirements for type approval of Ballast Water Management Systems.

## **1. Introduction**

- 1.1. The International Convention for the Control and Management of Ships' Ballast Water and Sediments ("BWM Convention") was adopted at a Diplomatic Conference held at the International Maritime Organization's ("IMO") headquarters in 2004 and came into force on 8 September 2017. It sets out regulations which address the spread of invasive non-native species by ships' ballast water and sediments.

- 1.2. The United Kingdom (UK) has implemented these requirements through the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2021 ("the Regulations").
- 1.3. The purpose of this document is to provide guidance on the technical requirements contained in the Regulations.

## **2. The International Oil Pollution Prevention Certificate (IOPP) Renewal Survey**

- 2.1. For many ships the date by which they are required to manage ballast water through treatment is based upon the renewal date of the ship's IOPP Certificate.<sup>1</sup>
- 2.2. The "IOPP renewal survey" referred to in regulation 5 of the Regulations means the renewal survey for the ship associated with the International Oil Pollution Prevention Certificate pursuant to Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL).

## **3. Ballast Water Reception Facilities**

- 3.1. Regulation 6 provides that the Regulations do not apply to the discharge of ballast water to a reception facility of a type specified in this MSN. Specified facilities are those which have been designed taking into account the IMO's "Guidelines for ballast water reception facilities (G5)".<sup>2</sup>

## **4. Ballast Water Management plan**

- 4.1. Every ship to which the Regulations apply must carry on board a Ballast Water Management plan specific to the ship which has been approved by the flag state or, if a UK flagged ship, approved by a Certifying Authority, as detailed in regulation 9.
- 4.2. When considering whether to approve a Ballast Water Management plan, Certifying Authorities must take into account the IMO's "*Guidelines for ballast water management and development of Ballast Water Management plans (G4)*".<sup>3</sup>

## **5. Ballast Water Record Book**

- 5.1. Regulation 10(1) of the Regulations requires ships to have on board a Ballast Water Record Book which contains the information specified in this MSN. The form of the Record Book should be as set out in Appendix II of the BWM Convention and is set out in Schedule 1.
- 5.2. The Regulations impose a duty to fully record each operation referred to in this MSN. The operations which must be recorded are those set out in Schedule 1, namely:
  - When ballast water is taken on board;

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<sup>1</sup> The exceptions are vessels which are constructed on or after 8 September 2017 which may only undertake treatment, and ships which are not subject to an IOPP renewal survey, which may undertake exchange or treatment until 8 September 2024, after which they may only undertake treatment.

<sup>2</sup> The Guidelines were published in IMO Resolution MEPC.153(55).

<sup>3</sup> The Guidelines were published in IMO Resolution MEPC.127(53).

- Whenever ballast water is circulated or treated for ballast water management purposes;
- When ballast water is discharged into the sea;
- When ballast water is discharged to a reception facility;
- The accidental or other exceptional uptakes or discharges of ballast water;
- Additional operational procedure and general remarks, including details of ballast water sampling.

5.3. As set out in Appendix II to the BWM Convention, the volume of ballast water onboard should be estimated in cubic metres and it is recognised that the accuracy of estimating volumes of ballast is left to interpretation.

## **6. Ballast Water Exchange**

- 6.1. Ballast water exchange in accordance with regulation 11(1) and 11(2) must take into account the IMO's "2017 Guidelines for ballast water exchange (G6)".<sup>4</sup>
- 6.2. Regulation 11 describes the location where ballast water exchange should take place. If a ship is not able to comply with a particular requirement of regulation 11(1) or 11(2)(a) or (b) without deviation from or delay to its intended voyage, and if the port State has not designated an area for ballast water exchange it must still meet those requirements which can be complied with, taking into account the IMO guidance in Circular BWM.2/Circ.63.

## **7. Ballast Water Exchange (BWE) within the North Sea**

- 7.1. The Secretary of State may designate areas of sea in which ships may conduct ballast water exchange (regulation 11). For ships undertaking intra-North Sea voyages, ballast water exchange areas have been identified. The implementation and details of these areas are contained within IMO Circular BWM.2/Circ.56. Operators should use the co-ordinates provided in Annex 3 of that Circular to identify the exchange areas; the map in Annex 2 of the Circular should not be relied on as this is only a visual indication and may not accurately reflect the areas identified.
- 7.2. Ships arriving from outside the North Sea, or leaving for a destination outside the North Sea, should not use the BWE Areas identified in IMO Circular BWM.2/Circ.56. These ships should undertake exchange as per the Regulation B-4.1 or B-4.2 of the BWM Convention before entering or after leaving the North Sea.
- 7.3. Operators are advised to contact relevant Port States to ensure compliance with local and national legislation.

## **8. Sediment Reception Facilities**

- 8.1. Sediment reception facilities which are required by regulation 14 must be designed and operated in accordance with the IMO's "Guidelines for sediment reception facilities (G1)".<sup>5</sup>

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<sup>4</sup> The Guidelines were published in IMO Resolution MEPC.288(71).

<sup>5</sup> The Guidelines were published in IMO Resolution MEPC.152(55).

## **9. Ballast Water Management System Type Approval Requirements.**

### **9.1. Scope of Approval**

9.1.1. Ballast Water Management Systems (BWMS) are outside the scope of the Merchant Shipping (Marine Equipment) Regulations 2016, but nonetheless require type approval by the Maritime and Coastguard Agency (MCA) as the Flag Administration for UK ships. Pursuant to regulation 16, BWMS installed on UK ships must be type approved by the UK Nominated Bodies to whom the MCA has delegated responsibility for this.

### **9.2. Requirements for Equipment**

9.2.1. BWMS installed on a UK ship must hold a valid BWMS Type Approval Certificate issued by a Nominated Body at the time when that equipment is installed (regulation 16).

9.2.2. BWMS which are installed on board a ship during the period of validity of a relevant BWMS Type Approval Certificate do not need to be renewed or replaced due to the expiration of the Certificate. However, if the system does need to be replaced then it must be replaced with a system for which a current Type Approval Certificate is in force.

### **9.3. Application for Type Approval**

9.3.1. Although the MCA have delegated type approval work to Nominated Bodies, a manufacturer wishing to obtain type approval for a Ballast Water Management System must receive permission from the MCA prior to the type approval process progressing with the Nominated Body. Requests should include supporting information on the system, and can be sent to the MCA's Clean Ship Operations team by email to [environment@mca.gov.uk](mailto:environment@mca.gov.uk).

9.3.2. A manufacturer wishing to obtain type approval for a BWMS must submit an application in writing to a Nominated Body (regulation 17). The application must include:

9.3.2.1. The name and address of the manufacturer; and

9.3.2.2. A written declaration that the same or a similar application has not been lodged with another Nominated Body;

9.3.3. The manufacturer must also provide the Nominated Body with the documentation specified in Part 1 of the Annex to the Code for Approval of Ballast Water Management Systems (BWMS) Code<sup>6</sup>.

### **9.4. Assessment of Type Approval**

9.4.1. On receipt of an application for type approval in accordance with paragraph 9.3 above, and the documentation specified in Part 1 of the Annex to the BWMS Code, a Nominated Body must:

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<sup>6</sup> This Code was published as Annex 5 to IMO Resolution MEPC.300(72) adopted on 13 April 2018.

9.4.1.1. Agree with the applicant the location where the examination and necessary tests are to be carried out; and

9.4.1.2. Perform or have performed the tests set out in Part 1, 2 and 3 of the Annex to the BWMS Code in accordance with the requirements of the BWMS Code.

9.4.2. Type approval tests must be conducted at laboratories which meet the requirements of Part 2 and Part 3 (as relevant) of the Annex to the BWMS Code. The laboratories must also be accredited for such tests by the UKAS national accreditation body, but if no such laboratory is available, a laboratory recognised by the Nominated Body as offering suitable and satisfactory guarantee of technical and professional competence, quality procedures and autonomy with particular reference to the application of ISO/IEC 17025 (2005), as amended may be used.

### **Issue of Type Approval**

9.4.3. Following the testing referred to in paragraph 9.4.1.2, a BWMS which achieves satisfactory compliance with all the requirements described in Parts 1, 2, 3 and 4 of the Annex to the BWMS Code must be granted type approval by the Nominated Body in accordance with section 6 of the BWMS Code.

9.4.4. Following grant of type approval the Nominated Body must issue a BWMS Type Approval Certificate to the manufacturer (regulation 18). The BWMS Type Approval Certificate must contain the information set out in Part 7 of the Annex to the BWMS Code and be in the form contained in the Appendix to the BWMS Code. The period of validity of the BWMS Type Approval Certificate must not exceed five years (regulation 19).

9.4.5. If the manufacturer is refused a certificate of type approval, the Nominated Body must provide detailed reasons for such refusal in writing, to the manufacturer (regulation 18).

9.4.6. Upgrades of the BWMS that relate to the safe operation of that system may be allowed during and after type approval, but it is a condition of issue of a BWMS Type Approval Certificate that such safety upgrades must be reported to the Nominated Body who will assess the upgrade in accordance with Part 1 of the Annex to the BWMS Code.

9.4.7. Where a Nominated Body grants type approval, it must provide a type approval report to the MCA by e-mail to [environment@mcga.gov.uk](mailto:environment@mcga.gov.uk). Type approval reports provided by Nominated Bodies must contain the information specified in Part 7 of the Annex to the BWMS Code. On issuance of type approval for a BWMS by a Nominated Body (issuing on behalf of the UK Administration), the MCA will notify the IMO as required by section 6 of the BWMS Code.

### **9.5. Nominated Bodies**

9.5.1. Nominated Bodies are those bodies which have been designated by the Secretary of State to carry out type approval of BWMS under regulation 15 of the Regulations. The designated UK Nominated Bodies are:

- 9.5.1.1. ABS Europe Ltd
- 9.5.1.2. Bureau Veritas
- 9.5.1.3. DNV GL
- 9.5.1.4. Lloyds Register
- 9.5.1.5. RINA Services S.p.A

9.5.2. Contact details for the above organisations can be found here:

<https://www.gov.uk/guidance/uk-authorized-recognised-organisations-ros>

9.5.3. Each Nominated Body must provide upon request to the MCA and other Nominated Bodies the relevant information concerning the BWMS Type Approval Certificates issued and withdrawn.

## **10. International Ballast Water Management Certificate (IBWM Certificate)**

10.1. The information that must be contained in the IBWM Certificate is shown in Schedule 2. Regulation 27(1)(b)(iii) and regulation 33 (4) require that where a BWMS is installed on a ship the surveyor must verify that the installation meets the requirements contained in Section 8 of the BWMS Code.

## **11. Further Information**

11.1. Additional guidance relating to the UK implementation of the BWM Convention is available in MGN XXX.

## Schedule 1

### FORM OF BALLAST WATER RECORD BOOK

#### INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS BALLAST WATER AND SEDIMENTS

Period From: ..... To: .....

Name of Ship .....

IMO number .....

Gross tonnage .....

Flag .....

Total Ballast Water capacity (in cubic metres) .....

The ship is provided with a Ballast Water Management plan [Tick if yes]

Diagram of ship indicating ballast tanks:

#### 1. Introduction

In accordance with regulation B-2 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, a record is to be kept of each Ballast Water operation. This includes discharges at sea and to reception facilities.

#### 2 Ballast Water and Ballast Water Management

"Ballast Water" means water with its suspended matter taken on board a ship to control trim, list, draught, stability, or stresses of a ship. Management of Ballast Water shall be in accordance with an approved Ballast Water Management plan and taking into account Guidelines<sup>7</sup> developed by the Organization.

#### 3 Entries in the Ballast Water Record Book

Entries in the Ballast Water Record Book shall be made on each of the following occasions:

##### 3.1 When Ballast Water is taken on board:

- .1 Date, time and location port or facility of uptake (port or lat/long), depth if outside port

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<sup>7</sup> Refer to the Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens adopted by the Organization by resolution A.868(20)

- .2 Estimated volume of uptake in cubic metres
- .3 Signature of the officer in charge of the operation.

3.2 Whenever Ballast Water is circulated or treated for Ballast Water Management purposes:

- .1 Date and time of operation
- .2 Estimated volume circulated or treated (in cubic metres)
- .3 Whether conducted in accordance with the Ballast Water Management plan
- .4 Signature of the officer in charge of the operation

3.3 When Ballast Water is discharged into the sea:

- .1 Date, time and location port or facility of discharge (port or lat/long)
- .2 Estimated volume discharged in cubic metres plus remaining volume in cubic metres
- .3 Whether approved Ballast Water Management plan had been implemented prior to discharge
- .4 Signature of the officer in charge of the operation.

3.4 When Ballast Water is discharged to a reception facility:

- .1 Date, time, and location of uptake
- .2 Date, time, and location of discharge
- .3 Port or facility
- .4 Estimated volume discharged or taken up, in cubic metres
- .5 Whether approved Ballast Water Management plan had been implemented prior to discharge
- .6 Signature of officer in charge of the operation

3.5 Accidental or other exceptional uptake or discharges of Ballast Water:

- .1 Date and time of occurrence
- .2 Port or position of the ship at time of occurrence
- .3 Estimated volume of Ballast Water discharged
- 4 Circumstances of uptake, discharge, escape or loss, the reason therefore and general remarks.
- .5 Whether approved Ballast Water Management plan had been implemented prior to discharge



6 Signature of officer in charge of the operation

3.6 Additional operational procedure and general remarks

**4 Volume of Ballast Water**

The volume of Ballast Water onboard should be estimated in cubic metres. The Ballast Water Record Book contains many references to estimated volume of Ballast Water. It is recognized that the accuracy of estimating volumes of ballast is left to interpretation.

**RECORD OF BALLAST WATER OPERATIONS**

SAMPLE BALLAST WATER RECORD BOOK PAGE

Name of Ship: .....

Distinctive number or letters .....

<b>Date</b>	<b>Item (number)</b>	<b>Record of operations/signature of officers in charge</b>

Signature of master .....

**Schedule 2**

**International Ballast Water Management Certificate.**

FORM OF INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE

Issued under the provisions of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter referred to as "the Convention") under the authority of the Government of

.....

(full designation of the country)

by .....

(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship<sup>8</sup>

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross Tonnage .....

IMO number<sup>9</sup> .....

Date of Construction .....

Ballast Water Capacity (in cubic metres) .....

Details of Ballast Water Management Method(s) Used

Method of Ballast Water Management used .....

Date installed (if applicable) .....

Name of manufacturer (if applicable) .....

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<sup>8</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes

<sup>9</sup> IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15).

The principal Ballast Water Management method(s) employed on this ship is/are:

in accordance with regulation D-1

in accordance with regulation D-2 (describe)

.....

the ship is subject to regulation D-4

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with regulation E-1 of the Annex to the Convention;  
and

2 That the survey shows that Ballast Water Management on the ship complies with the Annex to the Convention.

This certificate is valid until ..... subject to surveys in accordance with regulation E-1 of the Annex to the Convention.

Completion date of the survey on which this certificate is based: dd/mm/yyyy

Issued at .....

(Place of issue of certificate) .....

.....

(Date of issue)

Signature of authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEY(S)

THIS IS TO CERTIFY that at a survey required by regulation E-1 of the Annex to the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed .....

(Signature of duly authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

Annual\*<sup>10</sup>/Intermediate survey\*: Signed .....

(Signature of duly authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

Annual\*/Intermediate survey\*: Signed .....

(Signature of duly authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed .....

(Signature of duly authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

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\* Delete as appropriate

**ANNUAL/INTERMEDIATE SURVEY  
IN ACCORDANCE WITH REGULATION E-5.8.3**

THIS IS TO CERTIFY that, at an annual/intermediate\* survey in accordance with regulation E-5.8.3 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed .....

(Signature of authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID  
FOR LESS THAN 5 YEARS WHERE REGULATION E-5.3 APPLIES**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation E-5.3 of the Annex to the Convention, be accepted as valid until.....

Signed .....

(Signature of authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN  
COMPLETED AND REGULATION E-5.4 APPLIES**

The ship complies with the relevant provisions of the Convention and this Certificate shall, in accordance with regulation E-5.4 of the Annex to the Convention, be accepted as valid until .....

Signed .....

(Signature of authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL  
REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE  
WHERE REGULATION E-5.5 OR E-5.6 APPLIES**

This Certificate shall, in accordance with regulation E-5.5 or E-5.6\* of the Annex to the Convention, be accepted as valid until .....

Signed .....

(Signature of authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE  
WHERE REGULATION E-5.8 APPLIES**

In accordance with regulation E-5.8 of the Annex to the Convention the new Anniversary date is .....

Signed .....

(Signature of authorized official)

Place .....

Date.....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation E-5.8 of the Annex to the Convention the new Anniversary date is .....

Signed .....

(Signature of duly authorized official)

Place .....

Date..... (Seal or stamp of the authority, as appropriate)