



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## Ballast Water Management Convention Becomes Active

P&I Club Gard has queried whether ships are ready for regulations under the Ballast Water Management (BWM) Convention, which in a year from now will mandate all subject vessels having an approved ballast water treatment system installed.

In an online advisory, P&I Club Gard stated that good management of ballast water is critical to prevent the spread of invasive aquatic species.

Ballast water is drawn into ballast tanks from the sea, generally at the start of a voyage at a port. It will often contain a large variety of marine organisms, which are then transported and released usually at the next port-of-call. These “non-native species” can have a serious ecological, economic and public health impact on the receiving environment.

To that end, the BWM Convention was adopted and eventually came into force in 2017.

With it came two primary regulations, both intended to improve ballast water management:

- the D-1 regulation covering ballast water exchange – ie, flushing ballast water tanks in open seas
- the D-2 regulation covering ballast water treatment – the removal and destruction of biological organisms from the ballast water before it is discharged

From 8 September 2024, all vessels subject to the BWM Convention – all ships over 400 gross tonnes, with some exceptions and additions – must meet the performance standards contained in regulation D-2.

Vessels without a ballast water treatment system must install an approved system before the deadline. P&I Club Gard has listed the main actions ship operators need to undertake:

- ensure that obligations under the BWM Convention, and under other national and local regulations, are fully understood and develop a thorough strategy for complying with the applicable standards
- pay particular attention to the position in the United States (US). The US is not a party to the International Maritime Organization (IMO) BWM Convention and maintains a separate list of ballast water treatment systems approved by the US Coast Guard. Vessels discharging ballast water into US territorial waters must comply with the US BWM Regulation regardless of a vessel’s status under the BWM Convention
- evaluate the suitability of available ballast water treatment system solutions for each vessel based on its operating profile and design
- consider the “time factor” – availability and delivery times for approved treatment systems will vary depending on demand, as will shipyard capacity
- once a ballast water treatment system solution has been selected, make sure officers and crew are properly trained and are competent to carry out their assigned ballast water management duties and functions – procedures for training and familiarisation for the BWM

Convention should be incorporated in the company's safety management system (SMS) and should include, but not be limited to, the following:

- introduction to ballast water management and all relevant rules and regulations
- familiarisation with the vessel's ballast water management plan and assigned duties
- operation and maintenance of the vessel's ballast water management treatment system
- emergency procedures
- making entries and recordkeeping in the vessel's ballast water record book
- ensure every vessel has onboard an approved Ballast Water Management Plan, a Ballast Water Record Book and an International Ballast Water Management Certificate
- prepare for Port State Control (PSC) inspections – in addition to verification of valid and approved onboard procedures, records and certificates, sampling of the vessel's ballast water may be required to be carried out in accordance with the IMO Guidelines for ballast water sampling – compliance with national and local regulations will also be subject to inspection by PSC

The vessel's class society can advise on the IMO-approved systems most suitable for the vessel type and trading area. Class should be advised if the vessel is likely to trade to the US to ensure the system also meets US Coast Guard approval.

December 2023

