



DEPARTMENT OF ECONOMIC DEVELOPMENT

Ballast Water Management Convention New Implementation Schedule

This MSN provides information on the relaxed phase-in requirements for the ballast water treatment standards for existing vessels as stated in IMO Resolution A.1088(28).

Documents referred to in this notice:

International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention); and

IMO Resolution A.1088(28) Application of the International Convention for the Control and Management of ships' Ballast Water and Sediments, 2004.

Most regulations and notices are available on the Isle of Man Government website: www.iomshipregistry.com or by contacting marine.survey@gov.im

The Ballast Water Management Convention is not yet in force; however, it will enter into force 12 months after ratification by 30 States representing a total of 35% of the world merchant shipping tonnage.

As of **12 August 2014** the BWM Convention ratification stands at **40** States, equating to some **30.25%** of world tonnage. It is impossible to predict when the convention will be ratified, although a number of States have indicated they will ratify the Convention in the near future. As the Convention is likely to be ratified soon, shipowners should be aware of the effect the Convention will have on their vessels.

On 4 December 2013 the IMO adopted Resolution A.1088(28) which introduces a relaxed phase-in of the treatment standards for existing vessels. This notice briefly summaries the Convention and sets out the new implementation dates which will come into effect when the Convention enters into force.

1. Definitions

Regulation D-1 is the ballast water exchange standard. Ships performing ballast water exchange in accordance with regulation D-1 shall do so with an efficiency of at least 95% volumetric exchange of ballast water.

Regulation D-2 requires a ballast water treatment system to be installed to treat the ballast water at uptake to ensure that ballast water quality standards are met at the point of discharge. The type or make of treatment system itself is a matter of choice for the shipowner. However, it must be approved by the relevant Administration, taking into account discharge specifications in regulation D-2 and also IMO BWM Convention guidelines.

2. What are the main requirements of the BWM Convention?

On entry into force all ships subject to the Convention will be required to have an approved ballast water management plan, a ballast water record book and to have been surveyed and issued with an international ballast water management certificate.

Ultimately all ships will be required to be fitted with a ballast water treatment system in accordance with the regulation D-2 discharge performance standard. As an interim measure, the Convention requires all ships to manage ballast water exchange in accordance with regulation D-1.

Ships may also be subject to BWM compliance inspections by port States. These inspections are limited to –

- a. verifying certification;
- b. inspecting the ballast water record book; and
- c. sampling ballast water in accordance with the IMO's guidelines.

3. How does IMO Resolution A.1088(28) affect the implementation dates?

The original implementation dates for the BWM Convention were set with the expectation that ratification would occur much earlier. However, ratification has taken considerably more time than initially envisaged and as such, unless some movement in enforcement dates was agreed, would have resulted in a very short timeframe for the world's merchant fleet to install treatment systems.

In order to alleviate this issue the IMO Assembly adopted Resolution A.1088(28) which introduces a relaxed phase-in of the D-2 treatment standard; for ease of reference the revised phase-in is outlined in Table 1.

The following factors determine when an existing vessel must comply with regulation D-2 –

- a. the ratification date of the BWM Convention;
- b. the vessel's keel laying date (this determines which regulation the ship is subject to);
- c. the delivery date of the ship;
- d. the vessel's ballast water capacity;
- e. the renewal survey date for the vessel's International Oil Pollution Prevention Certificate (IOPP Certificate) required under MARPOL Annex I; and
- f. the date of entry into force, before or after 2017. This determines the date when regulation D-2 becomes mandatory, as follows –
 - i. if the entry into force date is on or after 01/01/2017, compliance with regulation D-2 becomes mandatory, for all vessels, by the vessel's next IOPP Certificate renewal survey taking place after the date of enforcement; or
 - ii. if the entry into force date is before 2017, ships falling within Regulations B-3.1.2 and B-3.4 (see Table 1) will not have to comply with the requirements of regulation D-2 until the next IOPP Certificate renewal survey after the **anniversary date of the vessel's delivery in 2016**.

Examples of how the dates can differ from vessel to vessel are shown in Table 2.

There is no change to regulation D-1 and all vessels will have to comply with the requirements of regulation D-1 from the enforcement date although they may choose to comply with regulation D-2.

Table 1

Schedule of compliance with Regulation D-1 & D-2

Keel laid date	Ballast water capacity (m³)	Applicable regulation	Date of implementation of regulation D-1	Date of implementation of regulation D-2 (if BWM Convention enters into force before 2017)	Date of implementation of regulation D-2 (entry into force on/after 01/01/2017)
Before 2009	< 1500	B-3.1.2	Entry into force date	1 st IOPP Renewal in 2016 after anniversary of date of delivery	1 st IOPP Renewal after entry into force date
	> 5000	B-3.1.2			
	1500 - 5000	B-3.1.1	Entry into force date	1st IOPP Renewal after entry into force date	
01/01/2009 to entry into force date	< 5000	B-3.3			
01/01/2009 to 31/12/2011	> 5000	B-3.4	Entry into force date	1 st IOPP Renewal in 2016 after anniversary of date of delivery	
01/01/2012 to entry into force date	> 5000	B-3.5	Entry into force date	1 st IOPP Renewal after entry into force date	
After entry into force date	Any	N/A	N/A	Entry into force date	

Table 2

Examples of when different vessels must comply with regulation D-2 if the Convention enters into force before 2017

Ship's name	Date keel laid	Date of delivery	BW capacity (m3)	BWM Regulation	Date of compliance if entry into force (EIF) before 2017
SHIP 1	22/11/1999	04/11/2000	<1500	B-3.1.2	1st IOPP Renewal after 04/11/2016
SHIP 2	09/05/2008	10/04/2009	1500-5000	B-3.1.1	1st IOPP Renewal after EIF date
SHIP 3	01/01/2009	10/10/2009	<5000	B-3.3	1st IOPP Renewal after EIF date
SHIP 3	31/03/2011	15/03/2012	>5000	B-3.4	1st IOPP Renewal after 15/03/2016
SHIP 4	24/08/2013	02/10/2014	>5000	B-3.5	1st IOPP Renewal after EIF date
SHIP 5	AFTER EIF DATE		N/A	N/A	IMMEDIATE

Isle of Man Ship Registry

Please note - The Isle of Man Ship Registry cannot give legal advice. 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 vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.