

B-10 : INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS BALLAST WATER AND SEDIMENTS, 2004

Name of the Convention: International Convention for the Control and Management of Ships Ballast Water and Sediments, 2004

Acronym or short name: Ballast Water Management (BWM)

International organisation in charge: International Maritime Organization (IMO)

Summary description: Since the problem of harmful aquatic organisms in ballast water was first raised at IMO in 1988, various efforts have been made by establishing relevant guidelines for controlling and regulating this issue. In February 2004, IMO finally adopted a new Convention to prevent the potential devastating effects of the spread of harmful aquatic organisms through implementing a new scheme of Ballast Water Management.

This Convention is divided into **Main Articles** and **an Annex** which includes technical standards and requirements in the Regulations for the Control and Management of Ships' Ballast Water and Sediments.

Contracting States undertake to give full effect to the provisions of the Convention and its Annex in order to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments ([art.2](#)).

States Parties ensure that ports and terminals where cleaning or repair of ballast tanks is made, have adequate reception facilities for the reception of sediments ([art.5](#)).

States Parties have to promote and facilitate scientific and technical research on ballast water management, and also monitor the effects of ballast water management in waters under their jurisdiction ([art.6](#)).

The Convention obliges all ships to have and implement a **Ballast Water and Sediments**

Management Plan (annex, regulation B-1) and also to carry a **Ballast Water Record Book** in order to record each operation concerning Ballast Water fully and without delay. Ships may be inspected by Port State Control(**PSC**) Officers who can verify that the ship has a valid certificate; inspect the ballast water record book; and/or sample the ballast water. (art.9)

The Annex (section D: Standards for Ballast Water Management) provides **Ballast Water Exchange Standard (D-1)** and **Ballast Water Performance Standard (D-2)**.

Regulation B-4 regulates areas where a relevant ship needs to comply in conducting **Ballast Water Exchange (D-1)**, as 1) at least 200 nautical miles from the nearest land and 200 meters in depth in water. 2) at least 50 nautical miles from nearest land and 200 meters in depth in water, in case where the ship is unable to conduct Ballast Water Exchange stipulated as above 1).

Regulation B-3 stipulates mandatory standard of conducting Ballast Water Management, which will be applied to the ships categorized by their constructed year and capacity of ballast tanks. The regulation allows **Ballast Water Exchange (D-1)** to be used by ships constructed mainly in or before 2009. For ships built after the year, it will force all ships to comply with strict standard of **Ballast Water Performance (D-2)** which is expected to be attained through advanced Ballast Water Management Systems.

New Installation Schedule of D2 (Ballast Water Management Systems): agreed at the IMO Assembly(A28) on 4 December 2013 to add clauses of “**following the date of entry into force of the Convention**” for smooth installation of D2 to existing ships.

(Followings are in case the Convention comes into effect on/after 2015 but not later than 31

Dec.2016)

I) Ship constructed (keel laid) before 2009:

1) Ballast Tank Capacity 1500~5000 m³; **D-2 (Ballast Water Management Systems)** is required to be installed by the first renewal survey for **IOPP** (International Oil Pollution Prevention) certificate **following the date of entry into force of the Convention.**

2) Ballast Tank Capacity less than 1500m³, or over than 5000m³; D-2 is required to be installed by the first renewal survey for **IOPP** certificate following the anniversary date of delivery of the ship in 2016.

II) Ship constructed (keel laid) in or after 2009 but before 2012:

1) Ballast Tank Capacity less than 5000 m³; D-2 is required to be installed by the first renewal survey for **IOPP** certificate **following the date of entry into force of the Convention.**

2) Ballast Tank Capacity 5000m³ and over; D-2 is required to be installed by the first renewal survey for IOPP certificate following the anniversary date of delivery of the ship in 2016

III) Ships constructed (keel laid) in or after 2012 but before the entry of the Convention:

All vessels are required to install **D2** by the first renewal survey for IOPP certificate **following the date of entry into force of the Convention.**

IV) Ships constructed (keel laid) on or after the entry date of the Convention

All vessels are required to install **D2** by the completion date of the construction.

Date of signature: 13 February 2004

Date of coming into force: not yet into force

Dates of revision: no

Reasons of revisions: no

Applicability: This Convention shall enter into force 12 months after ratification of 30 States,

representing 35% of gross tonnage of the world's merchant shipping ([art.18-1](#))

Ratification Situation: (as at 2 December 2013) 38 States, 30.38 % of world tonnage

Stakes for ports: Ports are involved in the prevention and the elimination of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments:

- Each Contracting State must develop national policies, strategies or programmes for ballast water management in its ports ([art.4](#)).

- Ports are concerned by ensuring that **adequate reception facilities for the sediments** are provided in their ports or terminals where cleaning or repair of ballast tanks occurs. ([art.5](#)).

- "Port State Control Officers" are responsible for inspecting ships ([art.9](#)), for verifying that a ship has a valid certificate, for inspecting **the ballast record book** ([Annex, regulation B-2](#)), and for sampling the ballast water. Port State Control must take all possible efforts to avoid that inspection of a ship results in unduly detention or delay of the ship ([art.12](#)).

Also, in the case of notification of control actions, the Port State Authority shall notify the next port of call of all relevant information about the violation ([art.11](#)).

- Ports are involved in the implementation of **ballast water management plan** ([Annex, regulation B-1](#)). This plan must include procedures for coordinating shipboard ballast water management with the Coastal or Port State Authorities in whose waters such actions take place.

Links with other conventions: [UNCLOS](#)

Key-words: management, ballast water, harmful aquatic organisms and pathogens, sediments, control, certification, inspection of ships, reception facilities

Internet hyperlink with other website:

<http://www.imo.org/> <http://www.globallast.imo.org/>

(full text) http://www.epa.gov/owow/invasive_species/BWM-Treaty_36.pdf