



NORTH SEA BALLAST WATER

The Interreg IVB  
North Sea Region  
Programme



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## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

**Call for full transparency in support of confident Ballast Water Management**



International Union for the  
Conservation of Nature  
(IUCN)

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## **HARMFUL AQUATIC ORGANISMS IN BALLAST WATER**

### **Call for full transparency in support of confident Ballast Water Management**

**Submitted by the International Union for the Conservation of Nature (IUCN)**

#### **SUMMARY**

*Executive summary:* This document is a substantiated call for implementing full transparency, minimizing confidentiality of information of ballast water management and the available options to comply with the requirements of the Ballast Water Management Convention, in order to create confidence and trust for the maritime world and enable informed choices. Entry into force of the BWM Convention entails approaches in ballast water management that require both regulator and industry to create confidence and trust in the options to meet the requirements. Transparency is needed on the process of certification, on the science and technology underlying certification and on port State control, as well as on recognizing emerging challenges.

*Strategic direction:* 7.1

*High-level action:* 7.1.2

*Planned output:* 7.1.2.4 and 7.1.2.5

*Action to be taken:* Paragraph 8

*Related documents:* MEPC 63/11/3, MEPC 63/24, MEPC 63/2/14; resolution MEPC.175(58); MEPC 58/23 and BWM.2/Circ.13/Rev.1

#### **Introduction**

1 Bearing in mind that the Ballast Water Management (BWM) Convention was adopted in 2004 with the aim of protecting marine biodiversity against unwanted harmful organisms by means of ballast water management, and realizing that IMO never dealt with this subject before and knowledge about natural seawater and its contents was very limited at that time and that no Ballast Water Management Systems (BWMS) were available on the market, IUCN ascertains that various BWMS were developed, so far originating from other industries, and that a number of them are available on the market. Recognizing further that present systems cannot be compared due to different test conditions or openness of proper data and test results, IUCN noted that, needing proper legislation and awaiting ratification of uniform international legislation, some States and regions have adopted their own ballast

water legislation to safeguard their territories. Recognizing also that as a result, end-users of systems are reluctant to make huge investments due to uncertainty about general acceptance of BWMS on board worldwide trading ships, and desiring to stimulate further uniform ratification by taking away uncertainties, to monitor the effects on marine biodiversity, the effectiveness of BWMS and to improve the BWM Convention, IUCN believes that there is a need for openness of information and verifiable data.

### **Transparency and confidentiality**

2 Ratification of the BWM Convention requires trust and confidence from the shipping industry, including shipowners and ship managers. The intent to ratify will benefit from trust in the options available to comply with the regulatory requirements.

3 In the near future the BWM Convention will enter into force, bringing along major changes in ballast water management compared to present practice. This implies consequences and new tasks that affect both regulator and industry. Ballast water management extends beyond the familiar world of ship and crew as it relates to aquatic ecology and biodiversity. To get the act of proper ballast water management together, substantial investments are required, both for beating the challenges set by policy requirements and for embracing the options offered by science, technology and the market.

4 To get wide acceptance and to justify large investments, complete and open information is a prerequisite. Adequate information has to be provided by industry and science to evaluate the full spectre of what is available and possible. Confidence and trust is supported by transparency of all relevant information and by balancing the contributions of all parties involved. Identifying what is known and what is unknown helps to alleviate uncertainty. Issues regarding transparency that need to be resolved relate to the examples below and to the role of the regulatory environment:

- .1 Preparedness to act by shipping and preparedness to seek adequate information to make the right decision and investment.
- .2 Knowledge and understanding rooting from certification testing of BWMS.
- .3 Knowledge required for adequate port State control inspection.
- .4 Availability of BWMS and the potential to install systems on ships.

5 The role of the regulatory environment in creating trust and safeguarding transparency is paramount. Administrations and industries play a crucial part in setting the path to the adequate implementation of the BWM Convention. To ensure informed choices, commitment of National Administrations is core. National Administrations have to support confidence and trust in view of certification and port State control; in IMO they can support openness of information by voicing the call for full transparency and by working together to develop a robust information regime.

6 This document intends to draw attention to strategies and actions that can enhance confidence and trust in support of informed choices. Transparency on performance of BWMS on both efficacy and environmental acceptability is a prerequisite; the first being a major interest of the shipping world, the second of the global community. The conditions that can help in creating confidence by transparent information are identified as follows:

- .1 mechanisms, regimes and instruments to safeguard transparency worldwide, such as the Methodology for information gathering and conduct of work of GESAMP-BWWG in accordance with the Procedure for approval of ballast water management systems that make use of Active Substances (G9), the UNECE Aarhus Convention, the United States Public Information Act and other regimes. The former may serve as a model for safeguarding transparency under the Guidelines for approval of ballast water management systems (G8);
- .2 commitment of Administrations to safeguard transparency;
- .3 commitment of scientists and industries to provide full and transparent information to enable informed choices on the options available for ballast water management;
- .4 potential future modifications in legislation. The BWM Convention set the standard as best possible given the information available at that time, yet, progressing knowledge and state-of-the-art development have shown that some provisions could improve by being amended. Such amendments require the Convention to be in force;
- .5 transparency on uniform certification of BWMS so as to be able to trust that a system Type Approved by one national authority will be accepted by other Member States; and
- .6 limit confidentiality of information to an absolute minimum.

7 Apart from the issues identified above, other issues might need additional regulatory action, such as IMO Guidance for installing BWMS on ships in support of the Guidelines for approval and oversight of prototype ballast water treatment technology programmes (G10). All parties involved will have to act both by taking initiatives and by monitoring their performance and progress, with an envisaged lead role for Administrations.

#### **Action requested of the Committee**

8 The Committee is invited to take note of this submission and to encourage full transparency and minimize confidentiality in support of rapid ratification of the BWM Convention, and to take action as deemed appropriate.

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