



Marine Notice No. 83 of 2023

Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers and Harbourmasters

International Convention for the Control and Management of Ships Ballast Water and Sediments (BWM Convention)

1. The purpose of this Marine Notice is to draw attention to and provide information regarding the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), the 2023 regulations that give effect to the Convention in Ireland and the specific compliance requirements that apply to particular vessels in the immediate term and with effect from 29 February 2024.

Background

2. The International Convention for the Control and Management of Ships' Ballast Water and Sediments was adopted in 2004 by the International Maritime Organization (IMO) with the aim to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments.
3. The Sea Pollution (Miscellaneous Provisions) Act 2006 was enacted by the Oireachtas on 31 October 2006 to provide an overarching framework for the BWM Convention. Following on from that, the [Sea Pollution \(Ballast Water Management Convention\) Regulations 2023](#) (S.I. No. 188 of 2023) were signed into law by the Minister for Transport in April 2023 giving further effect to the BWM Convention and setting out the specific requirements for compliance.
4. Under the 2023 Regulations, all ships are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan, and to carry a ballast water record book. Ships of 400 gross tonnes and over are also required to carry an international ballast water management certificate. In particular, the Regulations require that:
 - the ballast water management system must be designed and constructed in accordance with the ballast water management code and the discharge of ballast water must be safe for the environment;
 - only active substances approved by the IMO for the treatment of ballast water may be used;

- the system must have audio and visual alarms, where a failure would compromise the proper operation of the system, and appropriate control and monitoring systems;
 - a ballast water management plan must be in place and staff must be appropriately trained to implement the plan;
 - specific requirements on ballast water management, ballast water exchange and the standards must be met in line with the BWM Convention;
 - a ballast water record book is maintained, with entries retained for 2 years on board and a further 3 years after that.
5. The Regulations apply to all Irish ships and to foreign flagged ships under port state control.
 6. The Regulations also set out the power of inspectors from the Marine Survey Office (MSO) in the Department of Transport.
 7. Having put the necessary regulations in place to give full effect to the BWM Convention, the Department of Transport took the necessary steps to get Government approval to accede to the BWM Convention and the instrument of accession was deposited with the Secretary General of the IMO on 30 November 2023. In line with Article 18.3 of the BWM Convention, it will come into effect **3 months** after the instrument has been deposited. Therefore, the Convention comes into effect in Ireland on **29 February 2024**.

Requirements for ships of 400 gross tonnes and above

8. All shipowners (including fishing vessels owners) of ships 400 gross tonnes and above are required to contact the relevant Recognised Organisation in order to exchange their current statements of compliance with the requirements of the BWM Convention for an International Ballast Water Management Certificate.
9. For those ships that do not have a current statement of compliance, the shipowner or fishing vessel owner must contact a Recognised Organisation to arrange for an appropriate survey to be undertaken in order to be issued with an International Ballast Water Management Certificate once the vessel is in compliance with the BWM Convention.
10. Contact should be made with the relevant Recognised Organisation before **1 February 2024** to ensure certification can be made in advance of the BWM Convention coming into effect.

Requirements for ships less than 400 gross tonnes

11. Shipowners (including fishing vessels owners) of ships less than 400 gross tonnes that operate internationally should contact the MSO by **1 February 2024** to discuss the application of the BWM Convention and the Regulations to their ship and arrange for the appropriate documentation to be carried on board.

12. Shipowners (including fishing vessel owners) of ships less than 400 gross tonnes that **do not** operate internationally should contact the MSO by **29 February 2024** to discuss the application of the BWM Convention and the Regulations to their ship and arrange for the appropriate documentation to be carried on board.

Port State Control

13. The Regulations provide powers to the MSO to carry out inspections on foreign flagged ships for compliance with the BWM Convention. These checks will commence from **March 2024**.
14. Irish flagged ships are requested to undertake the appropriate steps to comply with the BWM Convention and the Regulations as soon as possible and have the required documentation in place in order to avoid more stringent checks during port state control inspections at foreign ports.

Requirements relating to Sediment Reception Facilities

15. The attention of harbour authorities is drawn to the requirements under the Regulations to provide adequate facilities for the reception of sediments if cleaning or repair of ships' ballast tanks occurs at any harbour, port, terminal shipyard or ship repair facility in the State.
16. Harbour authorities should have regard to [guidelines](#) for sediment reception facilities issued by the IMO and should ensure that such reception facilities are operated without causing undue delay to ships. Harbour authorities should also provide for the safe disposal of such sediments in a manner that does not impair or damage the environment, human health, property or resources in the State or another state.

Control, Monitoring and Reporting Requirements

17. The Regulations set out the requirement for ballast water management systems to have suitable control and monitoring systems that will record sufficient data to verify the correct operation of the system and any system failures. The equipment must be able to produce a report for official inspections and maintenance and be able to store the data for at least 2 years.
18. Suitable bypasses or overrides to protect the safety of the ship and those on board must be installed and used in the event of an emergency. Any bypass event must activate an alarm and must be recorded by the control and monitoring equipment and within the ballast water record book.
19. If an accident or defect occurs to a ship which affects the ability of the ship to conduct ballast water management in accordance with the Regulations, the master of the ship is required to report it immediately to the MSO. If the ship is in a port of another state, the owner must also immediately report it the appropriate authorities of the port state and the MSO.

Contacts

20. Any queries in relation to this Marine Notice or any other relevant matter should be addressed to the Marine Survey Office by email to mso@transport.gov.ie

Note: Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

Irish Maritime Administration,
Department of Transport,
Leeson Lane, Dublin 2, D02 TR60, Ireland.

22/12/2023

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, email: Mso@transport.gov.ie.
For general enquiries, please contact the Maritime Safety Policy Division, email:
MaritimeSafetyPolicyDivision@transport.gov.ie.
Written enquiries concerning Marine Notices should be addressed to:
Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60, Ireland.
email: MarineNotices@transport.gov.ie or visit us at: www.gov.ie/transport.