



State of the Art Report on Ballast Water Management Legislations and Future Indication – Final Update

Executive Summary

With the current increase in international recognition for the problems caused by the translocation non-indigenous species, the importance of ballast water management has increased. This has led to the creation of a large number of local and international regulations during last 3 decades. Until recently, there was no global single regulation concerning ballast water management, partly due to the fact that there is still no single effective treatment method available today. The current solution of deep water ballast exchange is not ideal both on the biological effectiveness and safety aspects. The set of global regulations developed by the MEPC to make ballast water exchange both safer and more effective, and to set the standards which will have to be met by the treatment systems were adopted in February 2004. This convention will enter into effect 12 months after ratification by 35% of the world merchant shipping tonnage and will hopefully supersede the many local regulations currently in effect.

There are a number of different options a country (or group of countries such as EU) might adopt to protect their ports and waters from invasion of non-indigenous species. These range from taking administrative action but not adopting any domestic legislation to adopting a comprehensive legislative regime.

This decision depends on each country and its assessment of its trade, environment and administrative concerns, particularly in connection with the discharge related regime.

Existing Guidelines recommended by IMO and GloBallast for reporting, recording, training, port surveys, precautionary practices and continuing scientific research is an approach to ensure better informed and internationally harmonised risk assessments. GloBallast suggests that states should avoid establishing any particular method of ballast water management in legislation, rather this should be part of the ship specific Ballast Water Management Plan. Implementation of a flag-state responsibility before full implementation of the Convention is suggested to have relatively little extra cost with possibly no conflict with the Convention.

Now that the Convention is in place, it can be foreseen that states, either in a unilateral approach or by seeking partners in the geographical or political neighbourhood, will attempt to direct their existing regional regulations or develop new legislations in accordance with the Convention.

It is also expected that many local and national regulations currently in effect around the world will be superseded. This convention will not render ballast water exchange obsolete, but will seek to regulate and standardize it to increase its effectiveness. Ballast exchange will be kept for current vessels which may have trouble retrofitting bulky treatment systems and until reliable, safe and economically viable treatment systems become available. These systems will need to satisfy a water quality standard.

The current report provides an update of the worldwide regulations for ballast water management and discharge control. In preparation of this document, data available in public domains have been summarised including latest movement in the legislative sectors and a review of the status of implementation of regulative instruments in EU and other countries. Many websites were searched and some other bodies were contacted. What is presented by no means is exhaustive. Legislative updates available from IMO and GloBallast websites have been adapted and summarised. Selection of the most important and relevant sections of the Convention has been also presented in details. After extensive work and 3 years of study on implementation of Ballast Water regulations in 6 pilot countries, GloBallast programme has gathered enough experience to provide recommendation and advice to those states willing to implement the Convention; their summarised guidelines are the final part of this report.