

International Ballast Water Convention to Enter into Force on September 8, 2017



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On September 8, 2016, Finland acceded to the International Convention for the Control and Management of Ships' Ballast Water and Sediments triggering its September 8, 2017, entry into force. The Ballast Water Convention had been adopted by the International Maritime Organization on February 13, 2004, and was set to enter into force 12 months after ratification by a minimum of 30 countries representing 35 percent of world merchant shipping tonnage. Finland's recent ratification brings the combined tonnage of contracting countries to 35.1441 percent with a total of 52 contracting parties.

The long-anticipated Ballast Water Convention establishes a global legislative regime to control the discharge of ballast water and in particular the discharge of invasive species into the sea via ballast water discharges. When it enters into force, the Convention will require shipowners to install certain ballast water management and treatment systems and train personnel on their use. Ships will be required to manage their ballast water to remove, render harmless, or avoid the uptake or discharge of aquatic organisms and pathogens within ballast water according to a ship-specific ballast water management plan. All ships will also have to carry a Ballast Water Record Book and an International Ballast Water Management Certificate. Most ships will need to install an on-board system to treat ballast water and eliminate unwanted organisms. Currently, there are about 60 approved systems that shipowners can consider for installation onboard their vessels.

While the U.S. is not a signatory to the Ballast Water Convention, regulations issued by the U.S. Coast Guard which went into effect on June 21, 2012, established stringent quantitative ballast water discharge standards that apply to **all** vessels, U.S. flag and non-U.S. flag, equipped with ballast tanks operating in U.S. navigable waters, unless specifically exempt. There is some uncertainty as to how the U.S. regulations will ultimately interact with the Ballast Water Convention standards. Specifically, since there are currently no ballast water management systems that have yet received U.S. Coast Guard approval, there is a concern that shipowners will be required to implement IMO compliant systems now to only have to replace them with U.S. compliant systems whenever such systems are approved.

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