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Action required

The Meeting is invited to take note of the attached ECSA position paper on BWMC exemption.



ECSA

European Community Shipowners' Associations

INTERNATIONAL BALLAST WATER MANAGEMENT CONVENTION (BWMC)

ECSA POSITION on a transitional phase for granting exception/exemption

(Final - 04.07.2014)

ECSA urges EU Member States to adopt a pragmatic and harmonized approach on clarifying the exception requirements and exemption procedures for ships on short sea trade until the BWMC D2 standard on approved ballast water treatment systems is fully implemented. Such an approach will enable Flag States, Port States, ports and ship operators to produce the biological inventories necessary for consistent risk assessments, which in turn will enable shipowners to take operationally- and commercially sustainable decisions in order to become compliant with the 2004 BWM Convention before the expiration of the relevant deadlines.

The 2004 IMO Ballast Water Management Convention (BWMC) allows for national authorities to grant exemptions under Regulation A4, complemented by the G7 Guidelines for risk assessment¹. The primary focus of the 2004 IMO BWMC was to limit the trans-oceanic spread of invasive species between continents.

The special case of short voyages is referred to in the protocols of the deliberations leading up to the adopted Convention text, but only captured in the broadest sense in the general exemption clause (A4). Furthermore, ships engaged in short sea trades because of their size and construction date, while being a low risk vector of invasive species², may be required to comply with D-2 standard governing the treatment of ballast water before the deepsea vessels that discharge large amount of waters taken from different continents.

In light of this, the Contracting Parties to HELCOM (the Baltic Sea) and OSPAR (NE Atlantic; North Sea/English Channel) have issued Guidelines expanding primarily on the methodology for risk assessment. Whereas there is merit in clarifying the IMO Guidelines in order to achieve consistency between the administrations, the HELCOM/OSPAR Guidelines are very onerous for an applicant of an exemption and do not provide any certainty of the final outcome. With this in mind, the Danish Environment Ministry recently issued a report³ outlining various transitional measures.

ECSA welcomes the initiative of the Danish Environment Ministry to outline various transitional measures and to suggest the development of exemption procedures pending the full implementation of the Convention. This approach will provide the ship operators a number of years that will enable them either to support port states in producing reliable data for an exemption application, or to renew their fleet or to eventually consider any other compliance options. However, it is essential that these necessary clarifications made during the transitional period are accepted by the national authorities

¹ Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7) (resolution MEPC.162(56))

² According to IMO Assembly Resolution A.1088(28)

³ 'Ballast Water Management Convention transition phase for local shipping in the Baltic Sea and the North Sea', Danish Ministry of the Environment – Nature Agency, Report 2013.

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and will not last only until the full implementation of the BWMC D2 Standard, but that they constitute a permanent solution for ships qualifying for exception or exemption.

With this view, ECSA invites Members States to further develop, in conjunction with the shipping industry, a rational exemption/exception approach resulting from the acceptance of a low risk of invasive species spreading from ships that trade in limited geographical areas (i.e. ships on short sea trade) or where the amount of ballast water discharges are limited due to the nature of the ship's operations. Preferably related to a 'same risk area concept', this approach should be based on the interpretation of IMO BWMC G7 guidelines in the most pragmatic way leaving room for different risk assessment models including tiered risk level assessments from a desktop analysis to a full risk assessment on the ground, where required.

Brussels, 4th July 2014

The European Community Shipowners' Associations (ECSA), formed in 1965, comprises the national shipowners' associations of the EU and Norway. ECSA aims at promoting the interests of European shipping so that industry can best serve European and international trade and commerce in a competitive and free business environment, to the benefit of both shippers and consumers. The European Economic Area maintains its very prominent position with a controlled fleet of 40% of the global commercial fleet.

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