OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic

Meeting of the OSPAR Commission (OSPAR)
Online: 19 June 2025
Vigo: 23-27 June 2025

Intra North Sea Ballast Water Contingency and Compliance Area in accordance with BWM.2/Circ.62 and MEPC.387(81)

Introduction

1 To facilitate the handling of contingency measures in the event of non-compliant ballast water, the IMO has approved both BWM.2/Circ.62 (Guidance on contingency measures under the BWM Convention) and MEPC.387(81), the *Interim guidance on the application of the BWM Convention to ships operating in challenging water quality (CWQ) conditions*.

2 Within the framework of the possibility for the port States to establish areas in accordance with regulation B-4.2 of the Annex to the Ballast Water Management Convention in which a ship may carry out Ballast Water Exchange taking into account the guidelines referred to in paragraph 1, the North Sea States Belgium, Denmark, Germany, Norway, the Netherlands, Sweden and the United Kingdom have decided to establish an Intra North Sea Ballast Water Contingency Area for the purpose of Ballast Water Exchange plus Treatment in accordance with BWM.2/Circ.62 and MEPC.387(81). This Intra North Sea Ballast Water Contingency Area will become applicable on 27.06.2025 and expire on 26.06.2030, unless extended by the aforementioned States, and should be reviewed on a yearly basis to update the map and coordinates in the Annexes, as appropriate.

Scope of Application

3 The Intra North Sea Ballast Water Contingency Area is indicated in the map of Annex 1, with the coordinates given in Annex 2. In addition, contingency measures are not allowed within 2 nm of offshore structures such as windmills. Additional conditions are given in paragraph 9.

This Circular solely applies to ships that:

a. according to Regulation B-3 must comply with the standard according to Regulation D-2 and

b. are on a voyage between two different North Sea ports and

c. are facing a contingency situation according to BWM.2/Circ.62 or are in challenging water quality according to MEPC.387(81), unless the contingency is related to

- Temperature,
- Salinity,
- A lack of maintenance,
- Repairs not carried out in accordance with the repair plan,
- Lack of contact with the manufacturer in the immediate aftermath of the first occurrence of a failure,

- A lack of familiarity and/or experience of the crew,
- Operating the BWMS outside its operational limits, and/or
- Operating the BWMS outside its system design limitations (SDL).[1]

d. have integrated the Interim Guidance MEPC.387(81) in their approved BWMP and implemented the procedures therein on board.

Prerequisites for the use of the Ballast Water Contingency Area in the North Sea

4 A ship may only use the Ballast Water Contingency Area in the North Sea for an exchange using the BWMS (Ballast Water Exchange plus Treatment) if:

a. the port State of the port of arrival has been contacted for corrective action in accordance with BWM.2/Circ.62, paragraph 3, prior to bypassing the BWMS or parts of it during the uptake, or when alerts are received from the BWMS self-monitoring system which indicate that the ballast water taken on board will not comply with the standard in Regulation D-2 when discharged, and

b. the ship and the port State have jointly considered a discharge of ballast water to a shipboard or land-based reception facility in accordance with BWM.2/Circ.62, paragraph 3.2, and

c. the crew has already responded with the pre-planned steps in the BWMP and OMSM for managing any critical alarm or operational demand, and

d. the officer designated in accordance with regulation B-1.5 has ensured that any BWMS alarm that occurs is not due to factors such as lack of maintenance, crew familiarity or experience, and

e. the ship has taken all possible measures to minimize contamination during the uptake of ballast water, e.g:

aa. Waiting for the tide or a change of weather, if it is to be expected that this circumstance will bring the BWMS back into an operational state;

bb. For problems with the filter:
manually operating any backflushing controls, applying suitable backpressure at high differential filter pressures;

cc. For problems with the UV reactor:
Maximizing UV intensity in in the presence of turbid water or low UV transmittance, e.g. by switching to USCG mode if necessary;

dd. Other mitigating measures prescribed by the BWTS manufacturer.

ee. A “soft start” of the ballasting operations by slowly increasing ballast rate to nominal values to avoid choking the filters (adhering to manufacturer’s instructions);

[1] SDL’s are defined in the BWMS Code Section 3.14.

ff. Progressive reduction of the ballast water flow rate to a minimum level to the point of operational demand or operational limitation which should not be greater than 50 % of the treated rated capacity (TRC) of the BWMS;

gg. as far as possible, carry out treatment with the still functioning part of the BWMS during uptake (e.g. treatment via the reactor, bypassing the filter);

hh. Uptake of the minimum safe volume of ballast water, and

f. a valid ship specific agreement on pre-emptive bypassing is in place with the receiving port. This agreement should be based on known challenging water quality conditions of the uptake port, which have already led to the inability of the BWMS to successfully treat the ballast water in the uptake port in the past voyages and could not be successfully eliminated by operational measures (e.g. awaiting tide, reduce uptake flow rate). The latest information should be obtained from the port where the bypass is to take place.

5 If a ship has not already informed the next port State immediately after the first occurrence of the contingency (e.g. in case of a reactive bypass), the Parties involved should consider de-ballasting the ballast water already taken on board according to Regulation A-3.5 of the Annex to the Ballast Water Management Convention (same location) and, before conducting a new ballast water uptake, consult with the next port State, taking into account paragraph 4. e. of this Circular, in particular to meet the obligations of the Ballast Water Management Convention.

6 If a BWMS has a technical failure requiring repair which is not covered by the cases mentioned in paragraph 4 and which is not caused by a lack of maintenance or improper BWMS operation and which cannot be fixed on board immediately but requires repair, the ship may use the Intra North Sea Ballast Water Contingency Area. In any case, the ship is required to do its best to correct any malfunction of the Ballast Water Management system as soon as possible and submit its repair plan to the port State control authorities and the flag State (BWM.2/Circ.62, paragraph 6).

7 The circumstances of the individual case must be demonstrated by the ship accordingly, e.g. by the self-monitoring system, correspondence, etc. and be recorded in the BWRB.

Bypassing the BWMS

8 After a bypass agreed with the port State, the ship should carry out a decontamination procedure within the coordinates of the Intra North Sea Ballast Water Contingency Area as described in Appendix 1 of MEPC.387(81) within the shortest possible distance within waters under the jurisdiction of the Port State in which the BWMS was bypassed to minimize the risk of the transfer of Harmful Organisms and Pathogens.

Map of the Intra North Sea Ballast Water Contingency Area

9 The contingency measures described in this document may be carried out in the area depicted in green in Annex 1 if the requirements of paragraphs 3 to 8 are fully met. Carrying out contingency measures outside of the green areas is not allowed. Within the green area, a biosafety distance of 2 nm from all offshore structures should be maintained when conducting BWE+BWT. In addition, the normal navigational

practices should be followed and the regulations regarding areas otherwise restricted (military exercise areas, aquaculture areas etc) and VTS should be observed with due diligence. Furthermore, Marine Protected Areas are also excluded and therefore contingency measures may not be carried out in these areas. The Guidance documents relative to these areas should be consulted before commencing these operations.

Annex 1: Map of the designated Intra North Sea Ballast Water Contingency Area