Contingency measures for BWMS when encountering challenging water quality during uptake

BUNDESAMT FÜR SEESCHIFFFAHRT UND HYDROGRAPHIE

Uptake of Ballast Water

No special permission is required if bypassing the BWMS during uptake is unavoidable. However, it should be noted that untreated ballast water can contaminate the tanks and piping arrangements. Please refer to the example in the INTERIM GUIDANCE ON THE APPLICATION OF THE BWM CONVENTION TO SHIPS OPERATING IN CHALLENGING WATER QUALITY CONDITIONS, Appendix 1, for guidance on how to deal with contaminated tanks. Prior to an uptake in bypass, contact should be made with the port state that would receive the non-D-2-compliant ballast water in order to agree further measures in good time.

Discharge of Ballast Water

If a ship has received a dispensation letter from its flag due to problems with its BWMS, the following applies: Even if such a dispensation letter from a flag would allow a discharge of non-compliant ballast water during a decontamination procedure or an exchange in accordance with D-1, this would **not** be possible without sanctions in the North Sea or Baltic Sea (see also the section 'Area for carrying out decontamination procedures'). Even if an exchange had been carried out in accordance with Regulation D-1, this would also **not** lead to a discharge authorisation in German ports.

Technical/operative measures

Reduced Flow Rate

The BWMS should be operated at the minimum flow rate defined in the BWMP that will allow the ship to continue cargo operations while using the Ballast Water Management System (BWMS), which should not be greater than 50% of the face value of the BWMS treatment rated capacity (TRC). It is recommended to carry out the ballast water uptake via the BWMS in such a way that successful treatment in accordance with Regulation D-2 is possible (with the max. necessary reduced uptake rate) to avoid a decontamination procedure.

Internal Circulation

Ballast water could alternatively be circulated internally on a ship (internal pumping between the various ballast water tanks) if this would sufficiently stabilize the ship. This would allow the ship to take on cargo without discharging ballast water, i.e. without having to discharge non-D-2-compliant ballast water.

Minimum uptake at the "same location"

If a ship has already carried out an uptake of ballast water bypassing the BWMS, this ballast water could be discharged at the same location. This would comply with Regulation A-3.5 of the Annex to the Ballast Water Management Convention (so-called same location). In consultation with the competent authority, the same location may, if necessary, be a few

hundred meters away from the current berth, e.g., a little further in the middle of the stream, where the water contains fewer suspended solids and there is a greater distance between the ship's hull and the riverbed. Guidelines G3, 5.2 define the same location as "the same harbour, mooring or anchorage."

Afterwards, the ship should take up the minimum amount of ballast water required via the BWMS and, as soon as the water quality allows, carry out an uptake of further ballast water via the BWMS, if necessary for safe ship operation.

Therefore, if the vessel carries out uptake and discharge of its ballast water and sediments at the same location, it does not need to manage the ballast water in accordance with regulation D-2 unless the ballast water has been mixed with untreated ballast water from other locations. Please note the risk of contamination of tanks and the rest of the ballast system. Therefore, if the BWMS was bypassed, a subsequent decontamination procedure according to Appendix 1 of the INTERIM GUIDANCE ON THE APPLICATION OF THE BWM CONVENTION TO SHIPS OPERATING IN CHALLENGING WATER QUALITY CONDITIONS, in the Annex to MEPC.387(81) needs to be carried out. Ships operating between two North Sea ports may use the Intra-North Sea Ballast Water Contingency and Compliance Area in compliance with the set-out prerequisites and conditions.

Mobile BWMS

It is possible to arrange a service that could provide a ship with D-2-compliant uptake water or the treatment of ballast water for D-2-compliant discharge. One service provider is located in Hamburg and is able to offer its services in various German ports using a mobile container-based BWMS. It would be advisable to book this service well in advance to avoid delays.

Area for carrying out Contingency Measures

Neither in the German North Sea nor in the German Baltic Sea can a ship reach an area for carrying out ballast water exchange as part of contingency measures in accordance with the requirements of Regulation B-4.1 of the Annex to the Ballast Water Management Convention. Such an area needs to provide a distance from at least 200 nautical miles from the nearest land and shall offer a water depth of at least 200 metres (if this cannot be achieved: 200 m water depth and no less than 50 nautical miles from the nearest land). The Intra-North Sea Ballast Water Exchange Area designated by IMO Circular (BWM.2/Circ.56) has also expired since September 8, 2024 (see NfS Issue 38, 2024).

However, another option for ships with ballast water that does not meet the D-2 standard is to carry out a decontamination procedure in accordance with the INTERIM GUIDANCE ON THE APPLICATION OF THE BWM CONVENTION TO SHIPS OPERATING IN CHALLENGING WATER QUALITY CONDITIONS, Appendix 1.

North Sea

Within the framework of OSPAR 2025, it was decided, with effect from June 27, 2025, to approve the application for the designation of an Intra-North Sea Ballast Water Contingency and Compliance Area in order to facilitate the handling of contingency measures in the event of non-compliant ballast water. This facilitation applies exclusively to Intra-North Sea traffic and only under the conditions set out in paragraphs 2 to 9 of this decision. If ballast water uptake in a German North Sea port is intended and problems with the BWMS arise or are expected to arise, please contact

1) the competent port authority, and
2) the BSH via ballastwasser@bsh.de. During the weekend or bank holidays please contact our service team German Flag via phone: +49 40 2091 6373.

The Illegal use of the area would constitute a discharge violation under the SeeUmwVerhV.
If the ship is qualified to use the Contingency Area it may carry out a decontamination procedure within the coordinates of the ballast water contingency area in the German EEZ after bypassing the BWMS during uptake. This would need to be carried out at the shortest possible distance from the ballast water uptake location in order to minimize the risk of transferring harmful aquatic organisms and pathogens. The exact procedure for decontamination is described in Appendix 1 of the Interim Guidance in the Annex to MEPC.387(81).

Baltic Sea

In the Baltic Sea, decontamination procedures are not permitted due to the lack of fulfilment of the necessary conditions. However, it is still possible to carry out this measure at the “same location” as it is covered by the Ballast Water Management Convention. However, this should be approved in advance by the relevant port authority, as the port authority determines the scope of the “same location.” In principle, Guidelines G3, 5.2 define “same location” as “the same harbour, mooring or anchorage.”

Voyages from the North Sea to the Baltic Sea

For ships on a voyage from a North Sea port to a Baltic Sea port that encounter difficulties during ballast water uptake at the North Sea port due to challenging water quality, there is the option of dividing the entire voyage into two sections, thereby falling under the regulations for the North Sea for the first section (see above). An example is provided below:

A ship departs from a North Sea port via the Kiel Canal with the intention of calling at a Baltic Sea port and needs to discharge ballast water for this purpose (e.g., freeboard).
The voyage begins at the North Sea port, and the discharge of ballast water takes place, e.g. immediately before entering the Kiel Canal (= intention of deballasting). The ship thus falls under the definition of intra-North Sea traffic for the first section of the voyage from the North Sea port to Brunsbüttel (entry of the Kiel Canal). Therefore, the ship may carry out the necessary decontamination within the “Intra North Sea Ballast Water and Contingency Area”

(Contingency Area), even if the final port of destination for the second section of the voyage is located in the Baltic Sea. However, the decontamination procedure may only be carried out within the coordinates of the North Sea State in which the ballast water was taken on board without using the BWMS. Therefore, the entire affected ballast water system (tanks and piping) needs to be decontaminated in accordance with Appendix 1 of the INTERIM GUIDANCE ON THE APPLICATION OF THE BWM CONVENTION TO SHIPS OPERATING IN CHALLENGING WATER QUALITY (CWQ) CONDITIONS, as annexed to MEPC.387(81). It must always be ensured that the requirements and conditions for the use of the Contingency Area are met. These can be found in the OSPAR document “Intra North Sea Ballast Water and Contingency and Compliance Area”.