New regulations concerning Ballast Water Exchange (BWE)
The purpose of the Ballast Water Management Convention is to minimize the spread of invasive species in the sea, and the regulations thus deal with water and sediments in ballast water tanks that are moved from one area to another.

The Ballast Water Management Convention describes two methods to minimize the spread of invasive species:
- Exchange of ballast water (D-1 standard).
- Management of ballast water (D-2 standard).

The regulations in D-1 apply until the requirements for ballast water management pursuant to the D-2 regulations enter into force for the ship concerned (see specifications below). Sediments may not be discharged into the sea.

Ships, irrespective of size, using ballast water and not exempt from the convention, must comply with the following from 8 September 2017:
- They must have an approved Ballast Water Management Plan describing how they intend to perform BWE and to handle the sediments.
- They must have a Ballast Water Record Book listing all the BWE operations performed.
- They must have a certificate documenting compliance with the BWM Convention, however only if above 400 GT.

Irrespective of the size of the ship, the approval and issuance of plans and certificates are delegated to the recognized organization, recognized by the Danish Maritime Authority.

The Ballast Water Convention covers fishing vessels with the exceptions set forth below.

The Ballast Water Management Convention does not apply to:
- Ships, which are not designed or built to use ballast water.
- Ships, which use only permanent ballast water in sealed tanks which is not discharged.
- Ships operating only within the Danish Exclusive Economic Zone (EEZ).

BWE requirements for ships which cannot be exempted from the Convention
In general, BWE shall be carried out wherever possible and at least 200 nautical miles from nearest coast and in water at least 200 m’s in depth. If this is not possible, BWE shall be carried out at least 50 nautical miles from nearest coast and on at least 200 m’s in depth. In offshore areas where the above requirements cannot be met, the relevant port State may designate special BWE areas (Regulation B-4).

MEPC 71 has approved a circular BWM.2/Circ.63 that describes how ships should act:
- in areas where BWE areas have not been designated,
- in areas designated as BWE areas, and
In practice, this means that:

- Ships entering the North Sea\(^1\) and the Baltic Sea must discharge only exchanged ballast water.\(^1\)
- Ships operating internally in the North Sea-the Skagerrak must exchange ballast water in the areas designated according to BWM.2/Circ.56, which also shows two Norwegian exchange areas. If, for example, a ship does not have sufficient time to complete an entire BWE operation, reference is made to BWM.2/Circ.63.\(^2\)
- Ships operating internally in the Baltic Sea (within the line the Skaw – Gothenburg (5744 N)), where there no exchange areas have been designated, may only discharge ballast water.
- In case of doubt, please contact the relevant port State.

### Ballast water management requirements for ships that cannot be exempted from the Convention:

Management of ballast water must be carried out using an approved system, which must ensure that the discharged ballast water does not contain too many organisms (D-2 standard). Requirements for management of ballast water is carried out in accordance with the following transitional arrangements (Regulation B-3):

- New buildings: Ships built (keel-laying date) on 8 September 2017 or later must meet the D-2 standard upon delivery.
- Existing ships with their first renewal of the IOPP Certificate between 8 September 2017 and 8 September 2019 must comply with the D-2 standard at the second coming renewal inspection of the IOPP Certificate (i.e. a 2-year postponement).
- Existing ships with IOPP renewal on 8 September 2019 or later must comply with the D-2 standard on the date of the IOPP renewal.
- Existing ships below 400 GT must meet the D-2 standard no later than 8 September 2024.

### Fishing vessels - RSW vessels and anti-rolling tanks

Fishing vessels are different from other ships in that RSW (Refrigerated Sea Water)/CSW (Chilled Sea Water) systems are installed in the cargo tanks for cooling the catch by means of circulating sea water. The Danish Maritime Authority/Environmental Protection Agency do not consider the contents or parts hereof ballast water.

Water in anti-rolling tanks is neither defined as ballast water since these tanks are located high on the vessel and are used to minimize the rolling of the ship.

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\(^1\) North Sea = Greater North Sea, defined by OSPAR Region II minus Kattegat; Ospar\'s homepages: https://www.ospar.org/convention/the-north-east-atlantic

\(^2\) Designated BWE areas in the North Sea: BWM.2/Circ.56 link: https://www.ilent.nl/documenten/publicaties/2017/07/18/bwm-2-circ-56-ballastwater

\(^3\) BWM.2/Circ.63 and Guideline 14, § 10.3. states that a ship should comply with the terms of use for BWE areas provided by the port State, but that the ship should not be required to deviate (or be delayed) from its voyage. If there is not sufficient time to carry out the exchange for all of its ballast water the ship should comply with § 10.3 and carry out exchanges for as many tanks as possible.