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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Clarification and targeted amendments to BWM.2/Circ.62 to ensure practical and ship-based contingency measures under the BWM Convention

ICS, INTERTANKO, CLIA and INTERCARGO

SUMMARY

Executive summary: This document identifies unintended and increasingly divergent interpretations of the *Guidance on contingency measures under the BWM Convention* (BWM.2/Circ.62), particularly paragraph 3.2, and proposes targeted amendments to BWM.2/Circ.62 to clarify applicability, prevent indirect penalization of compliant ships, and ensure that port reception or treatment facilities are not mandated as a contingency measure for ships fitted with BWMS.

Strategic direction, if applicable: 1

Output: 1.25

Action to be taken: Paragraph 12

Related documents: MEPC 74/INF.21; MEPC 82/4/9; MEPC 83/4/10, MEPC 83/WP.12; resolutions MEPC.153(55) and MEPC.387(81) and BWM.2/Circ.62

Introduction

1 MEPC 83 recalled that confusion exists regarding the applicability of the *Guidance on contingency measures under the BWM Convention* (BWM.2/Circ.62), particularly beyond simple BWMS malfunction scenarios, and agreed to introduce a new objective to clarify paragraph 6 of the Guidance (MEPC 83/WP.12, paragraphs 19 and 20). The Committee further clarified that additional issues not covered by the agreed objectives would need to be raised through submissions to the Committee.

2 This document responds directly to that invitation and addresses a separate but related implementation issue that has emerged in the context of the use of port reception/treatment facilities for ships already fitted with BWMS, the interpretation of contingency measures in BWM.2/Circ.62 and resulting port State instructions.

Discussion

3 The co-sponsors draw attention to the fact that the BWM Convention establishes a ship-based compliance framework, under which ships are required to manage ballast water in accordance with regulation B-3, primarily through the installation and operation of type-approved ballast water management systems (BWMS). Regulation B-3.6 provides

a limited and specific exception whereby ballast water management standards do not apply when ballast water is discharged to a reception facility designed in accordance with guidelines developed by the Organization, namely the Guidelines (G5) adopted by resolution MEPC.153(55). The co-sponsors highlight that paragraph 1.1 of the Guidelines (G5) makes clear that the purpose is to encourage a uniform interface between ships and reception facilities and not to prescribe or require dedicated shore-based reception or treatment plants as a routine compliance option.

4 The co-sponsors recognize that certain port-based treatment systems can achieve the D-2 standard, as detailed in document MEPC 74/INF.21 (Denmark). However, while port-based reception or treatment facilities should remain a recognized alternative for specific circumstances, it is generally not a scalable solution for the large volumes of ballast water typically carried by ocean going ships. Due to the significant impact on port stay durations, it would be disproportionate to require ships with type-approved BWMS to consider these facilities as a default contingency measure, regardless of their nominal availability.

5 The co-sponsors are concerned that, in practice, some port State instructions, which are linked to interpretations of paragraph 3.2 of BWM.2/Circ.62, indirectly pressure ships either to use the unsuitable port-based reception or treatment facilities or to deviate to distant ballast water exchange (BWE) locations, particularly in regions where designated BWE areas are limited or absent. In this regard, the co-sponsors request the Committee to note the experience reported in documents MEPC 82/4/9 (ICS) and MEPC 83/4/10 (Liberia et al.), demonstrating that ships engaged in short or regional voyages already face disproportionate challenges in identifying practical contingency measures, especially where BWE areas are limited or absent.

Encouraging practical contingency measures under the BWM Convention

6 The co-sponsors reiterate that ballast water exchange plus treatment (BWE+T) remains the only viable contingency measure capable of supporting global trade continuity particularly in challenging water quality (CWQ) conditions. The joint designation of the Intra North Sea BWE+T Contingency and Compliance area* by seven North Sea States (Belgium, Denmark, Germany, the Kingdom of the Netherlands, Norway, Sweden and the United Kingdom) from 27 June 2025 demonstrates that cooperative, practical contingency solutions are achievable under the BWM Convention. The co-sponsors therefore strongly encourage further designation of BWE and BWE+T areas to address CWQ challenges, especially for ships engaged in short-sea and regional trades, consistent with concerns raised in documents MEPC 82/4/9 and MEPC 83/4/10. In addition, the co-sponsors encourage coastal States to examine the designation of same risk areas in similar aquatic conditions, including same river voyages, where appropriate.

7 In addition, the CWQ Guidance (resolution MEPC.387(81)) provides that, when a BWE area is designated in accordance with regulations B-4.1 and B-4.2 of the BWM Convention for the purpose of implementing decontamination procedures following a bypass, regulation B-4.3 does not apply.

8 As regulation B-4.1 requires BWE to be conducted at least 50 nautical miles from the nearest land and in waters at least 200 metres deep, and regulation B-4.2 allows a port State to designate an exchange area where no such waters exist, the exclusion of regulation B-4.3, which stipulates that ships should not be required to deviate from or delay their intended voyage, may, in practice, result in significant operational and logistical burdens. Such impacts have already been reported in several regions, including cases involving long-distance detours and delays, particularly where port States have designated areas under regulation B-4.2.

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https://www.ospar.org/site/assets/files/63848/annex10_intra-north-sea-bw-contingency-area.pdf

9 The co-sponsors emphasize that ships should not be required to deviate to distant BWE locations. Avoiding such deviations is essential to prevent unnecessary greenhouse gas emissions and operational inefficiencies, thereby maintaining consistency with broader environmental and sustainability goals.

10 In light of the issues highlighted in the above paragraphs 3 to 9, the co-sponsors propose targeted amendments to paragraph 3.2 of BWM.2/Circ.62, as set out in the annex to this document, to clarify that:

- .1 while port-based treatment or reception facilities should remain a recognized alternative, it should not be considered a mandatory contingency measure for large ocean going ships, as such facilities are generally not suitable to treat large volumes of water within reasonable time frames or port stays; and
- .2 ships should not be required to deviate to distant BWE locations, in order to avoid unnecessary greenhouse gas emissions and operational inefficiencies, thereby maintaining consistency with broader environmental and sustainability goals.

Proposal

11 In light of the implementation concerns outlined in paragraphs 3 to 10 regarding the application of paragraph 3.2 of BWM.2/Circ.62, the co-sponsors propose amendments to paragraph 3.2, as set out in the annex to this document. The co-sponsors further request that this document be considered during this session, outside the BWM Convention review process.

Action requested of the Committee

12 The Committee is invited to consider the proposal in paragraph 11 and take action as appropriate.

ANNEX

PROPOSED AMENDMENTS TO PARAGRAPH 3.2 OF BWM.2/CIRC.62

1 Based on the discussion in paragraphs 3 to 7, the co-sponsors propose amendments to BWM.2/Circ.62. The proposed new text is underlined in the below:

"Implementation of contingency measures

3 In the case of non-compliant ballast water, communication between the ship and the port State should occur. The ship and the port State should consider the following as possible contingency measures:

- .1 actions predetermined in the Ballast Water Management Plan of the ship;
 - .2 discharging ballast water to another ship or to an appropriate shipboard or land-based reception facility, if available, taking into account the operational suitability of such facilities, including their capacity and time required for treatment and not intended as a contingency option for ships fitted with type-approved ballast water management systems;"
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