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HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Proposal for converting the *Interim guidance on the application of the BWM Convention to ships operating in challenging water quality conditions* into a standard guidance, streamlining its procedures and mitigating constraints related to the designation of ballast water exchange areas

**Submitted by Republic of Korea, United Arab Emirates, ICS, BIMCO,
INTERTANKO and WSC**

SUMMARY

Executive summary: This document provides a proposal to convert the *Interim guidance on the application of the BWM Convention to ships operating in challenging water quality conditions* (resolution MEPC.387(81)) into a standard guidance, to streamline the reactive bypass and decontamination procedures, and to mitigate constraints arising from the designation of ballast water exchange (BWE) areas under the current Guidance. The proposal takes into account the ongoing review of the BWM Convention, the operational challenges encountered by ships and crews in implementing the existing procedures, and study results demonstrating that the application of ballast water exchange plus treatment (BWE + BWT) alone ensures compliance with the D-2 standard even when ballast water is bypass-taken under CWQ conditions.

**Strategic direction,
if applicable:** 1

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Action to be taken: Paragraph 16

Related documents: MEPC 70/4/9; MEPC 83/4/8, MEPC 83/4/10, MEPC 83/17, MEPC 83/INF.4, MEPC 83/WP.12; MEPC 84/INF.29; resolutions MEPC.127(53), MEPC.300(72), MEPC.306(73), MEPC.370(80) and MEPC.387(81); and BWM.2/Circ.79

Introduction and background

1 The Ballast Water Management (BWM) Convention review stage, part of the experience-building phase (EBP), is currently underway in accordance with a Convention Review Plan (CRP; BWM.2/Circ.79) approved by MEPC 80. As outlined in the CRP, while the data gathering and analysis stages have been completed, it is still considered appropriate for

any further information and data to be submitted to the Committee for consideration during the Convention review stage of the EBP.

2 With respect to the ongoing review of the BWM Convention, as reflected in the report of MEPC 83 (MEPC 83/17), the Committee noted that the Correspondence Group on Review of the BWM Convention was expected to finalize the draft amendments to the mandatory instruments, namely the annex to the BWM Convention (regulations and appendices) and the BWMS Code (resolution MEPC.300(72)), for consideration and approval at MEPC 84. The Committee further noted that the revision of existing guidelines and the development of new guidance will continue beyond MEPC 84, with a view to their completion prior to the entry into force of the aforementioned amendments. In this context, the Committee re-established the Correspondence Group to progress the review of the BWM Convention in accordance with the agreed approach.

3 The *Interim guidance on the application of the BWM Convention to ships operating in challenging water quality conditions* (resolution MEPC.387(81), hereinafter referred to as the "CWQ Guidance") was developed following deliberations over a number of sessions starting with document MEPC 70/4/9 (Republic of Korea) and adopted at MEPC 81. In line with operative paragraph 4 and the purpose of the CWQ Guidance, it was developed as an interim measure while the Committee, through the EBP, takes steps to improve the performance and reliability of BWMS, with the understanding that this guidance would be kept under review in connection with the EBP.

4 In accordance with annex 1 of document MEPC 83/WP.12 (Updated list and status of amendments under the Convention review in the context of the EBP associated with the BWM Convention), regulations A-3 and B-1 of the BWM Convention, as well as the Guidelines (G4) (resolution MEPC.127(53), as amended by resolutions MEPC.306(73) and MEPC.370(80)), were to be amended to reflect the implementation of ballast water management in line with the CWQ Guidance.

5 As highlighted in documents MEPC 83/4/8 (ICS et al.) and MEPC 83/4/10 (Liberia et al.), the reactive bypass procedures set out in the CWQ Guidance involve multiple operational steps and have been found to be difficult for ships to implement in practice. These documents underline that the complexity of the current reactive bypass framework has resulted in operational challenges for ships and crews when attempting to comply with the guidance under real-world CWQ conditions.

6 Several studies (MEPC 83/INF.4 and MEPC 84/INF.29) conducted by the Republic of Korea to assess the implementation of the CWQ Guidance, particularly the decontamination procedure, consisting of ballast water exchange using the water treated by the BWMS (BWE + BWT), and excluding any flushing or cleaning of pipelines and tanks between these steps, have demonstrated that, even when ballast water is bypass-taken under CWQ conditions, the application of the decontamination procedure ensures that the ballast water subsequently discharged at the receiving port complies with the D-2 standard.

7 In addition, the CWQ Guidance provides that when a ballast water exchange (BWE) area is designated in accordance with regulations B-4.1 and B-4.2 of the BWM Convention for the purpose of implementing the decontamination procedure following a reactive bypass operation, regulation B-4.3 does not apply. As regulation B-4.1 requires BWE to be conducted in areas 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 a BWE area, as port State instruction, where no areas comply with regulation B-4.1, the exclusion of regulation B-4.3, which stipulates that ships should not be required to deviate from their intended voyage or delay their voyage when an exchange area is designated, may, in practice, result in voyage

deviations or delays. In light of this, if the requirements of regulation B-4.3 are not taken into account when designating BWE areas under the CWQ Guidance, this may create significant operational and logistical burdens for ships. Such impacts have been reported in some regions, including cases involving long-distance detours and delays, particularly where port States have needed to designate exchange areas, through port States instruction, in accordance with regulation B-4.2 due to the unavailability of a suitable area meeting the parameters of regulation B-4.1.

Discussion

8 As mentioned in paragraph 4 above, the CWQ Guidance has been developed while steps are being taken under the EBP and has been implemented with the understanding that its status would remain under review throughout the ongoing Convention review process. This work includes the development of draft amendments to regulations A-3 and B-1 of the BWM Convention and revisions to the Guidelines (G4), in order to reflect ballast water management in line with the CWQ Guidance. As the Convention review progresses toward the finalization of amendments to the mandatory instruments for approval at MEPC 84, and the continued revision of associated guidelines, the status and future application of the CWQ Guidance should likewise be considered in parallel with these Convention review processes. Therefore, it is considered timely to undertake consideration of whether the CWQ Guidance should remain as an interim guidance or be established as a standard guidance.

9 The timeline for the development of BWMS capable of reliably treating ballast water under CWQ conditions remains uncertain, and, even if such systems are eventually developed, it would be challenging to ensure that their validated treatment capacity is representative of all range of CWQ conditions encountered globally. In this context, and while the CWQ Guidance is not intended to function as a contingency measure, it serves a similar purpose by providing a structured approach that enables ships to comply with the D-2 standard to the greatest extent possible under CWQ conditions. Therefore, it is considered appropriate that the CWQ Guidance be established as a standard guidance rather than remaining as an interim guidance.

10 In line with the CWQ Guidance, the reactive bypass procedure requires the sequential completion of four preparatory stages (assessment, troubleshooting and mitigation, CWQ triggering, and consideration of alternatives to bypass), all of which should be fulfilled before a bypass operation may be undertaken as a last resort. However, as noted in documents MEPC 83/4/8 and MEPC 83/4/10, the practical implementation of the reactive bypass procedure, including the completion of these preparatory stages, has proven to be particularly challenging. In practice, the complexity and time-consuming nature of the required steps can significantly interfere with cargo operations and voyage planning. Furthermore, repeated troubleshooting, mitigation efforts and attempts to restart the BWMS under CWQ conditions may increase the likelihood of system malfunction, thereby imposing additional operational burden on ships, including heightened crew workload, increased resource requirements, and repair-related delays. These challenges illustrate the considerable practical constraints faced by ships and crews when attempting to apply the full reactive bypass procedure as currently described in the CWQ Guidance.

11 To address the above issues, as shown in the figure below, it is considered necessary to streamline the preparatory stages as follows. When the BWMS shuts down because its operational limitations are not satisfied, the crew should carry out the relevant troubleshooting and maintenance of the BWMS. Once the troubleshooting and maintenance have been completed, the BWMS should not be subjected to repeated restart attempts under CWQ conditions, and such operational limitations should be regarded as CWQ triggers, thereby allowing the bypass operation to proceed accordingly, without the need to conduct the "mitigation" and "alternatives to bypass" stage.



Figure 1: Proposed procedure for CWQ triggered bypass

12 As mentioned in paragraph 6, several studies (MEPC 83/INF.4 and MEPC 84/INF.29) have confirmed that the decontamination procedure, consisting of BWE+BWT, ensures that the ballast water subsequently discharged at the receiving port complies with the D-2 standard, even when ballast water is bypass-taken under CWQ conditions. In this context, streamlining the reactive bypass procedure as described in paragraph 11 would not undermine the ability of ships to achieve compliance with the D-2 standard. Furthermore, given that compliance is achieved without any flushing or cleaning of pipelines and tanks when implementing BWE + BWT, the flushing or cleaning step within the decontamination procedure is not considered necessary.

13 In light of the circumstances outlined in paragraph 7, the exclusion of regulation B-4.3, as required by paragraph 45 of the CWQ Guidance, could give rise to operational and logistical challenges. When ships are required to divert significantly or experience voyage delays in order to reach an area that complies with regulation B-4.1, the resulting burdens could be disproportionate to the intent of the Convention, particularly where the port State-designated BWE areas in accordance with regulation B-4.2 do not reflect the principles embodied in regulation B-4.3. To ensure that the decontamination procedure remains practicable and can be implemented without imposing unnecessary constraints on ships, it is considered that the relevant provisions of the CWQ Guidance should be revised as follows, so that the underlying intent of regulation B-4.3 is adequately reflected when designating BWE areas or providing port State instructions for the purpose of implementing the decontamination procedure.

(Underlined text is new, and strikethrough text is deleted.)

"45 ~~Regulation B-4.3 does not apply to decontamination following a bypass of a BWMS, in order to restore compliance to regulation D-2.~~ When a ballast water exchange area is designated, taking into account appendix 1 of this guidance, or when subsequent port State instructions are provided taking into account paragraph 46, regulation B-4.3 should apply, and ships should not be required to deviate from their intended voyage or experience delay."

Proposal

14 Taking into account paragraphs 8 to 13, the co-sponsors would like to propose that:

- .1 the CWQ Guidance be converted from an interim guidance to a standard guidance; and
- .2 should paragraph 14.1 be agreed, a new objective be added to the list of provisions and instruments for revision and/or development under the Convention review stage of the EBP (annex 1 to document MEPC 83/WP.12), with the aim of developing comprehensive, practicable and globally consistent guidance for the application of the BWM Convention to ships operating in challenging water quality conditions, building upon the existing interim guidance (resolution MEPC.387(81)) and taking into account accumulated research outcomes and implementation experiences, and be addressed during the BWM Convention review.

15 In order to facilitate the Committee's consideration of the new objective referred to in paragraph 14.2, the co-sponsors would like to further propose the following elements as a discussion starting point:

"New objective: develop "Guidelines on the application of the BWM Convention to ships operating in challenging water quality conditions", incorporating the existing "Interim Guidance", relevant research outcomes and operational experiences, including consideration of:

- .1 incorporation of the streamlined reactive bypass procedure;
- .2 removal of the "flushing or cleaning" step from the decontamination procedure; and
- .3 reflecting the underlying intent and principle of regulation B-4.3 when designating BWE areas for the purpose of implementing the decontamination procedure."

Action requested of the Committee

16 The Committee is invited to consider the discussion in paragraphs 8 to 13 and the proposal in paragraphs 14 and 15, and take action as appropriate.
