Section 5: Response form

What is your name? Amber Connett

What is your email address? AmberConnett@cieem.net

What is your job title? Policy and Communications Officer

## When responding please state whether you are responding as an individual or representing the views of an organisation:

* I am responding as an individual

X I am responding on behalf of an organisation

(name of organisation) Chartered Institute of Ecology and Environmental Management

## Please check the box that best describes you as a respondent and the size of your organisation:

Respondent Type Size of Organisation

* Classification Society ☐ Large business (over 250 staff)
* Government Agency/Department ☐ Medium business (50 to 250 staff)
* Individual ☐ Micro business (up to 9 staff)
* Legal representative x Small business (10 to 49 staff)
* Protection & Indemnity
* Seafarer
* Ship Operator
* Ship Owner
* Trade Union
* Other

(please describe) Professional Body (6000+ members)

# Section 5.1 Consultation Questions

1. Do you agree that the Impact Assessment represents a true reflection of the impact of the proposals?
	* Yes, I agree
	* No, I don’t agree

If no, please add further details in the comment box below. If yes, you are welcome to add further details in the comment box below.

# Section 5.2

1. Do you think that the draft Regulations will implement the requirements of the BWM Convention accurately and appropriately?
	* Yes, I agree
	* No, I don’t agree

If no, please add further details in the comment box below.

# Section 5.3

1. Do you consider that you have received sufficient notification of the requirements to which you will have to comply?
	* Yes, I agree
	* No, I don’t agree

If no, please add further details in the comment box below.

N/A

# Section 5.4

1. Do you agree that the Penalties and Offences as set out in the draft Regulations are necessary, fair and proportionate?
	* Yes, I agree
	* No, I don’t agree

If no, please add further details in the comment box below.

1. Is there a way that the penalties can be further streamlined?
	* Yes
	* No

If so, please add further details in the comment box below.

1. Do you feel that the proposed penalties will act as an effective deterrent for non-compliance with the requirements of the Regulations?
	* Yes
	* No

If no, please add further details in the comment box below.

# Section 5.5

Do the proposed MSNs (technical requirements) and MGN (guidance) meet your needs in terms of (i) format; and (ii) content?

* + Yes
	+ No

If no, please add further details in the comment box below.

1. Do you feel there is a better way of providing guidance for the Regulation requirements? Please provide reasoning for your answer.
	* Yes
	* No

If yes, please add further details in the comment box below.

# Section 5.6

1. Are you able to provide possible estimates of the costs of complying with the Regulations? Primarily evidence is required in areas such as;
	* costs to fishing vessels;
	* costs of survey and certification to ships below 400GT and fixed and floating platforms to which the Regulations apply;
	* costs to harbours and terminals regarding facilities for the reception of sediments;
	* ballast water management systems, commissioning and installing costs;
	* costs to transfer and treat ballast water to reception facilities;
	* costs of any training of personnel required;
	* costs associated with the changing of maintenance plans and operation books;
	* any other costs associated with this legislation; and
	* any cost savings and or benefits associated with the Regulations.
* Yes, I can provide cost estimates.
* No, I can’t provide cost estimates.

If yes, please add further details in the comment box below.

N/A

# Section 5.7

1. Do you agree that areas in which the UK has some discretion under the BWM Convention have been implemented appropriately?
	* Yes
	* No

If no, please add further details in the comment box below.

We are concerned over section 21 ,‘Ballast Water Exchange where Location Requirements are not Possible’, of the Marine Guidance Note. This allows an option of ‘conducting ballast water exchange as far from land and in water as deep as possible’ when ‘it is not possible to meet the depth and distance requirements, or to do so would require the ship to deviate or delay its voyage’. This leaves too much discretion to the ship’s master over appropriate locations to conduct ballast water exchange and may result in exchange in ecologically sensitive areas. Guidance should be provided on minimum distance and what locations would be unsuitable for exchange. Guidance must be developed, in consultation with professionals who have expertise in the protection of marine habitats and invasive non-native species (INNS) control.

# Section 5.8

1. Can you provide any additional evidence relating to the benefits of this Convention? There are significant evidence gaps pertaining to the future cost avoidance benefits this Convention might bring to the UK economy. Furthermore, can you provide any evidence relating to direct benefits of this Convention and what value that may have for the UK economy?
	* Yes
	* No

If yes, please add further details in the comment box below.

# Section 5.9

1. At MEPC75, amendments to regulation E-1 of the BWM Convention were adopted. These amendments introduce requirements for Commissioning Testing during Initial and Additional surveys. These amendments are to be accepted on the 1st December 2021 and enter into force on the 1st June 2022. Depending on the timing of the making of the UK’s Regulations, the MCA may incorporate the E-1 amendments into the final Regulations. Are you content with this approach?
	* Yes
	* No

If No, please add further details in the comment box below.

# Section 5.10

1. Are you content that Type Approval for Ballast Water Management Systems is dealt with as a stand alone procedure (separate from the Marine Equipment Regulations 2016 (S.I. 2016/1025) within the Ballast Water legislative package?
	* Yes
	* No

Please add further details in the comment box below.

# Section 5.11

Do you have any additional comments to add to the response?

We are pleased that the Ballast Water Convention is being adopted into UK law after a delay of several years. It is vital that the Regulations are enacted as soon as possible, as the longer the delay the greater the risk of further marine invasive non-native species (INNS) reaching the UK. Given the risk posed by marine INNS, within the next 5 years we would wish the UK government to widen the Regulations to also apply to:

1. Ships which operate only in UK waters or controlled waters, or to ships which operate only in UK waters or UK controlled waters and the high seas. This is because such ships may present a risk of spreading INNS that have become established in one part of the UK to other parts of the UK.
2. Warships, naval auxiliaries or other ships owned or operated by the State and used only on government, non-commercial service. These ships are also capable of spreading marine INNS in the same manner as commercial vessels and so should not be exempt from the regulations.