Title: The Ballast Water Management Convention – Technical aspects and water treatment in the context of charterparties

Abstract:
This paper opens with a description of the contents of the Ballast Water Management Convention 2004 and it addresses particularly the issue of the technical requirements, which will sooner or later have to be complied with by ships, in order to perform the necessary water ballast treatment. The implementation of the Convention is thus the opportunity to assess the impact, which newly introduced legislation can have on contracts of lease. Different regimes are considered and compared as alternative solutions. The analysis then focuses on the relevant provisions contained in the standard bareboat charterparties and highlights a lack of regulation under the commonly used forms. The paper thus enquires the criteria by which the burden of the costs involved in the implementation of newly introduced legislation can be allocated or split between owners and charterers. Not every scenario may be amenable to contractual predetermination and few considerations are eventually drawn as a guidance to the arbitrator who may find himself faced with the difficult task of deciding who should pay, under a bareboat charter, for making a ship compliant with the requirements of the Ballast Water Management Convention.