

Date
2025-12-10Ref no/Designation
TSF 2025-3Case officer
Erland Lettevall
Civil Aviation and Maritime Department
Sustainable Development Unit
Environment Section

Impact assessment of regulations on amendments to TSFS 2022:19 concerning electronic ballast water record books, etc.

The Swedish Transport Agency's proposal:

That the Swedish Transport Agency's regulations and general advice (TSFS 2022:19) on the management and control of ships' ballast water and sediments are adapted so that amendments to the Ballast Water Management Convention regarding the conditions for keeping an electronic ballast water record book and amendments to the form for the ballast water record book are incorporated into Swedish law, as well as some minor amendments of an editorial nature.

A. General

1. What is the problem or the reason for the regulation?

Several of the rules of the Ballast Water Management Convention require information on ballast water management measures to be recorded in the ballast water record book. Record books have traditionally been used in paper format, but it has become increasingly common to use record books in electronic format. In 2023, the IMO's Committee MEPC 80 adopted amendments to the Ballast Water Management Convention concerning the form for the ballast water record book (Resolution MEPC.369(80)). MEPC 80 also adopted guidelines on the use and design of electronic ballast water record books (Resolution MEPC.372(80)). In 2024, MEPC 81 decided on an amendment to the Convention's provision on record books, including as regards the approval of electronic record books (Resolution MEPC.383(81)). The reason for the rules is that these resolutions need to be transposed into Swedish law.

In addition to the amended MEPC resolutions, it has been noted that the definition provision in Section 2 of the Swedish Transport Agency's regulations and general advice (TSFS 2022:19) on the management and control of ships' ballast water and sediments contains several definitions that are already defined in Chapter 1, Section 6 of the Ballast Water Act (2009:1165). This applies to the definitions of ballast water, ballast water capacity, gross tonnage, ship, shipowner, sediments, and harmful aquatic organisms and pathogens.

2. What is to be achieved?

The main purpose of this regulatory work is to incorporate amendments to the Ballast Water Management Convention into Swedish law. The amendments relating to electronic record books aim to regulate the use of electronic ballast water record books on board ships. With regard to the amended form for the record book, the aim is to enable accurate notes relating to various operational practices and, in so doing, to make it clearer and easier to keep record book entries and to check them during inspections.

The following parts of the Ballast Water Management Convention shall be incorporated:

1. MEPC.369(80): Amendments to Appendix II to the Ballast Water Management Convention concerning the design of the form of the ballast water record book. The amendments entered into force on 1 February 2025.
2. MEPC.372(80): Regulation B-2 of the Ballast Water Management Convention allows the use of an electronic ballast water record books, in addition to traditional paper record books. The Resolution '*Guidelines for the use of electronic record books under the BWM Convention*' contains, inter alia, guidelines on its use and approval. The guidelines shall be applied as soon as possible.
3. MEPC.383(81): Regulation A-1 (Definitions) and Regulation B-2 (Ballast Water Record Book) of the Ballast Water Management Convention are amended in relation to the approval of electronic record books, taking into account the guidelines in MEPC.372(80), and concerning how electronic entries are verified by the master. The amendments entered into force on 1 October 2025.

As regards the definitions already defined in the Ballast Water Act, the purpose of the amendment is that these shall not be repeated in government regulations.

3. What are the possible solutions?

3.1 Impact if nothing is done?

Sweden is party to the Ballast Water Management Convention and bound to transpose the rules into Swedish law. Sweden would therefore be in breach of its international obligations if nothing were done.

If the provisions are not incorporated into Swedish law, this may also lead to users of the electronic ballast water record book misunderstanding how it should be kept. As a result, they may not correctly apply the rules in force. Both the Swedish Transport Agency and the ships or shipowners can also face additional work to resolve misunderstandings and handle complaints, which increases the administrative burden.

3.2 Alternatives that do not involve regulation

The objective is to transpose international rules into Swedish legislation and there are no alternatives that do not involve regulation.

3.3 Regulatory alternatives

The resolutions are proposed to be incorporated into Swedish law through transformation, which means that changes will be made to the relevant sections of the Swedish Transport Agency's regulations and general advice (TSFS 2022:19) on the management and control of ships' ballast water and sediments. It is through transformation that the provisions of the Ballast Water Management Convention have so far been transposed into Swedish law, and it is therefore the regulatory option that should be used when transposing the resolutions in question. No regulatory alternatives other than this are deemed to exist.

With regard to the definitions, the only regulatory alternative is to remove the definitions already contained in the Ballast Water Act from Section 2 of TSFS 2022:19 and instead refer to Chapter 1, Section 6 of the Ballast Water Act. As this can be considered an editorial change that will have no consequences for users, it will not be discussed further in this impact assessment.

4. Who will be affected?

The proposed regulation affects companies in the shipping industry that own Swedish-flagged ships that are subject to requirements under Chapter 4, Section 2 of the Ballast Water Act (2009:1165) to keep a ballast water record book and the crew on board such ships.

The Swedish Transport Agency is affected when certificates are to be issued for Swedish ships verifying that electronic record book systems meet the requirements of the guidelines.

5. What are the impacts of the regulation?

5.1 Businesses

(X) The regulation is not deemed to significantly impact the working conditions, competitiveness or other conditions of enterprises. All consequences for companies are therefore described under 5.1.

() The regulation is deemed to significantly impact the working conditions, competitiveness or other conditions of companies. Therefore, the impact assessment does not contain a description under 5.1; instead, all consequences for companies are described in Section C.

The requirements for ballast water management including ballast water record books apply to vessels designed to carry ballast water, whose ballast water tanks are not sealed, and which do not only operate in the Swedish maritime territory or exclusive economic zone. The amended provisions concerning the record book form concern all companies owning ships subject to the ballast water regulatory framework. There is no knowledge of the number of vessels involved and the number of companies owning the vessels. The rules and guidelines governing the design and use of electronic record books apply to companies that own ships that have or plan to install electronic record books. Shipping companies can choose whether they want manual or electronic record books, depending on what is deemed most advantageous. It is impossible to estimate how many companies are affected by the provisions governing electronic record books, as it is unknown how many vessels currently have electronic record books and how many vessels are planning to switch from paper to electronic format. The proposals concern both large and small companies.

For officers and crew on board a vessel, an electronic record book may simplify the administration of data recording, compared to making entries in paper format. Instead of keeping several different record books in paper format, information can be registered in a common digital system for different record books. The amended form is also considered to simplify the administration of the crew, regardless of whether the vessel has a physical or electronic record book.

Since the rules do not require the introduction of an electronic ballast water record book, no technical systems need to be developed. It is still possible to keep a ballast water record book by analogy but with a more developed form than before. As the rules are international, shipping companies are prepared for the changes and the time required to switch to the new form is expected to be minimal.

In order for a Swedish-flagged vessel to be allowed to keep an electronic record book, the vessel must have a certificate issued by the Swedish Transport Agency or by a recognised organisation with which the Swedish Transport Agency has a delegation agreement. The Swedish Transport Agency charges a fee of SEK 2 800 for the issue of certificates. Shipping companies will also be able to choose to apply to a recognised organisation in order to have a certificate issued.

5.2 Individuals

Remain unaffected.

5.3 The State, regions or municipalities

Certificates shall be issued showing that a Swedish-flagged vessel has an electronic record book that complies with the requirements of the guidelines. For the Swedish Transport Agency, this entails an additional task. An examination of the electronic record book system and the issuing of certificates takes approximately two hours, according to the Swedish Transport Agency's assessment. The Swedish Transport Agency intends to delegate the control of electronic record books and the issuing of certificates to recognised organisations, which will reduce the Agency's workload.

5.4 Environment

The proposed provisions are expected to contribute to reducing emissions of alien species and harmful organisms, as the new record book form simplifies the assessment during port State control of whether ballast water management has complied with ballast water regulations.

5.5 Externalities

It has not been possible to identify them.

6. Summary of options considered and why the draft regulation is considered the best option

The aim is to incorporate international rules into Swedish legislation, and there are no alternatives that do not involve regulation through amendments to the Swedish Transport Agency's regulations and general advice (TSFS 2022:19) on the management and control of ships' ballast water and sediments.

7. What authorisations form the basis for the authority's decision-making powers?

Chapter 1, Section 4 of the Ballast Water Ordinance (2017:74) authorises the Swedish Transport Agency to issue regulations on the enforcement of the Ballast Water Act (2009:1165).

8. Are the regulations consistent with the obligations arising from EU law or other international regulations, or does it exceed them?

There is no EU law in this area. The Swedish regulations will correspond to the international regulations and no special requirements will be introduced.

The requirement for the administration to approve an electronic record book is a new technical rule affecting the use of an electronic record book. The amended record book form is also considered to be a new technical rule. The amending regulations and the annex must therefore be notified to the

European Commission in accordance with the Ordinance (1994:2029) on technical rules. Exceptions cannot be made because eight EU countries are not bound by the Ballast Water Management Convention.

Notification under the Services Directive or the Data Flow Regulation is not deemed to be applicable.

9. Does special consideration need to be given regarding the date of entry into force, and is there a need for special communication initiatives?

Resolution MEPC.369(80) entered into force on 1 February 2025 and Resolution MEPC.383(81) entered into force on 1 October 2025. The guidelines contained in Resolution MEPC.372(80) shall be applied as soon as possible.

This calls for the regulatory amendments to enter into force as soon as possible. Information regarding electronic record books must be published on the Swedish Transport Agency's website.

B. Fulfilment of transport policy objectives

The amendment supports the overall transport policy objective by introducing more appropriate record book requirements, thereby contributing to efficient and sustainable maritime transport.

10. How does the regulation affect the performance goal?

10.1 Provisions on the design of the form of the ballast water record book

The design of the form of the ballast water record book is more consistent and clearer against previous requirements. This makes it easier for ships and shipowners to carry out and follow up on their obligations, and for port State authorities to carry out their checks. This may have a positive impact on the functional goal.

10.2 Electronic ballast water record book

Rules and guidelines on keeping a record book electronically may bring benefits for companies in the form of simplified administration and improved possibilities to compile and follow up on the information digitally recorded. Based on this data, they can, for example, take measures to improve procedures on board, which in the long term could have a positive impact on the functional goal.

11. How does the regulation affect the HES goal?

The amendment provides for the possibility of keeping an electronic ballast water record book with an improved design, with the aim of managing ballast water in a sustainable way by preventing the release of untreated ballast water and thus the spread of invasive alien species into the aquatic environment. This promotes the environment by improving measures to achieve the precision of alien species and genotypes for the three environmental quality objectives: ‘A Balanced Marine Environment, Flourishing Coastal Areas and Archipelagos’, ‘Flourishing Lakes and Streams’ and ‘A rich Diversity of Plant and Animal Life’.

C. Companies

The regulation is not deemed to significantly impact the working conditions, competitiveness or other conditions for companies. All consequences for companies are therefore described under point 5.1.

D. Summary of consequences

Affected party	Impacts that cannot be quantified		Quantified impact (SEK thousands)	Comments
	Advantages	Disadvantages		
			+ / -	
Companies	Simplified administration and improved opportunities to compile and follow up on digitally recorded data and, based on this data, take measures to improve procedures on board, for example.		A fee of approximately SEK 2 800 is charged for the Swedish Transport Agency's approval of electronic record books.	
The State, et al.		Issuing a certificate is an additional task.		
Externalities				
Total				

E. Proportionality of the draft

The regulation cannot be designed in such a way as to further limit the costs or restrictions of the proposal beyond what is necessary to achieve its purpose.

F. Follow-up and evaluation

Follow-up can be done through port State controls and evaluated through documentation and follow-up of remarks and possible deficiencies in the ParisMOU.

G. Consultation

No consultation has been held. There is no constitutional obligation to consult.

If you have any questions regarding the impact assessment, or any opinions you would like to share, please contact us:

Erland Lettevall
erland.lettevall@transportstyrelsen.se, 010-495 37 72