



Document title	Draft Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2017-2020
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Agenda Item	4 - Matters arising from the subsidiary bodies
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Submitted by	Executive Secretary
Reference	

Background

This is a revised version of document 4-3 incorporating comments from the plenary.

The Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (HELCOM/OSPAR TG BALLAST) was established in 2012 to prepare the involved countries for implementing the IMO Ballast Water Management Convention 2004. The Task Group is a joint expert group for the Baltic Sea (HELCOM) and the North-East Atlantic (OSPAR) regions.

The Task Group held its first meeting in October 2012, and has continued meeting regularly since that according to its Terms of Reference, which have been valid one year at a time. The latest ToRs for 2016-17, approved by HOD 51-2016, will expire by summer 2017.

TG BALLAST 7-2016 (29-30 November 2016 Brussels, Belgium) drafted the attached Terms of Reference for the next three years 2017-2020 (Annex 5, Outcome of HELCOM/OSPAR TG BALLAST 7-2016) based on the outcomes of the meeting and the 2016/2017 TOR (Annex 1 of document 9-2), and agreed on them to be further submitted for approval to HELCOM MARITIME and OSPAR EIHA.

The new approach proposed by the TG is for three year terms of reference -to avoid repeating drafting and adopting TORs, involving also coordination with OSPAR, annually.

As the next 2017 meeting of the Maritime Working Group is scheduled for October 2017, after the expiry of the current TG BALLAST mandate, the HELCOM Secretariat circulated the attached ToRs to MARITIME contacts on 16 December 2016 with a request for comments from the Contracting Parties by 12 January 2017. The Secretariat did not receive any amendments to the draft ToRs.

The circulation by the Secretariat 16 December indicated that based on the input received by the 12 January deadline (tacit approvals) the Secretariat will prepare a final draft version and submit it for adoption from the HELCOM side at the 2017 Helsinki Commission meeting (28 February-1 March 2017).

Action requested

The Meeting is invited to adopt the Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2017-2020.

[Draft] Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2017-2020

Background and purpose

1. The transfer of harmful aquatic organisms poses a threat to the North East Atlantic as well as to the Baltic Sea. OSPAR and HELCOM have co-operated successfully in the past to address this threat, e.g. by issuing the General Guidance on the voluntary interim application of the D-1 ballast water exchange standard in the North-East Atlantic and the Baltic Sea.
2. At the same time, the North East Atlantic and the Baltic Sea are connected with a network of shipping lanes that are vital for the economic welfare of neighbouring states. Ballast water management in accordance with the BWMC will result in financial impacts on the shipping industry.
3. The BWMC aims to reduce the risk of transfer of harmful aquatic organisms and pathogens. If careful evaluation shows that a specific voyage poses only a negligible risk of transfer of harmful aquatic organisms and pathogens, an exemption may be granted so that a ship does not have to treat or exchange ballast water.
4. Risk assessment is the pivotal factor in the process of granting an exemption. If administrations of neighbouring states were to use substantially different methods for risk assessment, exemptions might be granted in substantially different circumstances. This could undermine confidence in the implementation process and in certain circumstances result in a higher risk of transfer of harmful aquatic organisms and pathogens.
5. This is the case for voyages within the North East Atlantic and within the Baltic Sea, as well as for voyages between the two areas. It is therefore desirable to establish and keep under review a common framework for exemptions under Reg. A-4 of the BWMC for the North East Atlantic and Baltic Sea.
6. The 2004 International Convention for Control and Management of Ships' Ballast Water and Sediments (BWM Convention) will enter into force in September 2017 and this will trigger the transitional period of the JHP.

Participants

7. The group shall be open to Contracting Parties and Observers of both OSPAR and HELCOM. Contracting Parties members will be nominated to the group by OSPAR EIHA and HELCOM MARITIME Heads of Delegation.

Scope of Work

8. The Joint Task group will oversee practical implementation of the Joint Harmonised Procedure for the OSPAR and HELCOM regions on the issue of exemptions in accordance with Regulation A-4 1.4 BWMC. The group will take forward the work, using and building on current efforts at OSPAR and HELCOM in the following areas:
 - a. updates to the Joint Harmonised Procedure if necessary;
 - b. update of port survey protocol if necessary,
 - c. explore further synergies with MSFD-other relevant monitoring, including especially EU MSFD monitoring for those countries which are also Members of the EU;
 - d. updating and use of HELCOM and OSPAR target species lists;

- e. further development of the decision support tool including data management;
- f. inclusion of area based risk assessments;

9. Based on the issues above, the joint task group will provide advice to OSPAR EIHA and HELCOM MARITIME on the further implementation of the harmonised procedure.

Working procedures

10. The mandate work of the group should be for the 2017-2020 intersessional period and the group should select a chair(s) for the period.

11. The HELCOM and OSPAR Secretariats will jointly work as Secretariat to the group.

12. The group will work by correspondence and through meetings and will develop a more detailed work plan for itself.

13. The group will report to OSPAR EIHA and HELCOM MARITIME groups.

14. Any recommendations proposed by the group, or continuation of the mandate, will be decided upon by HELCOM Commission and OSPAR Commission Meetings, as appropriate.