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Background

The fifth meeting of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions will be held in Madrid, Spain, 1-2 December 2014. The Task Group is co-chaired by Germany and Sweden.

During this meeting several issues related to the practical implementation of the Joint HELCOM/OSPAR Harmonised Procedure on the Granting of BMW Convention Exemptions will be discussed according to the terms of reference of the group.

Among the issues the Task Group will consider are a number of proposed amendments to the port sampling methodology and to the administrative procedures, drafted by the chairs and the HELCOM and OSPAR Secretariats. This incorporates developments and editorial changes discussed within the group during autumn 2013 and spring 2014.

Furthermore the Task Group will consider a proposal to define the agreed transitional period for the interim implementation of the Joint HELCOM/OSPAR Harmonised Procedure. The proposal, drafted by the chairs, is based on the outcome of the last meeting of the Task Group is annexed for information to Maritime 14.

Action required

The Meeting is invited to take note of the information.

DRAFT PROPOSAL**Transitional period for the implementation of the Joint HELCOM/OSPAR Guidelines for the Contracting Parties of OSPAR and HELCOM on the granting of exemptions under International Convention for the Control and Management of Ships' Ballast Water and Sediments, Regulation A-4****Introduction**

By the adoption of the joint harmonized procedure HELCOM and OSPAR contracting parties agreed on implementation through a transitional period established by paragraph 1.14 i of the procedure:

"In an initial transitional period the guidelines are to be implemented in a flexible and practicable way by authorities in cooperation with the ship owners, the harbours and other stakeholders, taking the regulations A-4.3 of the Convention into account. This should be done in order to gain experience and to enable further development and improvement of the guidelines."

The joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions was tasked, through its terms of reference, to conclude upon transitional schemes for the implementation of the harmonized procedure.

Duration of the transitional period

The transitional period depends on its adoption by HELCOM and OSPAR and on the entry into force of the Ballast Water Management Convention. It will be applicable one year before the Ballast Water Management Convention enters into force, i.e. from the date on which the formal requirements according to Art. 18 of the Ballast Water Management Convention are fulfilled. Administrations of the Contracting Parties of OSPAR and HELCOM are urged to begin with the necessary preparations for smooth implementation in time, e.g. provide ship owners with the information that will be needed for applications in order not to lose valuable time when preparing their application. The transitional period will end when the D-2 ballast water standard applies in full, taking the application of regulation B-3 by the IMO resolution A.1088(28) into account.

Intermediate evaluation

The transitional period shall be subject to an intermediate evaluation, jointly by HELCOM and OSPAR, to take part within 12 months after the two year anniversary of the entry into force of the Ballast Water Management Convention.

Validity of exemptions during the transitional period

Exemptions issued before or during the transitional period shall be valid for the whole transitional period, but not longer than 5 years from when the exemption is issued, regardless of the date of application or port survey. This applies provided that no major new occurrences of target species are identified. Moreover, the exemption may contain seasonal and time-specific or other restriction within the time of validity.

Validity for port survey data and exemptions as stipulated in paragraphs 2.2 and 7.9 of the procedure will then apply once the transitional period has ended.