



Document title	Draft Terms of Reference for HELCOM/OSPAR TG BALLAST for 2015-2016
Code	2-1
Category	DEC
Agenda Item	2 – Matters arising from HELCOM meetings
Submission date	15.09.2015
Submitted by	Secretariat
Reference	

Background

The attached draft Terms of Reference for HELCOM/OSPAR TG BALLAST for 2015-2016 were approved by OSPAR EIHA on 13-17 April 2015, but have not yet been considered or approved by HELCOM MARITIME.

Action required

The Meeting is invited to endorse for adoption by HELCOM HOD, the attached ToR of the group.

Draft Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2015-2016

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.

Participants

6. 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

7. 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 and outputs from the Life+ Project "*Tackling invasive alien species introduced by maritime navigation through discharge of ballast waters*", if the application is successful, in the following areas:
 - a. further testing of the port survey protocol
 - b. development of target species lists;
 - c. further development of the decision support tool;
 - d. update of the data storage facilities based on the latest revision of the port sampling protocol;
 - d. considering applicability of exemptions to ships operating between ports and other locations;
 - e. considering the issue of A3 exceptions (e.g. question of same location)¹;

¹ This item is proposed to take into consideration the different views expressed on the concept of same location, given that some of these concepts propose to consider wide areas bordering several coastal states as same location (see e.g. HELCOM MARITIME 2011 Document 6/3).

8. 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

9. The mandate work of the group should be for the 2015-2016 intersessional period and the group should select a chair(s) for the period.

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

11. 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.