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<b>Document title</b>	Proposed amendments to the Terms of Reference of the Joint HELCOM/OSPAR TG BALLAST, 2017-2020
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<b>Category</b>	DEC
<b>Agenda Item</b>	3 - Ballast water and biofouling
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<b>Submitted by</b>	Secretariat
<b>Reference</b>	Outcome of HELCOM 38-2017, paragraph 4.47

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## Background

HELCOM 38-2017 adopted the Terms of Reference (ToR) for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2017-2020 ([Outcome of HELCOM 38-2017, para. 4.47](#)).

The 2018 meeting of the OSPAR Environmental Impact of Human Activities Committee (EIHA 2018, 9 to 13 April 2018, the Netherlands) agreed that the issue of hull fouling should be provisionally added to the ToR of the HELCOM/OSPAR Joint Task Group on Ballast Water, subject to agreement by HELCOM Maritime. The EIHA meeting also agreed that the Netherlands should present a document on this issue the next TG Ballast meeting, if the change to the ToR was agreed ([Summary Record of EIHA 2018, paragraph 5.15 and Annex 11](#)).

This document contains the proposed amendments to the ToR for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2017-2020, as agreed by EIHA. Proposed amendments to the current ToR are highlighted in yellow.

## Action requested

The Meeting is invited to consider and agree on the amendment of the Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2017-2020, with the view of its approval by the HELCOM Heads of Delegation.

## Proposed amendments to the Terms of Reference of the Joint HELCOM/OSPAR TG BALLAST, 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.

[proposed new 7. ] Hull-fouling of recreational vessels may be a vector for NIS spread. Awareness and application of IMO guidance on this issue among recreational boat owners and harbour masters can help reduce the risk of spread through these means.

### 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 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;

[proposed new g.] advise OSPAR EIHA and HELCOM maritime on the usefulness of 'IMO Guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft'

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.