



Document title	Proposal for amendments to the Terms of Reference of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (TG BALLAST), 2017-2020
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Agenda Item	4 – Ballast water and biofouling
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Submitted by	Finland, Germany and Lithuania
Reference	3-1 Proposed amendments to the Terms of Reference of the Joint HELCOM/OSPAR TG BALLAST, 2017-2020; Outcome of the 18 th Meeting of the Maritime Working Group; Outcome of the 9 th Joint HELCOM/OSPAR TG BALLAST; Outcome of the Biofouling Workshop 4-5 April 2019 Rotterdam

Background

Issues related to the IMO's Ballast Water Management Convention (BWMC)

Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (TG BALLAST) has been working since 2012. For harmonized implementation of the Ballast Water Management Convention (BWMC) and for ensuring that exemptions according to the Regulation A-4 of the BWMC are granted in constant manner, the Group has developed the HELCOM-OSPAR Joint Harmonized Procedure for BWMC A-4 exemptions. The Procedure was adopted in 2013 at the HELCOM Ministerial Meeting and at OSPAR the Commission meeting.

In the view of Finland/co-sponsors, the scope of the present Terms of Reference (ToR) for the TG BALLAST is very narrow for the ballast water related issues. Present ToR includes only the work to issue exemptions according to the Regulation A-4 of the Ballast Water Management Convention (BWMC), task, which in our view, will be soon completed. Therefore, Finland/co-sponsors propose that the ToR for the TG BALLAST should be reviewed comprehensively to take into account all the remaining issues of the HELCOM Ballast Water Road Map (see para 7 and (g) and (h) in the scope of work given in Annex), especially focusing on the harmonized implementation and the enforcement of the BWMC. Accordingly, Finland/cosponsors propose to change the name for the Joint HELCOM/OSPAR Task Group to read as the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention and biofouling (TG BALLAST and BIOFOULING).

Issues related to biofouling

According to the *2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (MEPC.207(62)) studies have shown that in addition to ship ballast water, biofouling can be a significant vector for the transfer of invasive aquatic species. Biofouling on ships entering the waters of the States may result in the establishment of invasive aquatic species, which in turn, may pose threats to human, animal and plant life, economic and cultural activities and the aquatic environment.

In the IMO's Pollution Prevention and Response (PPR) Sub-Committee, the new agenda output has also been established to review these 2011 Biofouling Guidelines.

After the agreement in the OSPAR Environmental Impact of Human Activities Committee (EIHA 2018) meeting in April 2018, the HELCOM Secretariat submitted the proposal for the amendments to the Terms of Reference for the Joint HELCOM/OSPAR TG BALLAST, 2017-2020, to include hull fouling issues of the recreational crafts therein, to HELCOM MARITIME 18-2018.

MARITIME 18-2018 and the 9th meeting of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (TG BALLAST) considered the issue and decided to arrange a biofouling workshop to consider biofouling issues in more detail.

The biofouling workshop was hosted by the Netherlands on 4-5 April 2019 in Rotterdam. As a result, workshop recommended that the joint HELCOM/OSPAR Task Group for Biofouling should be established. Workshop also prepared a list of suggested activities, which should be included in the ToR for the proposed Task Group.

However, especially due to the heavy work load of the HELCOM Secretariat, Finland/Co-sponsors are of the view, that instead of establishing the new joint HELCOM/OSPAR task group for biofouling, the mandate of the existing TG BALLAST should be revised to include also biofouling issues (see para 8 in Annex). The draft ToR, developed by the biofouling workshop, are now included from (i) to (o) in the scope of work to the proposal of the new ToR for the TG BALLAST, which are given in the Annex of this document.

Summary of proposals

The proposed amendments for the existing ToR for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (TG BALLAST) to widen the scope of the mandate as proposed by Finland/co-sponsors are given in the Annex.

Additionally, Finland/co-sponsors invite MARITIME 19-2019 to consider the extension of the mandate for the TG until the end of 2024.

Action requested

The Meeting is invited to:

- discuss the proposal to widen the mandate and the Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (TG BALLAST) and accordingly to;
- agree the amendments to the ToR which are related to biofouling issues; and
- agree the amendments to the ToR which are related to BWMC issues in the HELCOM ballast water Road Map

Updated Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention (BWMC) and Biofouling, 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 IMO's 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.

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.

4. HELCOM member States agreed the Regional Baltic Sea plan for harmonized ratification and implementation for the 2004 IMO Ballast Water Management Convention (BWMC) (i.e. HELCOM Ballast Water Road Map) in 2016. This Road MAP includes, inter alia, supporting and exchanging of experiences on compliance control and enforcement of the BWMC and work towards further harmonization of implementing regulations of the BWMC.

5. OSPAR Environmental Impact of Human Activities Committee (EIHA 2018) and HELCOM MARITIME 18 recognized the importance of minimizing the transfer of invasive aquatic species as ship's biofouling and application of the IMO biofouling guidelines in the North Sea and the Baltic Sea regions.

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 also consider the issues related to compliance control and enforcement of the BWMC and work toward further harmonization of implementing the BWMC. Finally, the group will consider the ships' and recreational crafts' biofouling issues at regional level. 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;
- g. support and exchange experiences on compliance control and enforcement of the BWMC;
- h. work towards further harmonization of implementing regulations of the BWMC;
- i. develop common interpretation of the IMO evaluation guidance and a uniform approach to the evaluation of the IMO Biofouling Guidelines for all ships (MEPC.207(62), including the evaluation of the Guidance for recreational craft (Resolution MEPC.1/Circ.792);
- j. align with and contribute to the process of evaluation of the guidelines within the IMO Sub-Committee on Pollution Prevention and Response (PPR) and further steps that could be decided within the IMO - Marine Environment Protection Committee (MEPC);
- k. develop a common OSPAR/HELCOM biofouling management strategy for the implementation of the IMO Biofouling Guidelines;
- l. Collection and sharing of relevant data and information about:
 - i. Best practices: cleaning methods and waste management
 - ii. Research
 - iii. Regulations, legal aspects
 - iv. Risk assessment
 - v. Awareness and training;
- m. identify the knowledge gaps;
- n. identify the needed expertise and knowledge exchanges; and
- o. ensure the involvement of stakeholders in the biofouling process.

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, BWMC and IMO biofouling guidelines.

Working procedures

- 9. 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.
- 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.
- 12. The group will report to OSPAR EIHA and HELCOM MARITIME groups.
- 13. Any recommendations proposed by the group, or continuation of the mandate, will be decided upon by HELCOM Commission and OSPAR Commission Meetings, as appropriate.