

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, and
Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area
Meeting of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention
(BWMC) and Biofouling (TG BALLAST 11-2020)

Online: 26-27 November 2020

Outcomes of relevant HELCOM meetings

Presented by HELCOM Secretariat

Issue: This document presents outcomes of relevant HELCOM meetings.

Action requested

1. JTG-Ballast is invited to;
 - a. take note of the information and make use of it as appropriate.

Background

2. This document contains extracts from [HOD 57-2019](#) (10-12 December 2019, Helsinki, Finland) and [MARITIME 20-2020](#) (5-8 October 2020, online) which are of relevance for TG BALLAST.

Outcomes of relevant HELCOM meetings

Matters arising from HOD 57-2019

Update of the Baltic Sea Action Plan

The Meeting:

- agreed to consider the results of the SOM analysis and use them as guidance in the update of the BSAP and that the SOM approach should also be given special attention at HOD 58-2020.
- considered the proposed revisions to the goals on the BSAP segments on sea-based activities and biodiversity (document 3-3) and provisionally agreed to formulate them as 'Environmentally sustainable sea-based activities' and 'Baltic Sea ecosystem is healthy and resilient'. The meeting furthermore provisionally agreed to replace the term 'undisturbed' in the goal on hazardous substance and litter to 'unaffected' to better harmonize with the goal on eutrophication.
- agreed in principle on the revised and proposed new ecological and management objectives as part of the provisional framework for the update of the BSAP (Annex 2), while keeping it open for adjustments to individual objectives or proposals on additional objectives as found relevant in the further BSAP update process. The meeting agreed on the following next steps:
 - Chairs of the relevant Working Groups and Secretariat to follow-up of HOD 57-2019 through correspondence and through an online-meeting in January 2020.
 - Updated proposals on objectives to be submitted for consideration by HOD by end of January 2020 for a short period of commenting, aiming at submitting a proposal for endorsement at HELCOM 41-2020. A proposal for consideration by HELCOM 41 will still include the caveat of keeping it open for adjustments as found needed in the further updated process.
- considered document 3-5 on how to draft the updated BSAP (Presentation 1). The meeting supported in general that the updated BSAP should be a relatively short and easy to read document. The meeting furthermore supported the proposal on the style of writing, including having a layered preamble with segment-specific introductory text.
- agreed to write the operative sections on each segment in a more straightforward way, as outlined in document 3-5, and to include more detailed information on actions as supplementary information to the main BSAP document. The meeting noted that at this stage it may however be difficult to identify the Working Groups that will implement the actions as proposed in document 3-5.
- supported differentiating actions to improve the Baltic Sea from activities that support the implementation of such actions, however noting that it may not always be clear how such a differentiation should be made and that it will be necessary to consider this from case to case.
- discussed how Regional Action Plans on specific topics, i.e. litter and noise, could be linked to the updated BSAP. The meeting agreed that these RAPs should remain as separate documents and that the updated BSAP should include strategic decisions and central points from the RAPs and they could be adopted in the revised RAP on marine litter and the new RAP on underwater noise, which is under development. The meeting underlined that the follow-up of the RAPs should also be established when they are adopted.
- discussed how to draft the updated BSAP, with the aim of having a first full draft available at HOD in December 2020 and noted that proposals on the formulation of actions will be provided by the

HELCOM Working Groups, based on ongoing activities to review existing actions and proposals on new actions to be considered in spring 2020 and further worked on at autumn meetings in 2020.

- requested the Secretariat to prepare a first drafts of the pre-amble and the introductory text for the respective segment with regards to state of the environment. The meeting agreed that lead countries should be identified for development of each segment of the BSAP update and that the Secretariat will support the drafting of these segments.
- agreed that Contracting Parties should inform the Secretariat (ullali.zweifel@helcom.fi) by 15 January 2020 of their willingness to take lead of the work on BSAP segments or otherwise contribute to the development of specific segments. The meeting requested the Secretariat to prepare an outline of how the updated BSAP will be structured to facilitate the drafting process. An online drafting meeting, initiated by the Secretariat, could be held in March/April 2020.
- considered the document by Sweden on a dedicated financing mechanism for the updated BSAP (document 3-8). The meeting welcomed the proposal, recognised that financing of implementation of the BSAP in general and possible financing mechanisms will require further consideration both nationally and in HELCOM. The meeting supported that the issue should be further considered in the BSAP update process, and was of the view that a mapping of existing international financing tools and mechanisms would be useful. NEFCO informed the meeting that the current BSAP fund, which it manages together with the Nordic Investment Bank, is currently undergoing an external evaluation, providing an opportunity to build on lessons learned. It was also explained that one of the benefits with such funds is the possibility of public and private co-financing.
- took note of the proposal to update the HELCOM nutrient input reduction scheme (document 3-6).
- in general supported the proposed approach to update the scheme and integration of the national input ceilings, including input ceilings for transboundary rivers and national shares within transboundary basins but the meeting also took note of the study reservation on the proposal placed by Estonia and Lithuania.
- acknowledged that the proposed values for national input ceilings are of preliminary character and will be further specified based on the most recent available scientific data.
- requested that the proposed values as well as methodology for their calculation are to be further discussed at the expert level and approved organizing of the thematic workshop on the proposed nutrient input ceilings on 20 April 2020 back-to-back with PRESSURE 12-2020.
- discussed further use of the text of the document 3-8 and concluded that the text is to be further elaborated by the Pressure working group in line with the overall drafting of the updated BSAP with subsequent incorporation to the final BSAP document (cf. para 3.28).
- took note of the preliminary results of the survey on knowledge and research needs to initiate the development of a HELCOM science agenda (document 3-9) and of the start-up meeting of the science agenda Task Group, which will take place on 17 December 2019.

Matters arising from the HELCOM Groups

Maritime working group

- approved the revised Terms of Reference for HELCOM-OSPAR TG BALLAST for 2020-2024 as contained in Annex 5 to this Outcome, noting that they are still pending approval by OSPAR.
- congratulated Ms. Susanne Heitmüller, Germany, for being elected as Chair and Ms. Natalia Kutaeva, Russia, and Mr. Jorma Kämäräinen, Finland, for being re-elected as Vice-Chairs of the Maritime working group for the next two-year period (2020-2021).

Update of the Baltic Sea Action Plan

The Meeting:

- took note of the Updated Work Plan for the update of the BSAP, endorsed by HOD 58-2020 (document 3-1 and Presentation 1).
- took note that HOD 58-2020 agreed on the year 2030 as the target year for implementing the BSAP. With regard to the target year for achieving good environmental status for the Baltic Sea, the meeting further agreed to include in the updated BSAP a reference to the 2007 BSAP and the HELCOM assessments.
- noted that the BSAP Drafting Group (DG BSAP) will play an important role in the further development of the preambles as well as operative sections of the BSAP. In this context, it was noted that the DG BSAP and the segment specific meetings of DG BSAP should consider all previous agreements and rephrasing of actions by the Maritime Working Group. The meeting encouraged participation in the work of the DG BSAP by contacting HODs who are responsible for nominations to the DG BSAP.

Drafting of the updated BSAP

- took note of the detailed plan for drafting of the updated BSAP and the preliminary timetable (document 3-2 and 3-2 Rev. 1).

SOM analysis

- considered the preliminary results of the analysis of sufficiency of measures for topics of relevance to the Working Group including non-indigenous species (NIS) and underwater noise (document 3-3, 3-3 Rev. 1 and Presentation 2). The meeting noted that the Maritime Working Group was responsible for validating the input data for non-indigenous species and underwater noise.
- discussed the preliminary results for noise and NIS and noted comments and responses by the Secretariat as follows:
 - literature data on effectiveness of measures has been compiled and is planned to be included in the SOM analysis to the extent possible;
 - existing measures in the SOM analysis include also measures in the current policy frameworks that have not yet been implemented but are expected to be so during the time frame of the analysis (until 2030-2035) (e.g. BWM Convention). These measures are assumed to be fully implemented in the analysis;
 - the measure types for the NIS expert survey were drafted by the SOM topic team, consisting of Secretariat staff. They were designed to be rather general as working at the level of individual measures would have been infeasible, given the scope of the analysis. The measure types include both existing measures as well as hypothetical measures;
 - the generality of the measure types may have affected the response rates and the reliability of the results for NIS as respondents may have had difficulties in understanding the implications of the measure types discussed above;
 - the additional measure for mandatory hull cleaning *en route* relates to preventing introduction of biofouling NIS through ships in canals;
 - offshore wind farms are part of marine and coastal construction and infrastructure. Infrastructure contributes to continuous noise while construction to impulsive noise;

- as the input data for the underwater noise, SOM analysis came from only a limited number of experts, there are concerns over the reliability of the results. It was noted that the report includes information indicating the sources of data and number of experts who contributed, thereby enabling an assessment of reliability;
- information about the sources of noise will be included in the final SOM topic-specific report for noise, and information regarding which species are affected will also be found in the report;
- in this context, the meeting noted a request by Russia to include also type of noise and frequencies, species under negative influence, exact source of underwater noise, the essence of influence, time period and source of input data for analysis in the form of a table; and
- the SOM analysis for underwater noise does not attempt to quantify the needed reduction of noise as there is no GES threshold for the topic.

Drafting of the updated BSAP

- took note of the Outcome of DG BSAP 2-2020, in particular matters related to Maritime Working Group (document 3-10). The meeting also took note of the [Outcome of DG BSAP 3-2020](#) held on 1 October 2020.

HELCOM Science Agenda

- took note of the document on the HELCOM Science Agenda (document 3-11). The meeting further noted that the Science Agenda report and its associated comprehensive inventory of HELCOM knowledge and research needs will be made available by 30 October 2020. The meeting noted that proposed actions for the updated BSAP that focus on research rather than concrete measures to protect the Baltic Sea environment, may be included also in the Science Agenda which is expected to be published together with the updated BSAP in autumn 2021.

Actions to be included in the updated BSAP

- considered the outcome of the BSAP UP Workshop on maritime activities, including underwater noise, non-indigenous species and response actions (BSAP UP WS-SEA) (document 3-6).
- Using the separate excel file in document 3-6 Add.1 Att.1, the meeting further elaborated and endorsed for submission to HOD 59-2020 proposed new actions taking into account the outcome of the BSAP UP Workshop.
- The outcome of the elaboration of proposed new actions, as well as the endorsement of such actions is further described in the separate Excel attachment to this Outcome.
- noted that document 3-12 was submitted after the established deadline but agreed to consider the three Maritime related synopses submitted to PRESSURE 13-2020 as set out in the document. The meeting commented as follows:
 - *Phase out biocide antifouling paint use on leisure boats and limit the use on commercial vessels by 2030.* The meeting noted that the choice of AFS is an important part of the management of biofouling for ships and boats. AFS are used to avoid biofouling, species introductions and spread, but have the risk of releasing biocides. It was noted that the concentration of biocides in AFS should be limited to the extend needed, but also that non-biocidal AFS, if used, have to be combined with regular inspection and hull cleaning together with collection and filtration of all biofouling waste. The meeting further noted that these considerations are addressed in the draft HELCOM Regional Biofouling

Management Roadmap (c.f. Agenda Item 4). The meeting noted that this proposal could be considered in the context of previously submitted proposed actions relating to the Regional Biofouling Management Roadmap. The meeting also noted that biocides are regulated in the EU by the Biocides Directive, and that any actions related to biocides should not preempt the results for assessments under this Directive. The meeting therefore noted a general reservation on this proposed action by the EU.

- *Best practice for removal of TBT from ships and leisure boats.* The meeting noted that this proposal relates closely to the existing IMO *Guidance on best management practices for removal of anti-fouling coatings from ships, including TBT hull paints* (AFS.3/Circ.3).
- *Limit the use of firefighting foam containing PFAS at sea and promote sustainable alternatives.* The meeting noted a comment stating support for taking measures in limiting the use of PFAS. The meeting noted a general reservation by the EU on this proposal as it falls under the scope of EU legislation.

Drafting of the updated BSAP

- took note of the first draft for BSAP segment preamble – sea-based activities (document 3-5).
- reviewed the draft preamble as contained in document 3-5, made some general comments and agreed to some revisions to the text as set out in Annex 2 to this Outcome and endorsed it for submission to GEAR 23-2020 and to HOD 59-2020 for review, noting that the drafting will continue in the First Meeting of the Sea-based activities segment team for drafting the updated Baltic Sea Action Plan (DG BSAP SEA 1-2020 (12 October 2020) and in DG BSAP in spring 2021.
- considered the content and structure of the draft Annex for the sea-based activities segment of the updated BSAP (document 3-8). The meeting supported the structure and noted comments and observations [see outcome].
- discussed the way forward to finalize the BSAP Annex prior to HOD 60-2021 and agreed to invite the Secretariat to develop a more complete draft, including also new actions after HOD 59-2020. The meeting further agreed that the new draft should be circulated for comments in early 2021 and that an intersessional online meeting should be organized in spring 2021 to finalize the work to enable submission of the Annex to HOD 60-2021 for approval. The meeting agreed that the intersessional meeting could be e.g. in late February or early April, but that the final date and duration of the meeting should be decided when a second draft is ready and when more information is available on the HELCOM and other organization's (e.g. IMO) meeting schedules for spring 2021.

Ballast water, biofouling and anti-fouling systems

Biofouling

- considered the proposal for a Regional Baltic Biofouling Management Roadmap (document 4-1), and commented as follows:
 - the Roadmap was supported and seen as a good example on regional cooperation;
 - the meeting noted that further clarification is needed regarding how the Roadmap should be implemented, as it was not seen to be drafted in the typical style of a Roadmap. The meeting noted a clarification that the COMPLETE Project has been approved for extension, and that this can be clarified through the continued work of the Project. The meeting also noted that a proposed new BSAP action, endorsed by the meeting under Agenda Item 3, also addresses the implementation of the Roadmap;

- a question was raised with regard to the goals of the proposed Roadmap, which reflects the goals of the COMPLETE Project rather than clearly stating the goals of the Roadmap itself;
 - a question was raised regarding on if and how the implementation of the Roadmap will be controlled;
 - a proposal was made that the Roadmap and comments made by the meeting should be considered by TG BALLAST before approval; and
 - the meeting noted that further input and comments from Contracting Parties that have not participated in the development of the Roadmap through the COMPLETE Project (Denmark and Russia) would be particularly important.
- invited Contracting Parties to provide additional comments to the Roadmap by 30 October 2020 to the Secretariat (marta.ruiz@helcom.fi) so that these can be addressed with the view to submitting a further elaborated draft Roadmap to TG BALLAST 11-2020 for consideration. The meeting noted that further comments on the elaborated draft can be submitted as CMNT documents to TG BALLAST 11-2020 by 19 November 2020. The meeting agreed to the draft Roadmap in principle and mandated TG BALLAST 11-2020 to finalize and agree to it, followed by direct submission by TG BALLAST 11-2020 to HOD 59-2020 for approval and subsequent adoption by HELCOM 42-2021.
 - Furthermore, the meeting invited interested Contracting Parties to submit the draft Roadmap for consideration to the IMO Correspondence Group on the Review of the Biofouling Guidelines as an input from the COMPLETE Project as it provides useful input for this IMO process.

Regionally harmonised A-4 exemptions and related risk assessments

- considered the revised HELCOM OSPAR Joint Harmonised Procedure on the granting of exemptions under International Convention for the Control and Management of Ships' Ballast Water and Sediments (JHP), which has already been approved by OSPAR EIHA(1) 2020 (document 4-2).
- approved the revised JHP and instructed the Secretariat to carry out an editorial and factual review and make necessary corrections before submission to HOD 59-2020 for adoption.
- noted that harmonization of procedures regarding exemptions under the BWM Convention continues as the implementation of the BWM Convention is being phased in, and agreed that any substantial amendments needed to the JHP should be considered by TG BALLAST for possible future revisions of the JHP.
- discussed other issues related to regionally harmonised exemptions under regulation A-4 of the BWM Convention and related risk assessments and noted the following:
 - the European Commission is currently looking at risk assessments for four maritime species in the framework of Regulation (EU) No 1143/2014. The next update of the list of invasive alien species in line with the Regulation will probably not take place before 2021;
 - the meeting congratulated Poland for their ratification of the BWM Convention on 26 August 2020, with entry into force for Poland on 26 November 2020; and
 - agreement has been reached between Denmark and Sweden to designate a "Same Risk Area" under the BWM Convention, around the Öresund bridge. Applications for exemptions under Regulation A-4 of the BWM Convention can be submitted to the relevant authorities. More information on this will be provided to TG BALLAST 11-2020.

Other BWM related activities

- took note of the information on the status of the project “Completing management options in the Baltic Sea Region to reduce risk of invasive species introduction by shipping ([COMPLETE](#)), 2017-2021” (document 4-3).
- took note that the COMPLETE project has been granted extension in duration and scope, and thus the COMPLETE PLUS “Practical implementation of the COMPLETE project outputs and tools” will be running from April to December 2021. The meeting took note of the activities foreseen to take place within the COMPLETE PLUS project.
- noted that HOD 57-2019 approved the revised Terms of Reference for HELCOM-OSPAR TG BALLAST, to become Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention (BWMC) and Biofouling (2020-2024) (Outcome of HOD 57-2019, para. 4.77 and Annex 5). The meeting noted that OSPAR EIHA(1) 2020 has also agreed on these Terms of Reference ([Summary Record of EIHA\(1\)2020](#), para. 1.5.b and Annex 5).
- recalled that MARITIME 19-2019 had noted that the list of surveyed ports contains ports surveyed following the JHP, while other types of surveys may also have been undertaken in other ports. MARITIME 19-2019 had agreed that an expanded list of ports would be useful as well and consequently agreed to invite Contracting Parties to provide to the Secretariat information on all port surveys conducted in ports. The meeting noted that no additional information on port surveys conducted in ports has been received to date.
- instructed the Secretariat to request updates and data for new ports e.g. once per year, including for ports surveyed in accordance with other protocols than the survey protocol of the JHP, in order to ensure that sufficient and up to date data is available.
- took note of the information on the status of early warning system and generation of a list of surveyed ports which currently only includes ports surveyed under the JHP (document 4-4).

Anti-fouling systems

- recalled ongoing discussions in the Pressure Working Group regarding the update of HELCOM Recommendation 20/4 on *Antifouling paints containing organotin compounds*. The meeting noted that while no concrete progress has been made, PRESSURE 11-2019, as part of their work on developing concrete actions to follow up the HELCOM 2018 Ministerial Declaration, agreed inter alia to propose to HOD 57-2019 to identify sources of offshore legacy pollutants, to make a regional inventory of substances from offshore sources and identify priority contaminants from offshore sources and to update HELCOM Recommendation 20/4 on antifouling systems (depending on cooperation with Maritime Working Group)”, indicating that this action is likely to be accomplished by end of 2020 ([Outcome of PRESSURE 11-2019](#), para. 8.31 and Annex 3).
- discussed further information on developments within the IMO regarding the amendment of the AFS Convention to prohibit the use of cybutryne and new issues regarding anti-fouling systems. The meeting noted that IMO PPR 7 had continued the work and finalized a proposed amendment to the AFS Convention, including a compromise exempting ships in domestic trade and ships on international voyages below 400 GT if allowed by the coastal State(s). The draft amendment is expected to be approved by MEPC 75 with a view to adoption at MEPC 76. In parallel, EMSA and ECHA are working on a revision of the testing guidelines to include inspection methods for detecting cybutryne on ships’ hulls, with the intention to submit information on this work to PPR 8.
- noted that the German Environment Agency (UBA) has issued AFS Guidelines for Boatowners that are currently only available in German.