



OSPAR Recommendation 2023/03 amending OSPAR Recommendation 2010/03 on a Harmonised Offshore Chemical Notification Format (HOCNF) (as amended by OSPAR Recommendation 2014/17, OSPAR Recommendation 2019/03 and OSPAR Recommendation 2021/08)

Preamble

RECALLING Article 5 of the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”) in which Contracting Parties agree to take jointly all possible steps to prevent and eliminate pollution from offshore sources;

RECALLING Article 4 of Annex III to the OSPAR Convention in which Contracting Parties agree that use on, or the discharge or emission from, offshore sources of substances which may reach and affect the maritime area shall be strictly subject to authorisation or regulation by the competent authorities of the Contracting Parties and that competent authorities shall provide for a system of monitoring and inspection;

RECALLING OSPAR Recommendation 2010/03 on a Harmonised Offshore Chemical Notification Format (HOCNF) (as amended by OSPAR Recommendation 2014/17, OSPAR Recommendation 2019/03 and OSPAR Recommendation 2021/08);

WISHING to up-date OSPAR Recommendation 2010/03 on a Harmonised Offshore Chemical Notification Format (HOCNF) (as amended by OSPAR Recommendation 2014/17, OSPAR Recommendation 2019/03 and OSPAR Recommendation 2021/08) to remove the template to a separate agreement;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic RECOMMEND:

1. Purpose and Scope

1.1. The purpose of this Recommendation is to amend and update Recommendation 2010/03 on a Harmonised Offshore Chemical Notification Format (HOCNF) (as amended by OSPAR Recommendation 2014/17, OSPAR Recommendation 2019/03 and OSPAR Recommendation 2021/08).

2. Provisions

Preamble

2.1 In the Preamble of Recommendation 2010/03, the 4th paragraph is amended as follows:

RECALLING the North-East Atlantic Environment Strategy with regard to preventing pollution by hazardous substances, by eliminating their emissions, discharges and losses, to achieve levels that do not give rise to adverse effects on human health or the marine environment with the ultimate aim of achieving and maintaining concentrations in the marine environment at near background values for naturally occurring substances and close to zero for human made hazardous substances;

2.2 In the Preamble of Recommendation 2010/03, the 5th paragraph is deleted.

Section 1 (Definitions)

2.3 In Section 1 (Definitions) of Recommendation 2010/3, the following definitions are deleted:

1.1(b) on BPR, 1.1(f) on microplastics, 1.1(g) on nanomaterials, 1.1(j) on the OSPAR LCPC, 1.1(k) on the OSPAR LSPC, 1.1(m) on plastic, 1.1(n) on PLONOR, 1.1(q) on SDS, 1.1(s) on surfactant

2.4 In Section 1 (Definitions) of Recommendation 2010/3, paragraphs 1.1(d) on hazardous substances, 1.1(h) on offshore chemicals, 1.1(r) on substance, and 1.1(t) on use are amended as follows. The numbering of the sub-paragraphs is updated accordingly:

(d) "**hazardous substances**" means (in accordance with the OSPAR Strategy with regard to Hazardous Substances) substances which fall into one of the following categories:

- (i) substances or groups of substances that are toxic, persistent and liable to bioaccumulate;
- (ii) other substances or groups of substances which are assessed by the Commission as requiring a similar approach as substances referred to in (i), even if they do not meet all the criteria for toxicity, persistence and bioaccumulation, but which give rise to an equivalent level of concern.

This category will include both substances which work synergistically with other substances to generate such concern, and also substances which do not themselves justify inclusion but which degrade or transform into substances referred to in (i) or substances which require a similar approach.

The Commission will identify and assess such other substances or groups of substances using available information and internationally accepted methods and criteria.

(h) "**offshore chemicals**" means all chemicals intentionally used in connection with offshore exploration, production and decommissioning activities in the maritime area. Offshore chemicals comprise both substances and preparations;

(r) "**substance**" means a chemical element or compound in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

(t) "**use**" means application of any offshore chemical in connection with offshore exploration, production and decommissioning activities in the maritime area that might result in a discharge.

2.5 In Section 1 (Definitions) of Recommendation 2010/3, paragraph 1.2 is amended as follows:

Further definitions and explanations of terms used in the HOCNF Agreement 2023-09 are given in the OSPAR Guidelines for Completing the Harmonised Offshore Chemical Notification Format.

Section 3 (Programmes and Measures)

2.6 In Section 3 (Programmes and Measures) of Recommendation 2010/3, paragraph 3.1 is amended as follows:

Authorities should require the provision of data and information in accordance with the registered data and information on the basis of REACH, if available, or with the data and information in accordance with the HOCNF Agreement 2023-09 in

order to examine and decide upon an application for a substance or preparation to be used and discharged offshore in accordance with OSPAR Decision 2000/02.

2.7 In Section 3 (Programmes and Measures) of Recommendation 2010/3, bullet point 3.2.a.(vi) is amended as follows:

report numbers of the tests carried out in accordance with the requirements stipulated in Part 2 of HOCNF Agreement 2023-09;

2.8 In Section 3 (Programmes and Measures) of Recommendation 2010/3, paragraph 3.3 is amended as follows:

Authorities should recognise that some of the data and information provided in accordance with the HOCNF Agreement 2023-09 is confidential and that it should be treated as such. However, any or all such data could be exchanged between Contracting Parties and nominated 3rd Parties who have been notified to the OSPAR Secretariat, in accordance with the Confidentiality Agreement (Reference number: 2007-13).

Section 5 (Implementation Reports)

2.9 In Section 5 (Implementation Reports) of Recommendation 2010/3, paragraph 5.2 is amended as follows:

When reporting on the implementation of this Recommendation, the implementation format given in Annex 1 should be used.

Annexes

2.10 Annex 1 is removed.

2.11 Annex 2 is renumbered to Annex 1.

3. Entry into force

3.1 This Recommendation has effect from 1 January 2024.