

**MINUTES OF THE SECOND MEETING OF
JOINT HELCOM/OSPAR TASK GROUP ON BALLAST WATER MANAGEMENT
CONVENTION EXEMPTIONS
(HELCOM /OSPAR TG BALLAST 2/2013)**

INTRODUCTION

0.1 The Second Meeting of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (HELCOM/OSPAR TG BALLAST 2/2013) was held in Hamburg, Germany, 28 February (14:00)-1 March 2013 (14:00) at the premises of the Federal Maritime and Hydrographic Agency (BSH).

0.2 The Meeting was attended by HELCOM and OSPAR Contracting party and Observer experts from Denmark, Germany, Norway, Finland, Poland, the Netherlands and the Russian Federation as well as from the European Community Shipowners' Association (ECSA) and WWF. The List of Participants is contained in **Annex 1**.

0.3 The Meeting was opened by Christoph Brockmann, Vice President of the BSH.

0.4 Mr. Kai Trümpler, BSH, acted as Chairman of the meeting.

0.5 Mr. Hermann Backer, HELCOM Professional Secretary and Mr. John Mouat, OSPAR Deputy Secretary acted as Secretaries of the Meeting.

Agenda Item 1 Adoption of the Agenda

Documents: 1/1

1.1 The Meeting adopted the Agenda (document 1/1) elaborated by the OSPAR and HELCOM Secretariats.

Agenda Item 2 Welcome and aims of the meeting

2.1 The Secretariat's outlined the background of the joint HELCOM/OSPAR TG BALLAST and the specific aims of the meeting (**Presentation 1**).

2.2 The Meeting noted the need to get input and comments to the drafts sections of the guidelines submitted under Agenda items 3-7 in order to complete a final consolidated draft by 22 March, in time for a submission to OSPAR EIHA (15-19 April) and HELCOM MARITIME (special ministerial session 4 July), as well as to consider any other future steps required for adopting and implementing the guidelines.

2.3 The Meeting noted that the HELCOM Ministerial meeting takes place 3rd October in Copenhagen and that there is an aim to adopt the joint guidelines from the HELCOM side at the meeting.

Agenda Item 3 Draft document Part 1 -Introduction

Documents: 3/1

3.1 The Meeting reviewed and commented the draft introduction section of the guidelines (document 3/1).

Agenda Item 4**Draft document Part 2: Sampling Protocol**

Documents: 4/1

4.1 The Meeting took note of the presentation (**Presentation 2**) by the HELCOM Secretariat on the Sampling protocol and the tests of the protocol done in Estonia and Finland during 2012 as part of the HELCOM ALIENS 2 project.

4.2 The Meeting took note of an introduction by the Chair on key points in the sampling protocol chapter draft text (document 4/1) and reviewed and commented on the text.

4.3 The Meeting discussed how long the port survey data should be valid as a basis for the decision on exemptions for (4/1 para 2.2) and noted the different opinions on the validity period ranging from one year to five years. The meeting noted that this questions is related to the question of validity of exemptions

4.4 The Meeting noted that as exemptions are granted for a maximum of five years a one or three year validity of data would lead to a situation where an exemption could be valid based on information which is six or eight years old, respectively.

4.5 The Meeting recalled that according to IMO guidelines A-4 exemptions are subject to a review by the national administration to be undertaken latest 36 months after the exemption has been granted.

4.6 The Meeting discussed what level of quality assurance was required for laboratories undertaking analysis of the port survey samples and the Secretariats agreed to outline the requirements in an annex to the guidelines.

Agenda Item 5**Draft document Part 3: Target Species**

Documents: 5/1

5.1 The Meeting took note of a presentation by Germany (**Presentation 3**) on the Target species and risk assessment sections (documents 5/1 and 6/1) and on the online exemption decision support tool (6/Info.1) developed as part of the HELCOM ALIENS 2 project.

5.2 The Meeting took note of an introduction by the Chair on key points in the target species chapter draft text (document 5/1) and reviewed and commented on the text.

5.3 The Meeting noted the creation of a draft target species list for A-4 exemptions in the OSPAR and HELCOM regions as part of the HELCOM ALIENS 2 project and agreed that this list is a good starting point.

5.4 The Meeting agreed that the lists should be kept under continuous review and that existing HELCOM MONAS and OSPAR BDC Groups, representing a large part of the competence in the OSPAR and HELCOM regions, would be the appropriate forums to do this, i.e. to decide on additions and deletions from the regional non-native target species lists for A-4 exemptions, using the criteria described in the guidelines.

5.5 The Meeting agreed that a flexible, pragmatic approach based on best available science should be utilised in creating and using the target species lists for A-4 exemptions.

The Meeting noted that as national administrations might have different opinions on the harmfulness of certain species there is also some need for national adjustment and that the joint HELCOM OSPAR TG could have a role in mitigating such differences in opinions.

Agenda Item 6**Draft document Part 4: Risk Assessment Model**

Documents: 6/1, 6/Info.1, 6/1 WP 4

6.1 The Meeting took note of an introduction by the Chair on key points in the Risk Assessment section draft text (document 6/1) and reviewed and commented on the text.

6.2 The Meeting discussed the risk assessment algorithm included in document 6/1 and noted that it is different from the risk assessment model included in the HELCOM ALIENS 1 project report.

6.3 The Meeting revised the text of the risk assessment model illustration as follows:

- Node 1 should read: “Target species present?”
- Node 3 should read: “Do ports have very different salinity (≥ 30 PSU difference)?”
- Node 5 Should read: “Does the Species tolerate a salinity range > 30 PSU?”
- Node 7 should read: “Does the salinity the ports have the same salinity range (i.e. < 10 PSU difference)?” Node 9 Should read: “Does the Species tolerate a salinity range > 30 PSU?”

6.4 The Meeting noted that especially the nodes 4 and 5 should be studied further and kept under review as they imply that in certain situations the presence of a target species can be interpreted as a Low Risk, indicating approval of an exemption.

6.5 The Meeting agreed on the establishment of a separate expert correspondence group to clarify certain outstanding issues by 18 March, including salinity limits in Node 3, natural dispersal taking into account compliance with IMO guidelines. The Meeting drafted and agreed on the Terms of Reference of such a scientific group as included in **Annex 2**.

6.6 The group agreed that the revised risk assessment algorithm to be included in the adopted guidelines should be regarded as a starting point for further work and that it will be reviewed on a regular basis by the joint HELCOM/OSPAR TG BALLAST.

6.7 The Meeting agreed that a black or white model, giving no room for interpretation for the national administration, is not optimal and that some degree of flexibility is needed.

6.8 The Meeting noted that, based on earlier HELCOM and OSPAR decisions, even if a ship has been operating on a route for a long time and no transfer has been observed this does not imply that the risks are acceptable.

6.9 The meeting agreed that the section on the database and decision support tool in §4.9 should be expanded to make it clearer.

6.10 The Meeting agreed that a separate Annex to the joint guidelines should include the risk assessment algorithm in text form to give additional explanation of the decision knots.

Agenda Item 7**Draft document Part 5: Administrative Framework**

Documents: 7/1,

7.1 The Meeting took note of an introduction by the Chair on key points in the Administrative Framework section draft text (document 7/1) and reviewed and commented on the text.

7.2 The Meeting took note of the discussions on the key issues of the administrative framework (document 7/1) and agreed that the following conclusions would be used to revise the text in 7/1:

- Results from the common OSPAR/HELCOM framework are guidelines for national evaluations of applications for exemptions under Reg. A-4.
- Results are non-binding. The decision on an application for exemption rests with the national authority.
- If national administrations do not use, or deviate from, the results of the common OSPAR/HELCOM framework, reasons should be communicated to OSPAR/HELCOM, so that they may inform the review process of these guidelines.
- Data needed under the common OSPAR/HELCOM framework should be collected according to the sampling protocol (document 4/1).
- Subject to funding it is suggested that data should be collected by Member States or other organisation (e.g. ports). Member States and other organisations are encouraged to use projects for initial data collection.
- If no data for a risk assessment under the common OSPAR/HELCOM framework is available from official or other sources, the applicant should collect the data according to the sampling protocol.
- The collected data from port surveys and on target species should be stored centrally under OSPAR/HELCOM supervision.
- Data should be evaluated using the common OSPAR/HELCOM framework, as a first step by an automated decision support tool, to facilitate uniform application across the regions.

7.3 The Meeting discussed also the issues of usage fees, ownership of and access to data and agreed that these topics should be further considered during the drafting of the guidelines.

7.4 The Meeting agreed that the system should have as little impact on competition of shipowners and operators as possible, i.e. some burden sharing mechanism should be found between shipowners that submit data and shipowners that use data from the database. The meeting considered that a perfectly equitable cost sharing mechanism may be hard to develop.

7.5 The Meeting welcomed the offer by Norway to go through the text in order to ensure compatibility with IMO requirements and language.

7.6 The Meeting welcomed the offer from Finland to provide examples and input to the administrative section.

7.7 The meeting noted the differing views on how long the port survey data should be valid for and how long the exemptions should be granted for and welcomed the offers from WWF and Denmark to provide text suggestions to be included next draft of the guidelines.

7.8 The Meeting noted the Polish suggestion that there should be an agreed format of exemption (that would be included in the Annex to the guidelines), in order to ensure the uniformity throughout the region.

Agenda Item 8 Any other business

Documents: -

8.1 The Meeting noted a number of issues which were of interest to the participants but which are not covered by the current guidelines or the work of the TG including:

- A3 exceptions (e.g. question of same location)
- Applicability of exemptions to offshore activities (support vessels)
- Acceptable measures and verification to ensure compliance with Reg.-A.4.1.3.

- Issues in regard to risk assessment related to implementation schedule specified in Reg. B-3.

8.2 The Meeting agreed that these issues could be considered in future activities of the group.

Agenda Item 9 Future meetings and work plan

Documents: None

9.1 The Meeting agreed on the following schedule for finalising the guidelines:

- Monday 4th March -A compiled version of the revised guidelines (based on meeting conclusions i.e. Minutes and WP 1-4) excluding Administrative section (WP 5) posted on basecamp and circulated as appropriate (by Secretariats)
- Tuesday 5th March- WWF, Denmark and Finland to provide input as agreed
- Friday 8th March -Norway to provide new version of administrative section
- Monday 11th March -Secretariats to post new draft of administrative section on basecamp and circulate as appropriate
- Friday 15th March –Deadline for comments on first draft
- Friday 15th March – Teleconference on the scientific group (if needed)
- Monday 18th March –Secretariats to circulate new version.
- Thursday 21st March –Online /web meeting of the HELCOM/OSPAR TG BALLAST on the final draft version
- Friday 22nd -Submission of document to OSPAR EIHA and HELCOM MARITIME

9.2 The Meeting agreed that the HELCOM /OSPAR TG BALLAST fulfils an important function and that the group should continue after the expiry of the current Terms of Reference.

9.3 The Meeting drafted new Terms of Reference for the group, for the period 2013-2014 as included in **Annex 3** and requested the Secretariats to forward them for adoption.

Agenda Item 10 Outcome of the meeting

10.1 These Minutes of the Meeting were finalised by written procedure. A draft was submitted on Tuesday 12th March to participants with commenting deadline Friday 15th March. The final Minutes were circulated to participants and posted on HELCOM and OSPAR websites 25 March 2013.

ANNEX 1

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ANNEX 2**TERMS OF REFERENCE FOR BALLAST WATER EXEMPTION SCIENTIFIC EXPERT GROUP****Background**

The Scientific Expert Group has been established to clarify outstanding scientific questions relating to the Risk Assessment Algorithm outlined in the Draft HELCOM/OSPAR Guidelines on the Granting of Exemptions under the IMO Ballast Water Management Convention.

Participants

This group will be open to scientific experts from contracting parties and observers which have an expertise in non-indigenous species.

Timing

A meeting will be held by teleconference if necessary on Friday the 15 March and preparatory documents can be circulated on Basecamp.

Scope of Work

The group will discuss the following questions in relation to the Risk Assessment Algorithm, taking into consideration compatibility with IMO Guidelines:

1. On decision point 3: Should reference be made to a specified salinity difference and what should that be?
2. Should there be a decision point on natural spread be included in the algorithm, specifically is there sufficient information available to allow the evaluation to be done automatically?

ANNEX 3**[DRAFT] TERMS OF REFERENCE FOR JOINT HELCOM/OSPAR TASK GROUP ON BALLAST WATER MANAGEMENT CONVENTION EXEMPTIONS 2013-2014****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. Based on the common framework [Guidelines] for the OSPAR and HELCOM regions on the issue of exemptions in accordance with Regulation A-4 1.4 BWMC, developed by the Group the group will oversee practical implementation of the Guidance, using and building on current efforts at OSPAR and HELCOM in these areas, including:
 - a. port surveys
 - b. target species
 - c. risk assessments and risk assessment algorithms
 - d. data storage decision support tools
 - e. administrative framework

The Group will also consider the issue of

- a. A3 exceptions (e.g. question of same location)
- b. Applicability of exemptions to offshore activities (offshore loading)
- c. Acceptable measures and verification to ensure compliance with Reg.-A.4.1.3.
- d. Issues in regard to risk assessment related to implementation schedule specified in Reg. B-3.

Working procedures

8. The Mandate work of the group should be for the period 2013-2014
9. The group will select a chair (s) for the period 2013-2014.
10. The HELCOM and OSPAR Secretariats will jointly work as Secretariat to the group.
11. The group will work by correspondence and through meetings.
12. The group 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.