

OUTCOME OF THE FOURTH MEETING OF THE JOINT HELCOM/OSPAR TASK GROUP ON BALLAST WATER MANAGEMENT CONVENTION EXEMPTIONS (HELCOM/OSPAR TG BALLAST)

TABLE OF CONTENTS

Introduction	.....	2
Agenda Item 1	Adoption of the Agenda	.....2
Agenda Item 2	Terms of Reference	.....2
Agenda Item 3	Port Sampling Protocol	.....2
Agenda Item 4	On-line decision support tool	.....3
Agenda Item 5	Target Species	.....3
Agenda Item 6	Open Issues	.....3
Agenda Item 7	Amendments to the harmonised A-4 procedure	.....5
Agenda Item 8	Any other business	.....5
Agenda Item 9	Work plan and future meetings	.....6
Agenda Item 10	Outcome of the Meeting	.....6
Annex 1	List of Participants	.....7
Annex 2	Draft Terms of Reference for Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2014-2015	.....10
Annex 3	Joint HELCOM/OSPAR TG Ballast Water Work Plan	.....12
Annex 4	Contact addresses of Joint HELCOM/OSPAR TG BALLAST	.....14
Annex 5	Contact points for BWMC A-4 Exemptions18
List of Documents	19
List of Presentations	20

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Introduction

0.1 The Fourth Meeting of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions was held on 12-13 May 2014 in Copenhagen, Denmark.

0.2 The Meeting was attended by Delegations from Denmark, the European Union, Finland, Germany, the Netherlands, Poland, Spain and Sweden and by Observers from BIMCO and European Community Shipowners' Association (ECSA). Invited guests from Brockmann Consult, Germany and LITEHAUZ ApS, Denmark as well as Natural History Museum of Denmark also attended the Meeting. The List of Participants is contained in **Annex 1**.

0.3 Mr. Ulrik Berggreen, Ministry of the Environment, Danish Nature Agency, welcomed the participants to Copenhagen.

0.4 The Meeting was chaired by Mr. Manfred Rolke, Germany, and Mr. Henrik Ramstedt, Sweden.

0.5 Mr. Hermanni Backer, HELCOM Professional Secretary and Mr. John Mouat, OSPAR Deputy Secretary acted as Secretaries of the Meeting assisted by Ms. Marta Ruiz, HELCOM Secretariat.

Agenda Item 1 Adoption of the Agenda

Documents: 1-1

1.1 The Meeting adopted the Agenda (document 1-1) elaborated by the Secretariats.

Agenda Item 2 Terms of Reference

Documents: 2-1

2.1 The Meeting considered the draft Terms of Reference for Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions (TG BALLAST) (document 2-1) and endorsed the draft Terms of Reference 2014-2015 as contained in **Annex 2** for HELCOM approval. The Meeting recalled that OSPAR EIHA has already considered and agreed on the document.

Agenda Item 3 Port Sampling Protocol

Documents: 7-1

3.1 The Meeting took note of the information by the HELCOM Secretariat on the results of the HELCOM ALIENS 3 project and noted that the final report will be released in a few weeks and will be circulated to the Group.

3.2 The Meeting took note of the presentation by Ms. Riikka Puntila and Ms. Lena Granhag on the surveys undertaken during the ALIENS 3 project, which outlined that the surveys and analysis on average took 600 man hours total for 2 ports with 3 sites each (**presentation 1**).

3.3 The Meeting took note that during summer 2014 the ports of Gdynia (Poland), Muuga (Estonia) and Liepaja (Latvia) will be sampled by the HELCOM BALSAM project using the joint and harmonised protocol.

3.4 The Meeting considered document 7-1, submitted by the Netherlands, including the state of affairs regarding the Rotterdam port sampling by a consortium consisting of public authorities, shipping companies and the port authority, and welcomed that the Netherlands will submit the results and the methods of this survey to the next meeting.

3.5 The Meeting noted the information by Spain that there are ongoing discussions on port sampling using the joint procedure in Vigo, however, formal decisions have been postponed to the period after the summer although it was expected that sampling would go ahead next year.

Agenda Item 4 On-line decision support tool

Documents: None

4.1 The Meeting took note of the presentation by Ms. Marta Ruiz, HELCOM Secretariat (**presentation 2**), and that the on-line decision support tool and database, developed by the HELCOM ALIENS 2&3 projects, has been transferred to the Secretariat servers with funds from the EU BALSAM project and is currently being populated by port sampling data, where available, and revised target species lists.

4.2 The Meeting noted further that the risk assessment tool is to be administered by both HELCOM and OSPAR and accessible through the joint internet address http://jointbwmexemptions.org/ballast_water_RA , to be linked to from HELCOM and OSPAR websites.

4.3 The Meeting invited the participants to come with proposals for further developments as well as funding.

Agenda Item 5 Target Species

Documents: None

5.1 The Meeting took note of an update on the development of a Baltic Sea target species list as part of the HELCOM BALSAM project by Germany (**presentation 3**).

5.2 The Meeting took note that based on the criteria developed by the HELCOM/OSPAR TG the OSPAR Non Indigenous Species (NIS) expert will develop an OSPAR target species list for MSFD over the coming months and that a draft list would be presented to the next meeting for comparison.

Agenda Item 6 Open Issues

Documents: 6-1, 6-2, 6-3, 6-4, 6-5, 6-6

6.A The challenges in front of us – introductory presentations and discussion

6.1 The Meeting took note of the presentation on challenges and recommendations regarding risk assessment by Mr. Ulrik Chr. Berggreen (**presentation 4**). The Meeting considered document 6-2, submitted by Denmark, containing a note on challenges when using the joint OSPAR/HELCOM harmonized procedure for granting exemptions, and considerations on the various steps in a risk assessment, during a period where administrations lack experiences with invasive species and suggestions for a way forward.

6.2 The Meeting took note that according to Denmark the Joint Harmonised Procedure (JHP) was a good approach but that not all the data needed to implement it was currently available and therefore, a relaxation of the requirements should be considered for the transitional period. Natural dispersal, discharge volumes and harbour size could also possibly be used to quantify the risk and should be considered in the risk assessment approach.

6.B Transitional Period

6.3 The Meeting took note of the presentation of the conclusions from the report "BWMC transition phase for local shipping in the Baltic and the North Sea" by Mr. Frank Stuer-Lauridsen (**presentation 5**), in particular the likely number of vessels and ports to be seeking exemptions when the Convention comes into force and the likely range of costs of applying for an exemption under the JHP in Denmark.

6-4 The Meeting took note of the ECSA/Interferry Comments Paper on BWMC Exemptions (document 6-6), introduced by Mr. Johan Roos, commenting on the report "BWMC transition phase for local shipping in the Baltic and the North Sea

6.5 The Meeting took note of the presentation of document 6-3 with a narrowed list of proposals for how the transitional period could be implemented, by the Danish Nature Agency (**presentation 6**). The document outlined several areas where specific considerations were needed for the transitional period, including:

- Duration of the transitional period
- Validity period of the first exemption
- Expansion of the 1km criterion for ports
- The risk assessment methodology applied (e.g. for special circumstances)
- Deviation from the exempted route (e.g. for dry docking)
- Operations across neighboring EEZ's (e.g. by mobile offshore units)

6.6 The Meeting considered the points above as follows:

- the transitional period, for the purposes of the JHP, started with its agreement and would end when the D2 ballast water standard applies in full. The transitional period would also be subject to an intermediate evaluation;
- first exemptions should be valid for the whole transitional period regardless of the date of application or port survey, but in any case the validity should not be longer than 5 years from receiving the exemption. The normal validity period for port survey data and exemptions will apply once the transitional period has ended;
- no conclusion was reached on the variation of the risk assessment methodology used, as suggested in the document, as differing views were expressed by the Meeting.

6.7 The Meeting also considered the following points but agreed that these were valid beyond the transitional period and should be considered in the review of the guidelines (cf. Agenda Item 7):

- there should be an adjustment of the wording regarding the 1 km definition of a "port" as it could be misunderstood and the wording should consider the physical and biological characteristics of the port;
- deviation from the exempted route (e.g. for dry docking);
- operations across neighboring EEZ's (e.g. by mobile offshore units);

6.8 The Meeting agreed that there should be further intersessional work to consider the proposals for the transitional period in order to develop a mature proposal for the next meeting. The Meeting agreed that the co-Chairs would circulate a proposal based on the discussions above.

6.C Burden sharing

6.9 The Meeting took note of the presentation of document 6-4 on "Burden sharing" by Mr. Peter W. Olsen (**presentation 7**) and considered the proposal to create a joint project to conduct the necessary initial port surveys according to the HELCOM/OSPAR joint harmonized procedure.

6.10 The Meeting welcomed that, pending sufficient interest from the Contracting Parties, Ms. Marta Ruiz (marta.ruiz@helcom.fi) from the HELCOM Secretariat could be available for initiating a proposal for the EU LIFE call to be launched 12 June

(<http://ec.europa.eu/environment/life/funding/life.htm>) with a submission deadline in October.

6.11 The Meeting called for the participants to take the lead in developing further such projects in order to carry out further port surveys according to the procedure in the areas of the two Conventions.

6.12 The Meeting noted that the ongoing process to implement the EU MSFD could be another way to collect information and that DNA based sampling methodology could be an option to be considered for implementing the joint A-4 procedure in the future.

6.D Application of BWMC regarding EEZ crossings

6.13 The Meeting took note of the presentation of document 6-5 on crossing the EEZ, including examples from crew boats in the North Sea by Peter W. Olsen and considered the contents of the document.

6.14 The Meeting was of the opinion that exemptions can be granted to vessels operating between ports and locations in the open sea in case the Contracting Parties of the two Conventions agree that this is possible.

6.15 The Meeting agreed that Sweden would continue to develop a risk assessment procedure for this kind of vessels operating between ports and the locations in the open sea and present it to the next meeting.

6.E Same Risk Area

6.16 The Meeting took note of the presentation of document 6-1 “Note on Same Risk Area” by Mr. Frank Stuer-Lauridsen (**presentation 8**) and considered the report.

6.17 The Meeting agreed that the idea of same risk areas is interesting and could be further developed by the Task Group on the basis of e.g. port survey data gathered.

Agenda Item 7 Amendments to the harmonised A-4 procedure

Documents: 7-1

7.1 The Meeting considered document 7-1, submitted by the Netherlands, including a note concerning the use of alternative methods for port sample collection and information from the OSPAR NIS group on the need to update the section on target species identification for both MSFD purposes and for BWMC exemptions.

7.2 The Meeting agreed that the Chairs, supported by the Secretariats, should lead the process to create a revised version of the joint harmonised procedure (HELCOM/OSPAR A4 guidelines) for the next meeting of the group.

Agenda Item 8 Any other business

Documents: 8-1, 8-2

8.1 The Meeting took note of the finalised HELCOM Guide to Alien Species and Ballast Water Management in the Baltic Sea (document 8-1).

8.2 The Meeting agreed that the draft MEPC Paper on the Joint HELCOM/OSPAR Harmonized Procedure on exemptions under A-4 of the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (document 8-2) needed further revision and would not be submitted to MEPC 67, but should be considered again at the next meeting.

8.3 The Meeting took note that OSPAR is currently in the process of discussing BW exchange areas in the North Sea, for intra North Sea traffic, and that this would be submitted to the OSPAR Commission meeting in June 2014 for approval.

8.4 The Meeting noted that the currently valid decision from the Baltic Sea is that ballast water exchange is not an option in the Baltic Sea and that if this would be reconsidered the HELCOM

Contracting Parties should submit a proposal to HELCOM MARITIME (next meeting 4-6 November 2014 in Latvia).

Agenda Item 9 Work plan and future meetings

Documents: 9-1

9.1 The Meeting considered the Joint HELCOM/OSPAR TG Ballast Water Work Plan (document 9-1) and updated it as contained in **Annex 3**.

9.2 The Meeting updated the list of members/contact addresses of HELCOM/OSPAR TG BALLAST as contained in **Annex 4**.

9.3 The Meeting updated the list with A-4 exemption contacts in the OSPAR and HELCOM countries as contained in **Annex 5**.

9.4 The Meeting decided to hold the next meeting of HELCOM/OSPAR TG BALLAST in Madrid, Spain, 1-2 December 2014.

Agenda Item 10 Outcome of the Meeting

10.1 The outcome of the Meeting was finalized by written procedure and will be made available in the HELCOM Meeting Portal and OSPAR website.

ANNEX 1

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ANNEX 2

DRAFT TERMS OF REFERENCE FOR JOINT HELCOM/OSPAR TASK GROUP ON BALLAST WATER MANAGEMENT CONVENTION EXEMPTIONS, 2014-2015

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 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 oversee practical implementation of the Guidance, using and building on current efforts at OSPAR and HELCOM in these areas, including:
 - a. further development and testing of the port survey protocol
 - b. development of target species lists;
 - c. further development data storage facilities and the decision support tool
 - d. trailing of the risk assessment algorithm using the 2013 port sampling data on hypothetical routes

- e. reviewing the administrative framework;
- f. investigating the development of a burden sharing mechanism.
- g. considering applicability of exemptions to ships operating between ports and other locations;
- h. considering acceptable measures and verification to ensure compliance with Reg.-A.4.1.3;
- i. considering the issue of A3 exceptions (e.g. question of same location)¹;
- j. concluding upon proposed transitional schemes for the implementation of the harmonised procedure
- k. informing the IMO on the adoption of the harmonised procedure

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 including the transitional period.

Working procedures

- 9. The mandate work of the group should be for the 2014-2015 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.
- 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.

¹ This item is proposed to take into consideration the different views expressed on the concept of same location, given that some of these concepts propose to consider wide areas bordering several coastal states as same location (see e.g. HELCOM MARITIME 2011 Document 6/3).

ANNEX 3

JOINT HELCOM/OSPAR TG BALLAST WATER WORK PLAN (13 MAY 2014)

WP	Actions from TOR	Activity	Timing	Task leader	Comments
1	Meeting organisation	Arrange meetings and documentation	1-2 December 2014, Madrid, Spain	HELCOM /OSPAR Secretariats	Meetings hosted alternately hosted by HELCOM CP/Secretariat and OSPAR CP/Secretariat
2	Port surveys	Implement and revise sampling guidelines based upon practical experience	Intersessional work and proposal for next meeting	Chairs, with support of Secretariats	Based on experience in Baltic and North East Atlantic
3		Port Survey Testing in the Baltic	Continuous	2014/2015 HELCOM BALSAM 2014- national sampling in Germany	2013 Results available May 2014
4		Port Survey Testing in the North East Atlantic	2014/15	Netherlands Rotterdam Germany, Harbours Spain, Vigo, tbc for 2015.	For the 2014 sampling year
5	Target Species	Further development of a HELCOM target species List, including review of the Target species criteria	2014	2014/2015 HELCOM BALSAM project HELCOM Alien Species CG	
6		Development of a OSPAR Target Species List, including review of the Target species criteria	2014	OSPAR NIS Expert Group (Paul Stebbing)	Draft list for next meeting
7	Risk assessments and risk assessment algorithms				No action in 2014

8	Data storage and decision support tools	Update the decision support tool to a fully functional web based tool supported by the Secretariats	End 2014	HELCOM/OSPAR Secretariats	Online in May
		Review procedures of Quality assurance and validation of Data	End 2014	HELCOM/OSPAR Secretariats	Ongoing
9	Burden sharing mechanism	Review methods to allow fair sharing of costs for port sampling and access to data and the decision support tool	Develop project applications	Marta Ruiz for Life+ All CPs INTERREG	Deadline October 2014 Deadline Early 2015
10	Administrative framework	Review the administrative framework based upon practical experience	Review for next meeting	Chairs	Taking into consideration the transitional period
11	Outstanding issues	Consideration of applicability of exemptions to ships operating between ports and other locations (Offshore loading/STS)	Next meeting	Sweden	
12	Outstanding issues	Consideration of A3 exceptions (e.g. question of same location)	Next Meeting	Denmark	
13	Outstanding issues	Transitional Period	Next Meeting	Chairs	Based on intercessional work
14	Information Dissemination	Paper to IMO	Next meeting with a view to submitting it to MEPC 68	Germany and the Secretariats	
15	Review of the guidelines	Based on Experience	Next Meeting	Chairs, with support of secretariats	Based on intercessional work
16	Terms of reference	Update for 2015/2016	Next meeting	Secretariats	

ANNEX 4

DRAFT (13 MAY 2014)

CONTACT ADDRESSES OF JOINT HELCOM/OSPAR TG BALLAST

(list to be used in official mailing –missing countries/observers to be added)

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ANNEX 5

DRAFT (13 MAY 2014)
OFFICIAL CONTACT POINTS FOR BWMC A-4 EXEMPTIONS
(missing countries to be added)

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LIST OF DOCUMENTS

HELCOM/OSPAR TG BALLAST 4-2014	Date dd.mm.yy	Title	Submitted by
1-1	03.04.2014	Provisional Annotated Agenda	HELCOM and OSPAR Secretariats
2-1	03.04.2014	Draft Terms of Reference for Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions, 2014-2015	HELCOM and OSPAR Secretariats
6-1	14.04.2014	Note on Same Risk Area	Denmark
6-2	14.04.2014	Note on challenges by conduction Risk Assessments and using the Joint Harmonized Procedure and suggest a way forward	Denmark
6-3	30.04.2014	Proposals for the transitional period	Denmark
6-4	30.04.2014	Burden sharing – a joint baseline study?	Denmark
6-5	30.04.2014	National application of Ballast Water Management Convention (BWMC): EEZ or 12 nm, GT 400 or “all”?	Denmark
6-6	09.05.2014	ECSA/Interferry comments paper on BWMC exemptions	ECSA
7-1	07.05.2014	Rotterdam Port sampling project in the Netherlands	Netherlands
8-1	23.04.2014	HELCOM Guide to Alien Species and Ballast Water Management in the Baltic Sea	HELCOM Secretariat
8-2	07.05.2014	Draft MEPC Paper on the Joint HELCOM/OSPAR Harmonized Procedure on exemptions under A-4 of the International Convention for the Control and Management of Ships’ Ballast Water and Sediments	Secretariats
9-1	03.04.2014	Joint HELCOM/OSPAR TG Ballast Water Work Plan	HELCOM and OSPAR Secretariats

LIST OF PRESENTATIONS

HELCOM/OSPAR TG BALLAST 4-2014	Title	Presented by
1	Cost related to port surveys	Lena Granhag (Sweden) and Riikka Puntila (Finland)
2	Improving the HELCOM/OSPAR on-line decision support tool	HELCOM Secretariat and Brockmann Consult
3	Defining Target species for the Ballast Water Decision Support Tool	Karin Heyer (Brockmann Consult)
4	Note on challenges when using the joint OSPAR/HELCOM harmonized procedure for granting exemption	Ulrik Chr. Berggreen (Denmark)
5	Ballast Water Management Convention transition phase for local shipping in the Baltic Sea and the North Sea	Frank Stuer-Lauridsen (LITEHAUZ ApS)
6	Proposals for the transitional period – Background and qualifications	Ulrik Chr. Berggreen (Denmark)
7	Burden sharing	Peter W. Olsen (Denmark)
8	Note on same risk area	Frank Stuer-Lauridsen (LITEHAUZ ApS)