

**OUTCOME OF THE TENTH 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 Feedback from Relevant Bodies	2
Agenda Item 3 Updates to the Joint HELCOM/OSPAR Harmonised Procedure on the Granting of BMW Convention Exemptions.....	3
Agenda Item 4 Port Sampling	5
Agenda Item 5 On-line decision support tool	6
Agenda Item 6 Target Species.....	6
Agenda Item 7 Open Issues.....	7
Agenda Item 8 Any other business	8
Agenda Item 9 Work plan and future meetings	9
Agenda Item 10 Outcome of the Meeting	9
Annex 1 List of Participants	10
Annex 2 List of Documents.....	12
Annex 3 Revised JHP	13
Annex 4 Draft Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention (BWMC) and Biofouling, 2020-2024	43
Annex 5 Official Contact Points for BWMC A-4 Exemptions (Missing information to be added).....	45

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

Introduction

0.1 The Tenth Meeting of the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions was held on 17-18 December 2019 in Tallinn, Estonia.

0.2 The Meeting was attended by Delegations from Denmark, Estonia, Finland, Germany, Latvia, Lithuania, the Netherlands, Poland, Spain and Sweden. Wega and Kotka Maritime Research Association attended as invited guests representing the COMPLETE Project. Consent for publication of the list of participants and the information contained therein (**Annex 1**) was received by all participants. The list of documents is set out in **Annex 2**.

0.3 Mr Rene Reisner, Head of the Marine Environment Department, Estonian Ministry of the Environment, opened the Meeting and welcomed the participants to Tallinn. Mr Reisner informed that exemptions under the IMO Ballast Water Management Convention (BWM Convention) is a topical issue in Estonia, with several passenger ferries considering applying for exemptions. He also mentioned the update of the HELCOM Baltic Sea Action Plan (BSAP), and that this is a good opportunity to strengthen the efforts to minimize the introduction of non-indigenous species (NIS) to the Baltic Sea. Regarding the HELCOM OSPAR Joint Harmonized Procedure (JHP) on the granting of BWM Convention exemptions, the importance of ensuring that the exemptions procedure is as clear as possible for all parties concerned was stressed.

0.4 The Meeting was co-chaired by Ms. Susanne Heitmüller, Germany, and Mr. Henrik Ramstedt, Sweden.

0.5 Mr. Philip Stamp, OSPAR Deputy Secretary, Mr. Markus Helavuori, HELCOM Professional Secretary and Ms. Marta Ruiz, HELCOM Secretariat, acted as Secretaries of the Meeting.

Agenda Item 1 Adoption of the Agenda

1.1 The Meeting adopted the Agenda as contained in **document 1-1**.

Agenda Item 2 Feedback from Relevant Bodies

2.1 The Meeting noted that the President of Poland has signed the act for consent to ratify the IMO BWM Convention in November 2019 and that the instrument for accession is yet to be deposited with the IMO Secretary General.

2.2 The Meeting took note of the latest developments related to the BWM Convention at IMO where focus is largely now on effective and uniform implementation and the experience-building phase. The Meeting noted that MEPC 74 approved BWM.2/Circ.67/Rev.1 on the revised Data gathering and analysis plan for the experience-building phase associated with the BWM Convention, to incorporate a link to standard operating procedures. MEPC 74 further approved amendments to the BWM Convention concerning commissioning testing of ballast water management systems, with a view to adoption at MEPC 75.

2.3 With regard to biofouling, the Meeting noted that the topic will be on the agenda of PPR 7 in February 2020.

2.4 The Meeting took note of the extracts from MARITIME 19-2019 (23-26 September, Lisbon, Portugal) which are of relevance for TG BALLAST as contained in **document 2-1**. The Meeting agreed to consider specific matters in more detail under the relevant agenda items. The Meeting further noted that the update of the HELCOM BSAP is to be completed in 2021 and that the process is currently shifting from consideration of actions in the current BSAP towards proposals of new actions, with a

deadline by the end of 2019 for Contracting Parties, observers, project etc. to submit proposals with synopsis for new actions.

2.5 In this context, the Meeting noted that MARITIME 19-2019 established a Correspondence Group on the BSAP update and agreed to convene an intersessional Meeting on 16-17 March 2020 hosted by the Secretariat in Helsinki, Finland, to further work on existing actions and review proposals on new actions for the BSAP. Contracting Parties and observers are invited to nominate participants to the Correspondence Group to the Secretariat (markus.helavuori@helcom.fi) and to attend the intersessional Meeting in March 2020.

2.6 The Meeting noted information reported by the OSPAR Secretariat, that EIHA 2019 had received a presentation on a biofouling workshop organised by the Netherlands on 4-5 April 2019 in Rotterdam and aimed at Contracting Parties of both OSPAR and HELCOM. The workshop outcome included proposals on a common regional approach to evaluate IMO biofouling guidelines; a common regional (HELCOM/OSPAR) biofouling management strategy to support the IMO Biofouling Guidelines; and institution of a HELCOM/OSPAR task group. Since the workshop had taken place only a week before EIHA, it was agreed that the Committee would come back to the issue in 2020. This would be an opportunity also to consider the proposed expansion of the Terms of Reference for TG Ballast to include biofouling.

2.7 The Meeting further noted that OSPAR work in general is advancing on the preparation of a new environment strategy for the period 2020-2030. There are proposals for a strategic objective on NIS and an operational objective to develop a marine NIS action plan to provide a co-ordinated approach to the management of marine NIS. The new strategy is due to be adopted by Ministers at OSPAR 2020.

2.8 OSPAR 2019 adopted guidance on the preparation of the next Quality Status Report, due in 2023. This will include a thematic assessment on NIS, looking both at environmental status and the effectiveness of measures.

Agenda Item 3 Updates to the Joint HELCOM/OSPAR Harmonised Procedure on the Granting of BMW Convention Exemptions

Early Warning System

3.1 The Meeting recalled that TG BALLAST 9-2018 requested country representatives to provide information on the situation regarding national early warning systems as well as the responsible authorities for NIS monitoring to Maiju Lehtiniemi (Finland) of the COMPLETE Project ([Outcome of TG BALLAST 9-2018](#), para. 3.1).

3.2 The Meeting took note of the information provided by Finland that feedback has only been provided by Spain, indicating that as required in the national legislation, Spain has developed an Alert Network for surveillance of invasive alien species. However, the system is not a specific one for ports or marine waters, but an early warning system for any alien species listed as invasive or having a potential for invasion. This system is meant to coordinate the systems applied by the competent authorities (the Autonomous Communities). At the moment, Spain works on a computer application associated with a system of geographic information of the potential focus of biological invasions for all the focal points of the Alert Network, including public participation.

3.3 The Meeting took note that the system Spain is developing is similar to the one Finland has put up to serve the requirements of the EU Regulation 1143/2014 on Invasive Alien Species.

3.4 The Meeting noted that a [Management and Action Plan for Alien Species](#), including also an Early Warning System (EWS), is being developed for the Wadden Sea by Denmark, Germany and the Netherlands.

3.5 The Meeting took note of the proposal for a regionally harmonized EWS for timely communication of findings of harmful aquatic organisms and pathogens (**document 3-2** and **Presentation 1**).

3.6 The Meeting recognized that the EWS should be related to the BWM Convention only, and that further work is still needed in the COMPLETE project inter alia on the criteria related to what should trigger a warning. The Meeting also noted that there may be a need to include harmful aquatic organisms and pathogens (HAOP) in AquaNIS, which document 3-2 proposes that the EWS should use, in addition to NIS.

3.7 The Meeting noted that the IMO GISIS system includes a module on warnings related to the BWM Convention but recognized that a regional EWS is also needed in order to ensure timely communication of warnings to ships and administrations in the Baltic and North Seas. The Meeting noted, however, that Contracting Parties should in any case provide information on such warnings to the IMO, as per the requirements of the BWM Convention. The Meeting also stressed the importance of including contact points related to early warnings in GISIS, and that these contact details would be used also in the HELCOM/OSPAR EWS.

3.8 The Meeting noted that information related to identified institutions and administrations responsible of different stages of the process e.g. detection and handling of warning signals has been compiled by the COMPLETE Project, as detailed in Appendix 1 of document 3-2. The Meeting agreed to revise and complement this information by **31 January 2020** and inform the HELCOM Secretariat accordingly (marta.ruiz@helcom.fi). The Meeting invited also OSPAR Contracting Parties to provide such information.

3.9 The Meeting agreed in principle on developing further the proposal for a regionally harmonized EWS and invited Lithuania to present it to the next TG Ballast meeting for further consideration and possible approval. The Meeting noted that any contribution by the COMPLETE Project in this regard will have to be completed before the end of September 2020 when the project comes to an end.

Joint Harmonized Procedure

3.10 The Meeting recalled that TG BALLAST 9-2018 noted that the COMPLETE Project had identified a need to update the risk assessment (RA) algorithm based on the current scientific knowledge and agreed that such a proposal could be considered by TG Ballast intersessionally, recognizing that the algorithm is important also for the continuation of the work by the HELCOM Secretariat on updating the RA tool ([Outcome of TG BALLAST 9-2018](#), para. 3.9).

3.11 In early September 2019 the proposed new approach from the COMPLETE project was shared with TG Ballast contacts and observers for commenting. The basic idea of the proposal was a simplification of the RA Decision Support Tool (step 1) and the elaboration of further aspects to be taken into account by the administrations in a step 2 (e.g. eradication measures, natural spread, pathogens etc.).

3.12 The Meeting took note of the revision proposal of the Joint Harmonised Procedure (JHP) (**document 3-1**), as well as the comments provided to the proposal as contained in **document 3-4**.

3.13 In discussing Chapter 2 of the draft JHP, the Meeting discussed the validity of incomplete port surveys e.g. in situations where a settling plate has been lost. The Meeting agreed that if possible, missing parts of the survey should be repeated, but otherwise the survey report should clearly describe any shortcomings in order for those to be taken into account in the decision making process.

3.14 The Meeting discussed the possible need to include nekton in the Port Survey Protocol but agreed that it would not be practicable due to fishing restrictions in some port areas. The Meeting noted that Poland would like nekton to be included in the JHP and that they will submit a proposal on the matter to a future Meeting of TG Ballast.

3.15 In considering section 7 and Annex 6 of the draft revised JHP, the Meeting agreed that it is more practical to have the “National Administration Contact” details as part of the HELCOM OSPAR Risk Assessment Decision Support Tool instead of an annex to the JHP. The Meeting also invited all HELCOM and OSPAR Contracting Parties to provide up to date contact details to the HELCOM Secretariat (manuel.salaperez@helcom.fi) by **17 January 2020**. The Meeting further noted that the intention is also to continue the practice of updating the list at each meeting of TG Ballast.

3.16 The Meeting recalled that the transitional period associated with the JHP shall be subject to an intermediate evaluation, jointly by HELCOM and OSPAR, to be undertaken within twelve months after the two-year anniversary of the entry into force of the BWM Convention on 8 September 2017. Thus, the Meeting noted that this Meeting is within the time frame for the evaluation and that the full review of the JHP also constituted an intermediate evaluation of the transitional period. The Meeting consequently agreed that Annex 1 should be updated taking into account the related comments in document 3-4, and that additionally the paragraph regarding the intermediate review should be deleted.

3.17 The Meeting recognized that there will not be sufficient time to review the Port Survey Protocol set out in Annex 2 of the draft revised JHP during this Meeting. The Meeting welcomed the offer by Estonia and Finland to take the lead in revising the Port Survey Protocol by correspondence based on the comments set out in **document 3-4** as well as the checklist described in **document 3-3**. The Meeting invited interested parties to contact the HELCOM Secretariat (marta.ruiz@helcom.fi) by **17 January 2020**, and Estonia (Henn.Ojaveer@ut.ee) and Finland (majju.lehtiniemi@ymparisto.fi) to finalize a revised Port Survey Protocol for approval by TG Ballast by correspondence in early March 2020.

3.18 The Meeting undertook a paragraph by paragraph review of the proposal revision of the JHP and agreed on a number of changes, including:

- the Port Survey Protocol should be moved from Annex 2 of the JHP to the very end of the document, as it is very bulky and only relevant for certain user groups;
- adding captions to all figures and tables;
- updating the flowcharts in the JHP to correspond to amendments made to the text itself; and
- streamlining Annex 3 by removing references to Annexes 3.1, 3.2 and 3.3.

3.19 The Meeting subsequently agreed on the revised JHP as contained in **Annex 3**, with the understanding that the HELCOM Secretariat will conduct an editorial review and also ensure that the agreements by the Meeting are correctly reflected.

3.20 The Meeting discussed the next steps for adoption of the revised JHP, and agreed that the revised JHP, including the Port Survey Protocol, will be submitted to OSPAR EIHA and HELCOM MARITIME for approval, followed by adoption by HELCOM and OSPAR.

Agenda Item 4 Port Sampling

4.1 The Meeting took note of the sampling activities in North East Atlantic and Baltic Sea ports during 2019 or any such activities planned for 2020 as follows:

- Estonia: Port surveys are being planned for the three main ports, but confirmation is still subject to availability of funding;
- Finland: Port monitoring will start in the six largest ports in Finland, two ports per year starting in 2020 according to the Port Survey Protocol;
- Germany: Germany has submitted data to the HELCOM Secretariat from two port sampling exercises. Data of another two surveyed ports will follow in spring 2020. The port of Rostock will be surveyed in 2020 according to the Port Survey Protocol;
- Latvia: Port surveys were done in the three largest ports and three smaller ports;
- The Netherlands: the review the TS list and the list of NIS is to be undertaken;

- Poland: have conducted port sampling in the main four ports and the results were provided to the HELCOM Secretariat;
- Sweden: Monitoring of NIS in Swedish ports has been on going in 2019 and will continue in 2020.

4.2 The Meeting noted that MARITIME 19-2019 took note of a generated list of surveyed ports following the HELCOM/OSPAR Joint Harmonised Procedure and had noted that other surveys may also have been undertaken in other ports and 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. MARITIME 19-2019 also invited other relevant HELCOM working groups to share information on the matter.

Agenda Item 5 On-line decision support tool

5.1 The Meeting recalled that TG BALLAST 9-2018 agreed that the data gathered by the port surveys using the JHP reporting form is valuable and should not be lost, and consequently agreed that from now on, there will be a new form to be used when submitting data to the HELCOM Secretariat for inclusion in the JHP decision support tool ([Annex 1](#) of document 5-1 to TG BALLAST 9-2018), whereas the previous form should continue to be filled in and stored in a dedicated workspace to be made available in the HELCOM Meeting Portal ([Outcome of TG BALLAST 9-2018](#), para. 5.1-5.3).

5.2 The Meeting took note that the workspace was created and is available through [this link](#).

5.3 The Meeting took note of the improvements done in the JHP decision support tool (**document 5-1** and **Presentation 2**).

5.4 The Meeting provided the following initial observations and comments in relation to the tool:

- species data from AquaNIS will soon be available in the tool, but it will not be used for the risk assessment step 1. This data can, however, be used for informed decision making in step 2;
- geolocated data is available for some species observations in AquaNIS;
- explanations are needed in the tool, indicating if more information is available than what is visualized on maps;
- there could be a link to the EWS in the tool.

5.5 The Meeting agreed to provide additional input on the new online user interface including the GIS functionalities, automatic report as an outcome of the new RA analyses and link to AquaNIS database and the information displayed on the on-line decision support tool web app by **13 March 2020** and inform the HELCOM Secretariat (Manuel.SalaPerez@helcom.fi) accordingly.

5.6 The Meeting agreed that the new on-line decision support tool should replace the current version after September 2020.

Agenda Item 6 Target Species

6.1 The Meeting took note of the views by Finland that the revised JHP proposal submitted to this Meeting ([document 3-1](#)) already contains the COMPLETE recommendations on TS selection criteria included as Annex. In view of these developments, there is a need to check and update the HELCOM and OSPAR TS lists to ensure they are coherent with the adopted criteria. It is suggested that such a task is conducted through a joint HELCOM and OSPAR countries effort, due to the difficulties that countries may face to conduct such work individually. One possible way forward on the HELCOM side could be to conduct the update work during the extension phase project of the present COMPLETE Project if funding will be granted.

6.2 The Meeting agreed on the need to check and update the HELCOM and OSPAR TS lists according to the revised target species criteria.

6.3 The Meeting discussed a way forward to conduct such revision and welcomed the possibility that the task is conducted in the frame of the COMPLETE extension, if funded. The Meeting agreed that the outcome of the work should be submitted to HELCOM Maritime and TG Ballast for further consideration.

6.4 The Meeting took note that the decision on the application of the COMPLETE extension proposal will be known in June 2020. If funded the implementation time would be from October 2020 to June 2021.

6.5 The Meeting agreed that if the extension phase project of COMPLETE does not get funding, updating of the HELCOM TS list should be planned by the Correspondence Group on Target Species under HELCOM Maritime.

6.6 The Meeting noted that Michelle Price-Hayward is replacing Paul Stebbing as Chair of the OSPAR Expert Group for Non-Indigenous Species. Colleagues from the EG have indicated that for continuity they would agree that the current OSPAR TS list is presented with the caveat that it is due for a review which will include references. The Meeting noted that the EG has a meeting planned in January 2020 where the TS list will be discussed and the work plan and resources available will also be looked at.

6.7 The Meeting noted that on a national level in the Netherlands, the target species list will be reviewed based on the new criteria.

6.8 The Meeting noted that the respective groups under HELCOM and OSPAR should keep the TS lists up to date.

Agenda Item 7 Open Issues

7.1 The Meeting recalled that TG BALLAST 9-2018 considered a proposal for adding biofouling (recreational and commercial craft) to the Terms of Reference (ToR) for TG Ballast and that this is a matter of great importance that needs to be considered within HELCOM and OSPAR in some way ([Outcome of TG BALLAST 9-2018](#), para. 7.6).

7.2 The Meeting took note that MARITIME 19-2019 discussed a proposal by Finland, Germany and Lithuania to widen the mandate and the ToR of HELCOM-OSPAR TG BALLAST, 2017-2020 (MARITIME 19-2019, [document 4-4](#)). The meeting stressed the importance of finalizing the work on the JHP in the current TG Ballast during 2019, in order for the Task Group to be able to take on new tasks. Noting concerns expressed with regard to different experts possibly needed for biofouling and ballast water respectively, it was agreed that the different topics should be discussed on separate days in meetings of the Task Group. The meeting agreed on widening the scope and renaming TG BALLAST to “Joint HELCOM/OSPAR Task Group on the Ballast Water Management Convention (BWMC) and Biofouling”.

7.3 Having made some revisions to the draft ToR following discussion, the meeting agreed on the draft revised ToR (Annex 5 to the [Outcome of MARITIME 19-2019](#)) and agreed to propose to HOD 57-2019 that the mandate of TG BALLAST should be extended until 2024, subject to consideration and agreement by OSPAR EIHA in April 2020. The meeting further noted that the current ToR would still be valid until approval by both HELCOM and OSPAR, enabling the on-going work could be concluded ([Outcome of MARITIME 19-2019](#), para. 4.3-4.7).

7.4 The Meeting took note that HOD 57-2019 approved the revised ToR for HELCOM-OSPAR TG BALLAST for 2020-2024 noting that they are still pending approval by OSPAR ([Outcome of HOD 57-2019](#), para. 4.77 and Annex 5).

7.5 The Meeting took note that the OSPAR EIHA HODs have been consulted regarding the revised ToR, expressing strong support to include biofouling. The revised ToR are expected to be formally approved by the next EIHA meeting to be held in April 2020.

7.6 The Meeting took note of the outcome of a biofouling workshop organized by the Netherlands to share experiences and ideas related to biofouling management, as well as to consider

harmonization of the proposed evaluation procedure of the IMO Biofouling Guidelines MEPC.207(62) using MEPC.1/Circ.811, with a view to contribute to the work done in IMO's Sub-Committee on Pollution Prevention and Response (PPR), held on 4-5 April 2019 in Rotterdam, the Netherlands (**document 7-1** and **Presentation 3**).

7.7 The Meeting took note of the updates on the work related to the Same Risk Area in the Kattegat and Øresund area as provided by Denmark. The work on establishing the borders of Øresund as a Same Risk Area is expected to be concluded by the first quarter of 2020. Applications are needed before the authorities will grant exemptions.

7.8 In light of the many important matters being discussed by TG Ballast, the Meeting agreed that there is a need to strengthen the link between OSPAR EIHA and TG Ballast. Although the Outcomes of TG Ballast are submitted for consideration to EIHA, the lack of participation of TG Ballast members, and lack of communication between national administrations involved in the respective meetings, means that there are limited opportunities to discuss in substance.

Agenda Item 8 Any other business

8.1 The Meeting noted that MARITIME 19-2019 took note of the information on ballast water exchange in the Baltic Sea submitted by Germany ([document 4-5](#)), and agreed on a common understanding that ballast water exchange is not a suitable option in the Baltic Sea area, taking also into account IMO BWM.2/Circ.63, which provides guidance on the application of the BWM Convention to ships operating in sea areas where ballast water exchange in accordance with regulation B-4.1 and D-1 is not possible. The meeting agreed that the Contracting Parties are to communicate this common understanding to port authorities in the Baltic Sea region ([Outcome of MARITIME 19-2019](#), para. 4.10-4.11).

8.2 The Meeting took note that MARITIME 19-2019 considered the Concept for a Regional Baltic Biofouling Management Roadmap developed under the COMPLETE Project and submitted by Finland, Germany and Poland ([document 4-2](#)). MARITIME 19-2019 supported the development of the Roadmap, provided comments to develop the Roadmap further and agreed on the process to share the further developed Regional Baltic Biofouling Management Roadmap with HELCOM for consideration with the understanding that the COMPLETE project will conclude its activities in 2020, with the intention to submit the final Roadmap to HELCOM HOD for approval and adoption in due course ([Outcome of MARITIME 19-2019](#), para. 4.18-4.20).

8.3 The Meeting took note of the Outcome of the COMPLETE Stakeholder Conference "Towards solutions for sustainable shipping and boating: better biofouling and ballast water management" as contained in **document 8-4**.

8.4 The Meeting took note of the information on the indicative ballast water analysis testing for port State control purposes conducted in Finland (**document 8-3** and **Presentation 4**). The Meeting noted that the PAM method is very promising as an indicative analysis tool for the 10-50 µm sized organisms when the monitoring is done by port State control officers. The Meeting further noted information by Finland that verifying the compliance by sampling and analysis of UV based ballast water management systems may be problematic as it may not be straightforward to determine viability of organisms after UV treatment. It was also noted that practical challenges, such as missing sampling points, are expected to be encountered by port State control in the enforcement of the BWMC.

8.5 The Meeting encouraged Member States to share the information if similar studies have been conducted.

8.6 The Meeting took note of the update on the ATLANTIC BLUE PORT SERVICES project implementation as provided by Spain (**document 8-1** and **Presentation 5**) and considered the possible scenarios and contingency options when the BWM Convention is applicable to ships with a malfunctioning ballast water management system and no exemption granted in accordance with regulation A-4 of the BWM Convention.

8.7 The Meeting took note of the case of the outbreak of *Rugulopteryx okamurae* algae which may constitute a clear failure of the BWMC objective to prevent introduction and spread of invasive species (**document 8-2** and **Presentation 6**). The Meeting welcomed the useful information and noted that such information on outbreaks should in general be reported to IMO's GISIS system.

Agenda Item 9 Work plan and future meetings

9.1 The Meeting elected Ville-Veikko Intovuori (Finland) and Katja Broeg (Germany) as Co-Chairs of TG Ballast for the next mandate period of the Task Group, starting in 2020.

9.2 The Meeting thanked Ms. Susanne Heitmüller (Germany) and Mr. Henrik Ramstedt (Sweden) for their dedication and excellent guidance of the work of the Task Group.

9.3 The Meeting recalled that TG BALLAST 9-2018 updated the work plan for 2019-2020. With the understanding that the ToR (**Annex 4**) are still pending approval by OSPAR EIHA, the Meeting considered how the biofouling issues should be reflected in the work plan of the Task Group, which is to be updated at TG BALLAST 11-2020. The Meeting invited the new Co-Chairs to consider the matter intersessionally in cooperation with the Secretariats, with a view to submitting proposals on the matter to the next meeting.

9.4 The Meeting updated the Official Contact Points for BWMC A-4 Exemptions as contained in **Annex 5**.

9.5 The Meeting updated the contact list for both HELCOM and OSPAR (**document 9-1**) and agreed that, taking into account the EU General Data Protection Regulation (GDPR, (EU) 2016/679), the List of Contacts and Observers of TG BALLAST will be published on the HELCOM Meeting Portal and OSPAR website after the meeting only upon receipt of consent for publication by all contact persons.

9.6 The Meeting welcomed the offer by Spain to host the next meeting, to be held tentatively in November 2020.

9.7 The Meeting thanked Estonia for hosting as well as the excellent arrangements.

Agenda Item 10 Outcome of the Meeting

10.1 The Meeting adopted the draft outcome (**document 10-1**). The full outcome of the Meeting including Annexes will be finalised by the Secretariats in consultation with the Chair, and will then be made available in the HELCOM Meeting Portal and on the OSPAR website.

Annex 1 List of Participants

CO-CHAIRS		
Mr. Henrik Ramstedt	Swedish Transport Agency Maritime and Civil Aviation Department SE-60173 Norrköping	Dir. Phone: +46 104953251 Email: henrik.ramstedt@transportstyrelsen.se
Ms. Susanne Heitmüller	Federal Maritime and Hydrographic Agency Bernhard-Nocht-Str. 78 D-20359 Hamburg	Dir. Phone: +49 4031907417 Email: susanne.heimueller@bsh.de
DENMARK		
Mr. Kim Larsen	Danish Environmental Protection Agency Tolderundsvej 5 5000 Odense C	Dir. Phone: +45 5126 8063 Email: kilar@mst.dk
Mr. Kim Lundgreen	Danish Environmental Protection Agency Tolderundsvej 5 5000 Odense C	Dir. Phone: +45 2262 9106 Email: kilun@mst.dk
ESTONIA		
Mr. Henn Ojaveer	Estonian Marine Institute University of Tartu Lootsi 2A EE-80012 Pärnu	Dir. Phone: +372 4434456 Fax: +372 6718900 Email: Henn.Ojaveer@ut.ee
Mr. Kaspar Anderson	Ministry of the Environment	Dir. Phone: Email: kaspar.anderson@envir.ee
FINLAND		
Mr. Ville-Veikko Intovuori	Finnish Transport Safety Agency (TraFi) Vehicle and Infrastructure Approvals Kumpulantie 9 P.O. Box 320 FI-00520 Helsinki	Dir. Phone: +358 295346642 Email: ville-veikko.intovuori@trafi.fi
Ms. Maiju Lehtiniemi	Finnish Environment Institute Marine Research Center Latokartanonkaari 11 00790 Helsinki	Dir. Phone: +358-295 251356 Email: maiju.lehtiniemi@ymparisto.fi
Mr. Outinen Okko	Finnish Environment Institute Marine Research Center Latokartanonkaari 11 00790 Helsinki	Dir. Phone: +358 50 595 8382 Email: Okko.Outinen@ymparisto.fi

GERMANY		
Ms. Katja Broeg (on-line)	Federal Maritime and Hydrographic Agency Bernhard-Nocht-Str. 78 20359 Hamburg Germany	Dir.Phone: +49 (0) 40 3190-7415 Email: Katja.Broeg@bsh.de
LATVIA		
Ms. Ieva Putna-Nīmane	Latvian Institute of Aquatic Ecology	Dir.Phone: Email: ieva.putna@lhei.lv
Ms. Solvita Strāķe	Latvian Institute of Aquatic Ecology	Dir.Phone: Email: solvita.strake@lhei.lv
LITHUANIA		
Ms. Toma Bulauskienė	Environmental Protection Agency Marine Environment Assessment Division	Dir.Phone: +370 46410455 Email: toma.bulauskiene@aaa.am.lt
Ms. Greta Srėbalienė	Klaipėda University Marine Research Institute	Dir.Phone: Email: greta.srebaliene@apc.ku.lt
THE NETHERLANDS		
Mr. Saa Henry Kabuta	Ministry of Infrastructure and Environment Department of Water Management Postbus 17 NL-Lelystad	Dir.Phone: +31 629382319 Email: saahenry.kabuta@rws.nl
POLAND		
Mr. Piotr Gruszka	ANCORA, Na Ostrowiu 15/20 80-873 Gdansk	Dir. Phone: +48 882 125 614 Fax: Email: piotr.gruszka@ancora.pl
Ms. Joanna Lyjak	Ministry of Maritime and Inland Navigation ul. Nowy Świat 6/12 00-400 Warszawa	Dir.Phone: +48 (22) 583 85 79 Email: joanna.lyjak@mgm.gov.pl
SPAIN		
Mr. Julio de la Cueva	Puertos del Estado Avda. del Partenón 10 28042 Madrid	Dir. Phone: +34 648977563 Email: jcueva@puertos.es
SWEDEN		
Mr. Henrik Ramstedt	Swedish Transport Agency Maritime and Civil Aviation Department SE-60173 Norrköping	Dir.Phone: +46 104953251 Email: henrik.ramstedt@transportstyrelsen.se
INVITED GUEST		
Ms. Eveliina Klemola	Wega	Dir.Phone: Email: eveliina.klemola@wega.fi
Ms. Miina Karjalainen	Kotka Maritime Research Association	Dir.Phone: Email: miina.karjalainen@merikotka.fi

Annex 2 List of Documents

HELCOM-OSPAR TG BALLAST 10-2019	Date dd.mm.yy	Title	Submitted by
1-1	10.10.2019	Provisional Agenda	HELCOM and OSPAR Secretariats
1-2	5.11.2019	Provisional Annotated Agenda	The Chairs and the Secretariats
2-1	27.11.2019	Outcome of relevant HELCOM meetings	HELCOM Secretariat
3-1	15.11.2019	Revision proposal of the Joint Harmonised Procedure	Co-Chairs
3-2	3.12.2019	Proposal for a regionally harmonized early warning system for timely communication of findings of harmful aquatic organisms and pathogens	Lithuania
3-3	2.12.2019	Checklist for the Port Survey Protocol of the Joint HELCOM/OSPAR Guidelines for the Contracting Parties of OSPAR and HELCOM on the granting of exemptions under International Convention for the Control and Management of Ships` Ballast Water and Sediments, Regulation A-4 (JHP)	Germany
3-4	9.12.2019	Revision proposal of the Joint Harmonised Procedure – consolidated comments	HELCOM Secretariat
5-1	2.12.2019	Update on the improvement of the online JHP decision support tool	HELCOM Secretariat
7-1	27.11.2019	Outcome of a biofouling workshop	The Netherlands
8-1	3.12.2019	Update on the ATLANTIC BLUE PORT SERVICES project implementation	Spain
8-2	3.12.2019	Outbreak of <i>Rugulopteryx okamurae</i> algae	Spain
8-3	3.12.2019	Indicative ballast water analysis testing for port State control purposes	Finland
8-4	11.12.2019	Outcome of the COMPLETE Stakeholder Conference “Towards solutions for sustainable shipping and boating: better biofouling and ballast water management”	HELCOM Secretariat
9-1	27.11.2019	Contact addresses of Joint HELCOM/OSPAR TG BALLAST	HELCOM and OSPAR Secretariats



Joint Harmonised Procedure for the Contracting Parties of HELCOM and OSPAR on the granting of exemptions under International Convention for the Control and Management of Ships' Ballast Water and Sediments, Regulation A-4

Adopted as OSPAR Agreement 2013-09 and by HELCOM Ministerial Meeting Copenhagen 3 October 2013

Amended by HELCOM HOD 48-2015 (June) and [OSPAR Agreement 2015-01 and [HELCOM HOD XX-XXXX] and [OSPAR Agreement XXXX-XX]

Overview

The “Joint HELCOM/OSPAR Harmonised Procedure for the Contracting Parties of OSPAR and HELCOM on the granting of exemptions under the International Convention for the Control and Management of Ship’s Ballast Water and Sediments, Regulation A-4” (JHP) is based on the Guidelines for Risk Assessment under Regulation A-4 of the BWM Convention (G7) (Resolution MEPC.289(71) and was originally agreed by HELCOM and OSPAR Contracting Parties in 2013.

The JHP procedure aims to ensure that exemptions are granted in a coherent manner that does not impair or damage the environment, human health, property or resources. The background is further elaborated in Chapter 1 Introduction. Main users of this procedure include shipowners/operators, port State administrations and relevant experts and researchers.

Based on the Regulation A-4 of the Ballast Water Management Convention (the Convention), exemptions from ballast water management requirements described in the JHP can be issued to a ship on voyages between specified ports or locations for a maximum of five years. A port State may grant such an exemption if the risk is acceptable low, based on results of a risk assessment that is carried out in two steps (chapter 4, Risk Assessment). An automated [Ballast Water Exemptions Decision Support Tool](#) is available to facilitate uniform application of the risk assessment in step 1. In step 2, the risk assessment includes specific conditions of each case (e.g. additional information on target species, natural dispersal and eradication measures).

It is the responsibility of the ship owner/operator to apply for exemptions to the port State(s) directly. Contact information of the designated administration of the Contracting Parties can be found in the [Decision Support Tool](#).

The minimum data and information required for an application, and to undertake a risk assessment, includes data on environmental conditions, and on non-indigenous species (chapter 2, Port Survey Protocol), species of concern (chapter 3, Target Species) and shipping information as set out in the appendix of Guidelines (G7) (chapter 6, Administrative Procedures). If this data is not available for the ports of interest, the applicant is responsible for carrying out port surveys to collect data.

Exemptions are envisaged when ships will be required to meet the D-2 standard of the Ballast Water Management Convention. Ship owners/operators that consider applying are urged to contact the relevant port State administrations well in advance (years) before the exemption is needed, for consultation and to make certain to get a decision in due time. If an exemption is not granted, the ship owner/operator must ensure to have enough time to secure that the ship is in compliance with the D-2 standard, e.g. by installation of a type approved ballast water management system.

The Convention entered into force on 8 September 2017. In the initial transitional period (2017-2024,

Port State administrations	Applicants
<ul style="list-style-type: none"> - Target species selection (cooperation within HELCOM and OSPAR bodies) - Consult with other port State administrations regarding any case specific requirements e.g. for port survey - Guide and advise applicant on the case specific application of the JHP, e.g. data collection, performance of port survey, risk assessment, application requirements including risk assessment report - Inform applicant of the national administrative procedures and any conditions for the granting of exemptions as well as any conditions for withdrawal, intermediate review and validity of port surveys - Submit port survey data to the HELCOM Secretariat to be uploaded to the decision support tool - Review the application, the submitted data, the risk assessment report and make decision if exemption can be granted or not - Issuing exemption including specification of any conditions 	<ul style="list-style-type: none"> - Consult with the appointed port State administrations at early stage - Collection of data including port survey according to the JHP, taking in to account any guidance or directions from port State administrations - Submission of port survey data to the port State administration - Performance of risk assessment in line with the JHP including step 1 and 2, taking into account any guidance or directions from port State administrations - Submit application, including all information and data required along with a risk assessment report

see Chapter 1.17 (i) and Annex 1) the JHP is to be implemented in a flexible and practicable way in order to gain experience and to enable further development and improvements. The transitional period will end by 2024 when the D-2 ballast water standard applies in full according to regulation B-3 of the Convention.

Figure 1. Distribution of responsibilities between port State administrations and applicants according to the JHP.

Contents

1. Introduction	19
IMO Ballast Water Management Convention	19
Joint Harmonised Procedure for the Contracting Parties of OSPAR and HELCOM on the Granting of Exemptions from the International Convention for the Control and Management of Ships' Ballast Water and Sediments under Regulation A-4	20
Common understanding on application	22
2. Port Survey Protocol	23
Background	23
General port characteristics and available species data	23
3. Target Species Selection Criteria	24
4. Risk Assessment	26
5. Data Storage and Decision Support Tool: the technical implementation of step1	29
6. Administrative Procedures	29
Application Process	30
Information to be provided	32
Risk Assessment report	32
Granting of the exemption	33
Communication of Information	33
Withdrawal of an exemption	33
Temporary deviation from the exemption route and temporary replacement	34
Annex 1 – Transitional period for the implementation of the Joint HELCOM/OSPAR Harmonised Procedure for the Contracting Parties of OSPAR and HELCOM on the granting of exemptions under International Convention for the Control and Management of Ships' Ballast Water and Sediments, Regulation A-4	35
Introduction	35
Duration of the transitional period	35
Validity of exemptions during the transitional period	35
Annex 2 – Target Species Lists	36
Annex 3 – Detailed explanations for Risk Analysis Algorithm	38
Definitions:	38
Annex 4 – Decision Support Tool	39
Introduction	39
User interface	39
Contents of the database and respective data	39
System summary	39

Annex 5 – Checklist of elements for a recommended model for an exemption 41

Annex 6 – Detailed description of the Port Survey Protocol 42

Definitions / Glossary

“Ballast Water“ means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship.

“Ballast Water Management“ means mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of Harmful Aquatic Organisms and Pathogens within Ballast Water and Sediments.

“Convention“ means the International Convention for the Control and Management of Ships’ Ballast Water and Sediments.

“Harmful Aquatic Organisms and Pathogens (HAOPs)“ means aquatic organisms or pathogens which, if introduced into the sea including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, impair biological diversity or interfere with other legitimate uses of such areas.

“Non-indigenous species“ (NIS) means any species outside its native range, whether transported intentionally or accidentally by humans or transported through natural processes.

“Sediments“ means matter settled out of Ballast Water within a ship.

“Ship“ means a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, Floating Storage Units (FSU) and Floating Production Storage Offloading (FPSOs).

“Risk assessment“ means the methods outlined in the Guidelines for Risk Assessment under Regulation A-4 of the BWM Convention (G7) and further elaborated in chapter 3 of this Joint Harmonised Procedure.

“Target species“ means species identified that meet the specific criteria indicating that they may impair or damage the environment, human health, property or resources, as further elaborated in chapter 2 of this Joint Harmonised Procedure.

1. Introduction

1.1 Loading and discharging ballast water is an essential part of a ship operation, with ships requiring ballast water to maintain their stability, draft and manoeuvrability. Contained within this ballast water are numerous microscopic organisms of species that will be carried by the ship to new destinations outside their natural range. The vast majority of these organisms will not survive the journey; however, those that do survive may establish populations in a new environment if the biological and physical conditions are favourable. There are numerous well documented examples, from all parts of the world, of the negative effects of non-indigenous species (NIS) introduced through ballast water. Such NIS may cause serious ecological, economic and public health impacts, when they become invasive.

1.2 In response to this, the International Maritime Organization (IMO) through its Marine Environment Protection Committee (MEPC) has, over many years, been developing international legislation to prevent the harmful effects of transporting aquatic organisms in ship's ballast water. HELCOM and OSPAR have followed these global developments and provided regional input.

IMO Ballast Water Management Convention

1.3 In February 2004, a Diplomatic Conference convened by IMO adopted the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (the Convention)¹. This Convention put in place international legislation on Ballast Water Management for the first time and entered into force on 8 September 2017.

1.4 The Convention aims to prevent the spread of Harmful Aquatic Organisms and Pathogens (HAOPs) from one region to another by establishing standards and procedures for the management and control of ships' ballast water and sediments. Under the Convention, all ships in international traffic are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan. All ships also have to carry a ballast water record book and an International Ballast Water Management Certificate. The ballast water management standards are phased in over a period of time and it is expected that most ships will need to install an on-board ballast water treatment system. As an intermediate solution, ships should exchange ballast water mid-ocean.

1.5 Article 3 (1) of the Convention outlines its applicability and states:

"Except as expressly provided otherwise in this Convention, this Convention shall apply to:

(a) ships entitled to fly the flag of a Party; and

(b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party."

However, the Annex to the Convention provides for Parties, under Regulation A-4, the scope to issue exemptions from Regulation B-3 (Ballast Water Management for Ships) and Regulation C-1 (Additional Measures). Regulation A-4 states:

¹ [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships'-Ballast-Water-and-Sediments-\(BWM\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships'-Ballast-Water-and-Sediments-(BWM).aspx)

- “1 A Party or Parties, in waters under their jurisdiction, may grant exemptions to any requirements to apply regulations B-3 or C-1, in addition to those exemptions contained elsewhere in this Convention, but only when they are:*
- .1 granted to a ship or ships on a voyage or voyages between specified ports or locations; or to a ship which operates exclusively between specified ports or locations;*
 - .2 effective for a period of no more than five years subject to intermediate review;*
 - .3 granted to ships that do not mix Ballast Water or Sediments other than between the ports or locations specified in paragraph 1.1; and*
 - .4 granted based on the Guidelines on risk assessment developed by the Organization.*
- 2 Exemptions granted pursuant to paragraph 1 shall not be effective until after communication to the Organization and circulation of relevant information to the Parties;*
- 3 Any exemptions granted under this regulation shall not impair or damage the environment, human health, property or resources of adjacent or other States. Any State that the Party determines may be adversely affected shall be consulted, with a view to resolving any identified concerns;*
- 4 Any exemptions granted under this regulation shall be recorded in the Ballast Water record book.”*

1.6 Article 13 (3) of the Convention also states that:

“In order to progress further the objectives of the Convention, Parties with common interests to protect the environment, human health, property and resources in a given geographical area, in particular, those parties bordering enclosed and semi-enclosed seas, shall endeavour, taking into account characteristic regional features, to enhance regional co-operation, including through the conclusion of regional arrangements consistent with this Convention. Parties shall seek to co-operate with the Parties to regional agreements to develop harmonized procedures”.

1.7 Therefore, Contracting Parties of the Helsinki and OSPAR Conventions have jointly developed this Joint Harmonised Procedure (JHP) to ensure that exemptions are granted in a consistent and transparent manner that prevents damage to the environment, human health, property or resources.

Joint Harmonised Procedure for the Contracting Parties of OSPAR and HELCOM on the Granting of Exemptions from the Convention under Regulation A-4

1.8 The purpose of the JHP is to provide a harmonized procedure in accordance with Article 13 (3) of the Convention for the issue of granting exemptions according to Regulation A-4 of the Convention to be used by OSPAR and HELCOM Contracting Parties. This document is not a Guideline in the sense of Regulation A-4 or any other part of the Convention.

1.9 Exemptions under regulation A-4 of the Convention may only be granted by Parties to the Convention.

1.10 Whilst Regulation A-4 gives Parties the right to grant exemptions it also sets out the requirements for doing so, *e.g.*

- exemptions can be only granted for vessels operating between specified ports and locations;
- exemptions shall not be effective for more than 5 years and subject to intermediate review; and
- exemptions must be granted based on the guidelines on risk assessment developed by the IMO (*Guidelines for Risk Assessment under Regulation A-4 of the BWM Convention (G7)*)².

The IMO Guidelines outline three risk assessment methods that will enable Parties to identify unacceptable high risk scenarios and acceptable low risk scenarios and advise Parties on procedures for granting and withdrawing exemptions in accordance with Regulation A-4. They provide for the basis of the following HELCOM / OSPAR JHP, which has been developed specifically for the Baltic and North-East Atlantic regions.

1.11 There are three risk assessment methods outlined in the Guidelines (G7) for assessing the risks in relation to granting an exemption in accordance with Regulation A-4 of the Convention:

- environmental matching risk assessment;
- species' biogeographical risk assessment;
- species-specific risk assessment.

1.12 Environmental matching risk assessment relies on comparing environmental conditions between locations; species' biogeographical risk assessment compares the environmental similarity and species composition in source and destination ports/areas to identify high risk invaders, while species-specific risk assessment evaluates the distribution and characteristics of identified target species. Dependent on the scope of the assessment being performed, the three approaches could be used either individually or in any combination, recognizing that each approach has its limitations.

1.13 Environment matching and species' biogeographical risk assessment may be best suited to assessments between biogeographic regions. Species-specific risk assessment may be best suited to situations where the assessment can be conducted on a limited number of harmful species within a biogeographic region.

1.14 The three main approaches to risk assessment provided under the IMO Guidelines (G7) have been considered in several reports, including: the HELCOM Guidance for High and Low Risk voyages³, adopted by HELCOM Contracting Parties in 2010 together with the Baltic Sea Ballast Water Risk Assessment⁴ in the Baltic Sea, the North Sea Ballast Water Consultation Group Concept Issue of Exemption⁵, as well as work undertaken as part of the North Sea Ballast Water Management

² <http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-%28MEPC%29/Documents/MEPC.289%2871%29.pdf>

³ HELCOM. 2010. HELCOM Guidance for High and Low Risk voyages. Adopted at the HELCOM Moscow Ministerial Meeting 2010 as part of the Declaration.

⁴ HELCOM. 2011. Pilot risk assessments of alien species transfer on intra-Baltic ship voyages

⁵ OSPAR (EIHA 12/3/4) - Ballast Water Exemptions in the North Sea

Opportunity Project⁶. The reports identified that the key risk criteria for issuing exemptions within the North Sea and Baltic Sea were limited to:

- a. difference in water salinity between ports/locations being visited; and
- b. presence of NIS fulfilling certain criteria in either port/location being visited, that is, target species (TS).

1.15 The HELCOM ALIENS 2 and 3 projects further developed a harmonized method for granting exemptions from ballast water management for ships navigating the Baltic Sea. The initiatives developed a detailed port survey protocol for sampling Baltic Sea ports for the presence of NIS, taking into account the need for and benefits of having a consistent approach with the North-East Atlantic (OSPAR) region. The projects also considered the procedure for selecting TS and how to structure and use the collected data to support regionally coherent and transparent decision-making on exemptions.

1.16 The COMPLETE project (“Completing management options in the Baltic Sea region to reduce risk of invasive species introduction by shipping”, October 2017 – September 2020) reviewed the existing TS selection criteria and risk assessments for granting exemptions under the 2015 version of the JHP and also advanced the decision support tool under the JHP. Results of the project fed into the revision process of the JHP and are the basis for the revised TS selection criteria, the current risk assessment approach, as well as the updated decision support tool.

Common understanding on application

1.17 This HELCOM – OSPAR JHP is based on the following common understanding:

- a. results from the common HELCOM - OSPAR framework are a guide for bi- or multi-national evaluations of applications for exemptions under Regulation A-4;
- b. results are non-binding. The decision on an application for exemption rests with the national authorities concerned;
- c. if national administrations do not use, or deviate from, the results of the common HELCOM- OSPAR framework, reasons should be communicated to HELCOM and OSPAR, so that they may inform the review process of the JHP;
- d. data needed under the common HELCOM – OSPAR framework should be collected according to the sampling protocol (chapter 2);
- e. data should be collected by applicants to the exemptions;
- f. if no data for a risk assessment under the common HELCOM - OSPAR framework is available from official or other sources, the applicant should collect the data according to the sampling protocol;
- g. the collected data from port surveys and on target species should be stored centrally under HELCOM – OSPAR supervision;
- h. data should be evaluated using the common HELCOM - OSPAR framework, as a first step by an automated decision support tool, to facilitate uniform application across the regions;

⁶ <http://www.northseaballast.eu/northseaballast/>

- i. further aspects and evaluation will be carried out in a second step as outlined in the relevant chapter 4 of the JHP; and
- j. in an initial transitional period the JHP is to be implemented in a flexible and practicable way by authorities in cooperation with the ship owners, the harbours and other stakeholders, taking Regulations A-4.3 of the Convention into account, as outlined in Annex 1. This should be done in order to gain experience and to enable further development and improvement of the JHP.

1.18 JHP is split into 6 chapters including:

1. Introduction;
2. Port Survey Protocol;
3. Target Species;
4. Risk Assessment;
5. Data Storage and Decision Support Tool: the technical implementation of step1; and
6. Administrative Procedures.

2. Port Survey Protocol

Background

2.1 This chapter introduces the HELCOM-OSPAR protocol for comprehensive sampling of TS in ports. All applications aiming for a Convention A-4 exemption in the combined HELCOM and OSPAR area must be supported by port surveys following this port survey protocol and include the results to the exemption application. This information should cover each stopover port on the route for which the exemption is applied.

2.2 A port survey is to be regarded valid for granting an exemption for applicants during a maximum period of 5 years from the date of the first of the two sampling visits (spring bloom). A Party may decide on a shorter validity for a port survey *e.g.* 36 months due to changes in *e.g.* sensitivity of the area, intensity of traffic or due to the need to update port survey data on TS.

2.3 Port surveys for detecting NIS require sampling of several different habitats, their respective groups of organisms and life stages thereof: hard substrate (fouling) organisms, soft bottom benthos, plankton and mobile epifauna (*e.g.* fish and crustaceans).

2.4 The following is a description of the general features of the Port Survey Protocol. Annex 6 includes the complete protocol with all details and recommended equipment.

General port characteristics and available species data

2.5 Information about general characteristics, such as typical variation of abiotic conditions and patterns of port traffic, should be collected for each port to be sampled in accordance with Appendix 3 of Annex 6.

2.6 A port could consist of one or several contiguous areas, depending on the local physical and biological characteristics such as water exchange by currents or depending on land masses, like peninsulas or artificial harbour constructions. The division of a port in contiguous areas is independent

of the distance between these areas and should be specified from case to case in close cooperation with the responsible administration. Within a port area there should be a minimum of 3 sampling sites. A site is a separate spatial unit within a port area, such as a specific dock or a wharf. Within a site a number of replicate samples of different groups of organisms will be taken.

2.7 Ports often have weather stations recording *e.g.* wind, temperature and hydrological data and, provided they are situated in relevant locations, this data can be used. If additional measurements of temperature and salinity are needed the suggestion is to use data loggers or CTDs.

2.8 If available, existing information from national monitoring programmes or projects should also be used when planning a port survey.

2.9 A port information data sheet summarising all above mentioned information should be filled in together with the port authorities.

2.10 Detailed information on:

- number of sampling sites per port and their selection;
- timing of sampling;
- physical and biological parameters;
- sampling methods;
- sample processing; and
- analysis and data reporting

is appended as Annex 6 containing a detailed description of the survey protocol to be followed, including suggested equipment for field sampling and a note on quality assurance (QA).

3. Target Species Selection Criteria

3.1 In order to conduct a risk assessment for the transport of species with ballast water between harbours, all organisms present, as observed through port sampling conducted as described in Chapter 2, have to be taken into account.

3.2 To minimize the effort and to make the risk assessment procedure practicable, a pre-selection of species that have to be assessed for their risk is necessary. The selected species are called TS. With the determined TS, the risk assessment model (Chapter 4) can be run.

3.3 The selection of the TS is based on the criteria outlined in paragraph 6.4.3 of the *Guidelines for Risk Assessment under Regulation A-4 of the BWM Convention (G7)*.

3.4 There are two main general questions which should be considered before a species is considered for inclusion in the TS list:

- a. is there a potential for a species to be primarily introduced or secondarily spread via ballast water or sediments as the major vector, i.e. is there any evidence that the species has been primarily introduced or secondarily spread somewhere via ballast water or sediments before; and
- b. is the species present only in part(s) of the region but not the entire region?

3.5 In addition to the above mentioned two main general aspects, the following TS selection criteria specified in the table below are to be used within the HELCOM and OSPAR areas to define TS status.

Any impact on one of the protected goods and interests listed below triggers the inclusion of the species into the TS list in Annex 2.

Impact on	Target species
Human health: Has it been demonstrated that the species has an impact on human health ("human health understood as freedom from pain and sickness")?	No target species/target species
Environment: Has it been demonstrated that the species has an impact on the environment (e.g. native communities, habitats and/or ecosystem functioning, strength and type of ecological interactions)?	No target species/target species
Economy: Has it been demonstrated that the species has an impact on the economy (including property and resources)?	No target species/target species

Table 1 Target species selection criteria to be used within the HELCOM and OSPAR area.

3.6 In case of uncertainty of information on the impact and/or eco-physiological tolerance limits of a species the species in question should be included in the TS list.

3.7 The TS list should be compiled, and regularly updated by expert groups established under HELCOM Maritime Working Group and OSPAR Biodiversity Committee (BDC) using the selection criteria defined in this chapter, by taking new scientific and technical knowledge into consideration.

3.8 The decision on whether a species should be included in or removed from the TSlist has to be based on the above-mentioned selection criteria supported by scientific data and/or expert judgement and should be documented.

3.9 For further guidance, please refer to Annex 2, in which a step wise process of applying the TS selection criteria is described in detail and reference to an additional document gives more background information on the selection process.

3.10 The TS lists of OSPAR and HELCOM are to be regarded as living documents under continuous updating by HELCOM Maritime and OSPAR BDC, which means that other species can be included or species can be deleted, if further knowledge is available.

3.11 The TS lists will be updated regularly by both HELCOM and OSPAR. Please check https://maps.helcom.fi/website/RA_tool/ for the latest edition (see also Annex 2).

4. Risk Assessment

4.1 Based on previous work within HELCOM⁷ and OSPAR⁸ a specific two-step approach, described in this chapter, is recommended for risk assessments under regulation A-4 of the Convention for routes with one or several ports in the application area of the OSPAR or Helsinki Conventions.

4.2 The eight key principles of risk assessment in the IMO Guidelines (G7) are effectiveness, transparency, consistency, comprehensiveness, risk management, precautionary, science based and continuous improvement.

4.3 The information required to undertake an A-4 risk assessment should be supplied in line with other chapters of this harmonised procedure, *i.e.* environmental conditions and presence of non-indigenous species - Chapter 2 Port Surveys, species to be included in the risk assessment - Chapter 3 Target Species and shipping information (*e.g.* for ballast water discharge volumes) - Chapter 6 Administrative Procedures. The absence of, or uncertainty in, any information should be considered an indicator of potential risk and the level of uncertainty should be recorded in a transparent way.

4.4 According to the terminology of the IMO Guidelines (G7), a combination of environmental matching and species-specific risk assessment (combined risk assessment) supported by information on shipping activities is to be applied.

4.5 Based on one of the key principles of IMO Guidelines (G7), “continuous improvement”, the risk assessment framework and components described in this chapter should be kept under continuous review by the two organisations.

Considerations for the two-step Risk Assessment approach

4.6 Step one of the risk assessment will give an indication on high or low risk based on two key risk criteria, water salinity in the concerned ports and presence of TS (see Chapter 1.14). However, case specific conditions might be complex and in a second step these criteria and other factors can be further considered in a more detailed assessment.

4.7 After step one, it is important that applicants consult administrations on how to proceed with the assessment according to step 2.

Step 1: Risk Assessment Algorithm (basis for Decision Support Tool)

4.8 As a first step, two key risk criteria to distinguish between unacceptable (high) risk and acceptable (low) risk are:

- a. difference in water salinity between ports/locations being visited; and
- b. presence of target species in either port/location being visited by the vessel.

Based on these two criteria, a risk assessment algorithm is a way to formalise a risk assessment procedure through a set of binary yes/no questions. This risk assessment algorithm, outlined below

⁷ HELCOM Guidance on high and low risk voyages – 2010 Ministerial Declaration, Pilot Risk Assessments of alien species transfer on intra-Baltic ship voyages. HELCOM Aliens Final Report. COMPLETE project.

⁸ OSPAR (EIHA 12/3/4) - Ballast Water Exemptions in the North Sea.

and explained in more detail in Annex 3, includes two possible assessment results described in Chapter 4.9.

Risk Assessment Model for Exemptions Decision Support Tool (Step 1)

Input Data according to JHP port survey protocol

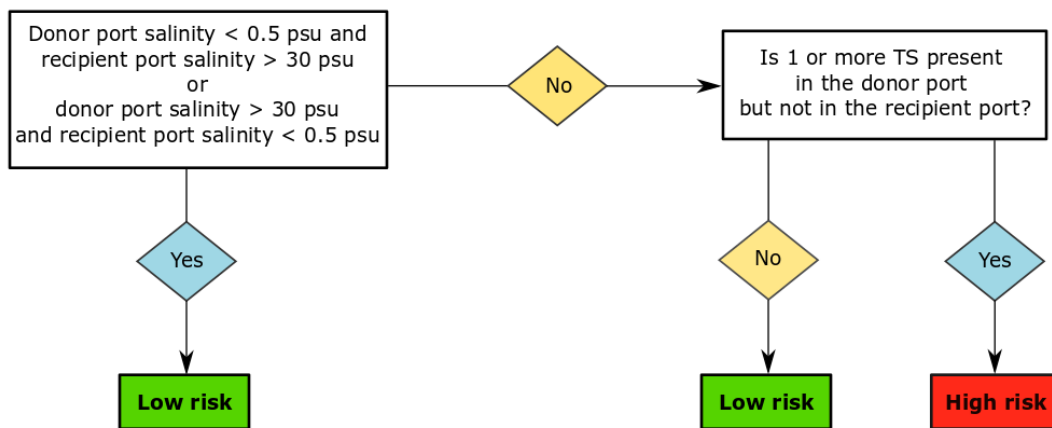


Figure 2. Step 1 of the risk assessment approach.

4.9 The joint A-4 risk assessment algorithm outlined in Chapter 4.8 includes two possible risk assessment outcomes (high risk and low risk) which give a first indication of the final decision for exemption applications in accordance with Regulation A-4 of the Convention:

High risk	It is highly likely that TS are distributed with ballast water and will occupy a new habitat. The risk is unacceptable and an exemption <u>cannot be granted</u> , unless further information and evaluation in step 2 indicates an acceptable risk
Low risk	It is not very likely that TS are distributed with ballast water and will occupy a new habitat. The risk is acceptable and an exemption <u>can be granted</u> , unless further information and evaluation in step 2 indicates an unacceptable risk.

Table 2. Possible risk assessment outcomes from the joint A-4 risk assessment algorithm.

Step 2: Final detailed risk assessment, including additional aspects

4.10 It should be noted that the use of the risk assessment algorithm as step 1 is to aid regionally harmonised decision making and gives only a first indication for the final decision. In a second step full consideration should be given to the specific conditions and different aspects in each case.

4.11 The final risk assessment may, therefore, also include additional information on NIS, species specifics (e.g. dispersal capacity), natural dispersal, and mitigation measures (e.g. volume of ballast water, position of discharge and uptake).

4.12 In the second step, the additional data, information and assessments need to be justified and references to data and literature used should be specified. Find below a non-exhaustive list of

important aspects to be considered:

Use of additional species data

4.13 When the second step is performed all available data can be used. This could for example be data on TS occurrences in the surrounding area or information on abundance. Examples of data sources are national monitoring, EU Marine Strategy Framework Directive (MSFD) monitoring or regional monitoring programs (COMBINE etc.) and data from databases such as AquaNIS. It is important that data used for the risk assessment is verified and validated, especially if it comes from citizen science investigations or observations.

Case specific target species evaluation

4.14 In appropriate cases, further assessment may be conducted on the TS which are identified in the first step of the risk assessment. Parameters that may be taken into account could be but are not limited to natural dispersal potential (see paragraph “Natural dispersal and Same Risk Area” underneath) and abundance.

Natural dispersal and Same Risk Area

4.15 In the risk assessment, prerequisites for natural dispersal of species can be taken into account. Natural dispersal can be assessed for specific TS that have been identified as high risk in the initial risk assessment. If an assessment shows high probability for natural dispersal this can overrule a high risk of introductions by ballast water discharge.

4.16 The Same Risk Area (SRA) approach described in the *Guidelines for Risk Assessment under Regulation A-4 of the BWM Convention (G7, MEPC.289 (71))* can be used to assess natural dispersal of TS between ports/locations for the purpose of risk assessment according to the JHP. A SRA assessment will typically take the form of a species-specific assessment that takes into account the hydrodynamic, environmental and meteorological conditions of the area in question. The extent and directionality of natural dispersal of TS should be modelled for the relevant water bodies within the agreed time window.

4.17 It should also be noted that SRA in the Guidelines (G7) is a concept that can be used to define a geographical area where ships can be exempted, which is not the purpose of the JHP approach.

Port specifics

4.18 Environmental conditions can vary in large port areas and the specifics of different terminals where uptake or discharge of ballast water takes place may be considered in relation to the TS.

Human pathogens

4.19 Information on pathogens in donor port and risk related to human health should be taken into account in the risk assessment, as far as possible.

Mitigation and control measures and conditions linked to the granting of exemption

4.20 Mitigation measures may be proposed to decrease high risk scenarios and can be added as conditions by the administration linked to an exemption decision. Such mitigation measures might be

restrictions or terms for uptake and discharge, *e.g.* regarding ballast water volumes, locations and seasonal or periodical adaptations. It could also be conditions related to the length of the period for which the exemption is granted (maximum five years), the terms for withdrawal (see paragraphs 6.21-6.23 below), the validity of monitoring (monitoring programs and interval), control programs and intermediate review.

Ongoing control or eradication measures

4.21 In case of ongoing control or eradication measures in a recipient port, the presence of TS in both ports cannot be the basis for a decision to grant an exemption.

5. Data Storage and Decision Support Tool: the technical implementation of step1

5.1 The data collected according to the sampling protocol (Chapter 2 and Annex 6), is stored centrally in an electronic format as a database. The database is maintained by the HELCOM Secretariat as part of the online decision support tool.

5.2 The port State administration is to ensure that the port survey data is delivered in the correct format to the database maintained by the HELCOM Secretariat.

5.3 The system⁹ enables the storage of data, including:

- ports information (information about environmental characteristics, port size and business parameters); and
- surveys carried out in the harbours.

5.4 The lists of TS, defined by using the criteria outlined in Chapter 3, as a basis for a risk assessment, are also included in the database and regularly updated.

5.5 The database connects to existing relevant databases, *e.g.* AquaNIS, in order to access additional information to be used for step 2 of the risk assessment. However, data used for the risk assessment algorithm and decision support tool is to remain under the supervision of the OSPAR/HELCOM Secretariats.

5.6 In order to facilitate uniform application of the risk assessment algorithm in step 1 of the risk assessment, an automated decision support tool was developed and is available at https://maps.helcom.fi/website/RA_tool/.

5.7 The decision support tool is managed by the HELCOM Secretariat.

5.8 More information on the implementation of the tool can be found in Annex 4.

6. Administrative Procedures

6.1 The IMO Guidelines (G7) identify the basic procedure and minimum information required for granting an exemption under regulation A-4 of the Convention.

6.2 These Administrative Procedures are to be considered as supplementary to the Guidelines (G7) and have been agreed upon by the Contracting Parties of OSPAR and HELCOM.

⁹ Accessible through the following link: https://maps.helcom.fi/website/RA_tool/

Application Process

6.3 To enable a Contracting Party or Parties to consider granting an exemption for a ship from the Convention under this JHP, it will be the responsibility of the ship owner/operator seeking the exemption to apply to the port State(s) directly (see appointed authorities in the Risk Assessment tool and in IMO GISIS), copying in the flag administration. A ship-owner/operator seeking an exemption should consider specifically that the procedure for seeking an exemption may take several months to conclude. An overview of the application process is described in the flowchart below.

6.4 Before submitting an application, ship owners/operators should at an early stage approach the appointed authority in the port State(s) where they wish to apply for an exemption to inform themselves of the conditions for submitting an application for exemption.

6.5 The appointed authority will then consult with other concerned states and consider the specific conditions for the route and examine any specific requirements for data (*e.g.* for the port survey) or for the risk assessment, and then notify the applicant on the terms for the application.

6.6 If a ship owner/operator applies for an exemption applicable for a route where valid information is available in the database, the Party or Parties may grant the exemption without requiring new port surveys to be undertaken. If exemptions have been granted on the route before, the Party should still consider the specifics for other ships applying for exemption on the same route. For validity of exemptions granted under these conditions see paragraph 6.12.

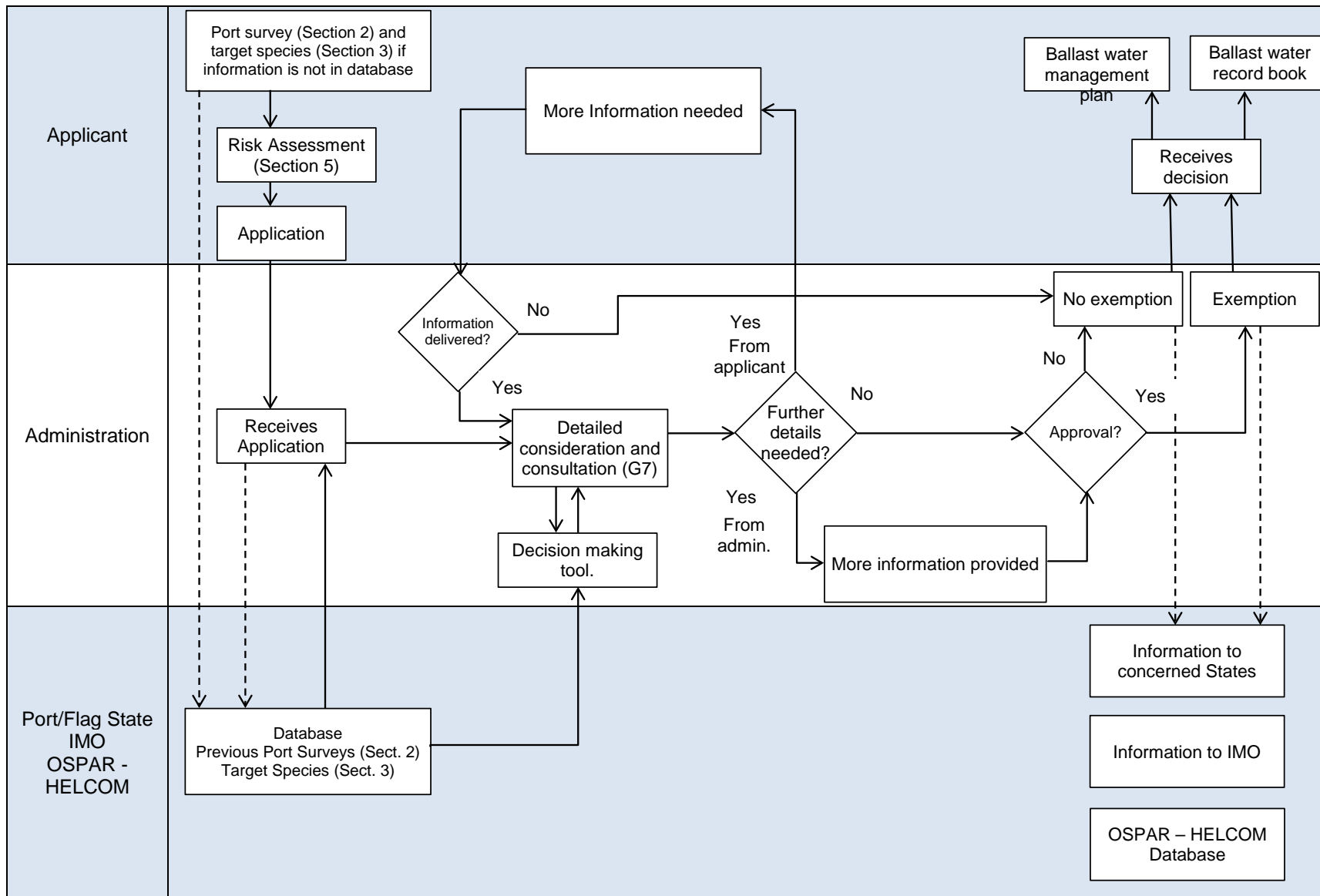


Figure 3. Scheme representing the application process for an exemption for a ship from the BWMC under the JHP.

Information to be provided

6.7 Information should be provided as set forth in the appendix to the Guidelines (G7) of the Convention. In addition, the ship-owners/operators should provide information as specified below, upon application within the OSPAR and HELCOM regions.

6.8 Port Information:

- a. the applicant should provide at least the information required in Chapter 2, either by submitting data or by using data already available in the database, subject to a burden sharing mechanism. Information on the characteristics of ports which the ship will be visiting should be provided in line with Chapter 2 of the JHP on Port Surveys and be submitted in the agreed format as included in Appendix 4 of Annex 6.

6.9 Species Information:

- a. information on the presence of TS should be collected in line with Chapter 2 of the JHP on Port Surveys and be submitted in the agreed format as included in Appendix 4 of Annex 6 or if available use valid data already in the database;
- b. depending on national legislation, submitted information becomes public and will be made available through the decision support tool. For EU countries, Directive 2003/4/EC on public access to environmental information, applies; and
- c. given the cost implications of undertaking port surveys it is recommended that all stakeholders in a particular port cooperate to develop and use a burden sharing mechanism if the information is to be used by several other applicants.

Risk Assessment report

6.10 The application should include a report describing the risk assessment performed, according to JHP Chapter 4 and Guidelines (G7) that verifies and supports an acceptable low risk scenario.

6.11 It is recommended that the report clearly sets out the considerations and the reasoning behind the RA so that others can see the weight attached to different factors and can understand the rationale of the assessment. Some of the main characteristics of a good RA report are:

- a clear structure with a logical sequence that describes the risk assessment;
- a table of contents at the beginning of the document;
- a presentation of the minimum information required in paragraphs 6.7-6.9;
- a description of the risk assessment performed according to chapter 4, and the conclusions made;
- reads as a single document with appropriate cross-referencing;
- is concise, comprehensive and objective;
- is written in an impartial manner without bias;
- makes effective use of diagrams, illustrations, photographs and other graphics to support the text;
- uses consistent terminology with a glossary;
- references all information sources used;
- has a clear explanation of complex issues;
- contains a good description of the methods used;
- contains a Non-Technical Summary which does not contain technical jargon; and

- contains, where relevant, a reference list detailing the sources used for the description and assessments included in the report.

Granting of the exemption

6.12 An exemption shall be granted for a maximum of 5 years but no longer than the time period specified by the administration when the port surveys are regarded valid. The approval may contain seasonal and time-specific or other restriction within the time of validity.

6.13 According to the Guidelines (G7) the information used in the risk assessment should be reviewed as data and assumptions used in the assessment can become outdated. Requirements related to the intermediate review may be specified in the exemption granted.

6.14 The intermediate review should be based on any new information on the basis of the exemption granted including but not limited to: presence of TS, introduction pathways for NIS and changes in physical conditions in the port. To check that the requirements of the exemption have been followed, the intermediate review may also include a review of the ship's voyages (*e.g.* on the basis of log book records) after the exemption was granted.

6.15 Where the Party or Parties in receipt of the application decide on the exemption, the ship-owner /operator should be notified as soon as possible.

6.16 A checklist of elements for a recommended model for an exemption to ensure the uniformity throughout the HELCOM and OSPAR regions can be found in Annex 5.

6.17 Exemptions have to be recorded in the Ballast Water Record Book and the Ballast Water Management Plan has to be considered for re-approval by the flag state after an exemption has been granted.

Communication of Information

6.18 Relevant contact details for receipt of applications should be submitted to the HELCOM and OSPAR Secretariats by the Party/Parties for publication on their respective websites.

6.19 The decision of the recipient Party should, in addition to the recipients outlined in G7, be communicated to HELCOM and/or OSPAR as soon as possible before the effective date of the exemption.

6.20 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 the JHP.

Withdrawal of an exemption

6.21 An exemption granted under Regulation A-4 of the Convention may be temporarily or permanently withdrawn if the requirements of the exemption have not been followed or due to the circumstances outlined in Guidelines (G7) (para. 10.4, 10.5 and 10.6):

“An exemption granted under regulation A-4 of the Convention may need to be withdrawn where the actual risk associated with a voyage has increased substantially since the risk assessment was conducted. This would include emergency situations such as outbreaks, incursions, infestations, or proliferations of populations of HAOPs (e.g., harmful algal blooms) which are likely to be taken up in ballast water (regulation C-2 of the Convention).

When a port State notifies mariners of areas under its jurisdiction where ships should not uptake

ballast water due to an emergency or other high risk situation, all exemptions should be withdrawn from ships that take up ballast water in the defined area. In such circumstances the shipowners or operators should be notified of the decision to withdraw the exemption as soon as possible.

Guidelines for additional measures regarding ballast water management including emergency situations (G13) adopted by resolution MEPC.161(56) provide guidance to rapidly identify appropriate additional measures whenever emergency situations occur in relation to ballast water operations.”

6.22 Administrations should decide on the terms for withdrawal of exemptions and inform the applicants at an early stage of the exemption procedure.

6.23 Issues that may be considered when deciding on conditions for withdrawal:

- route and ship specifics;
- acceptance for increased risk during the exemptions period; and
- possible mitigation and contingency measures to be applied in accordance with BWM.2/Circ.62 (e.g. restrictions on ballast water up take/discharge in certain areas, limitations of ballast water volumes, use of permanent ballast water).

Temporary deviation from the exemption route and temporary replacement

6.24 A ship that operates on the conditions of an exemption might temporarily need to deviate from the exemption route, e.g. for dry-docking, maintenance or repair. The ship operator should contact all concerned port states on exempted routes and on the temporary route, well in advance before the deviation, to obtain approval for the deviation and to ensure that precautionary measures can be taken to the satisfaction of the involved states. The same procedure is to be applied for ships temporary replacing another ship that operates on the conditions of an exemption. The following options can be considered as suitable measures:

- use of sediment and/or ballast water reception facility;
- use of temporary/mobile BWMS;
- use of permanent or temporary BWMS installed aboard another vessel;
- D-1 exchange in designated exchange area; and
- use of potable or technical water.

6.25 IMO guidelines and guidance documents should be considered, such as: *BWM.2/Circ.52 Guidance on Entry or Re-entry of Ships into Exclusive Operation within Waters under the Jurisdiction of a Single Party.*

Annex 1 – Transitional period for the implementation of the Joint HELCOM/OSPAR Harmonised Procedure for the Contracting Parties of OSPAR and HELCOM on the granting of exemptions under International Convention for the Control and Management of Ships’ Ballast Water and Sediments, Regulation A-4

Introduction

By the adoption of the JHP HELCOM and OSPAR contracting parties agreed on implementation through a transitional period established by Chapter 1.16 of the procedure:

“In an initial transitional period the guidelines are to be implemented in a flexible and practicable way by authorities in cooperation with the ship owners, the harbours and other stakeholders, taking the regulations A-4.3 of the Convention into account. This should be done in order to gain experience and to enable further development and improvement of the guidelines.”

The joint HELCOM/OSPAR Task Group on Ballast Water Management Convention Exemptions was tasked, through its terms of reference, to conclude upon transitional schemes for the implementation of the harmonized procedure.

Duration of the transitional period

The transitional period depends on its adoption by HELCOM and OSPAR and on the entry into force of the Convention. It will be applicable one year before the Convention enters into force, i.e. from the date on which the formal requirements according to Article 18 of the Convention are fulfilled. Administrations of the Contracting Parties of OSPAR and HELCOM are urged to begin with the necessary preparations for smooth implementation in time, *e.g.* provide ship owners with the information that will be needed for applications in order to make sure that they do not lose valuable time when preparing their application. The transitional period will end when the D-2 ballast water standard applies in full, taking the application of regulation B-3 by the IMO Resolution A.1088(28) into account.

Validity of exemptions during the transitional period

Exemptions issued before or during the transitional period shall be valid for the whole transitional period, but not longer than 5 years from when the exemption is issued, regardless of the date of application or port survey. This applies provided that no major new occurrences of TS are identified. Moreover, the exemption may contain seasonal and time-specific or other restriction within the time of validity.

Validity for port survey data and exemptions as stipulated in Chapters 2.2 and 6.12 of the procedure will then apply once the transitional period has ended.

Annex 2 – Target Species Lists

TS lists were agreed at the time of the adoption of the first version of the JHP. The TS lists, however, are living documents and are always under review by HELCOM and OSPAR and will be regularly updated if new information becomes available.

In this annex further guidance for the application of the TS selection criteria can be found in Chapter 3. A step wise process of applying the TS selection criteria is described in detail and more background information on the selection process is also available.

This annex is based on the project output 3.1 “Advanced target species (TS) selection criteria” of the COMPLETE project (Completing management options in the Baltic Sea Region to reduce risk of invasive species introduction by shipping, 2017-2020), funded by the Interreg Baltic Sea Region Programme, with partners from Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden, which addresses with its WP3 on “Ballast water risk assessment and management systems” issues with relevance for HELCOM/OSPAR TG Ballast.

The output presents a review and update of the TS selection criteria based on international expertise. The selection of TS is based on all pertinent prioritized and ranked values (potential to pose threat to human health, impact on economy, and environment) and on the *IMO Guidelines G7 (2007) on risk assessment under regulation A-4*. Transparency (expert judgments are open for public scrutiny), consistency (universal applicability of the TS selection criteria and procedure) and precautionary approach (taking into account that information on aquatic organisms ecophysiology, pathways of introduction, environmental and economic impacts is often uncertain and incomplete) are considered.

The process of applying the TS selection criteria for risk assessment based exemptions of ballast water management requirements in the HELCOM and OSPAR area is based on the TS selection criteria background document¹⁰. For practical application, a step-wise approach was chosen to explain how species are evaluated whether or not they are considered TS for the JHP risk assessment.

The species to be considered here are species already included in the TS list and species detected in port surveys according to the JHP in the ports for which the exemption may apply.

Step 1

Species already on the HELCOM and OSPAR TS lists need to be checked against the updated TS selection criteria for the purpose of the risk assessment (RA) for Ballast Water Management (BWM) exemptions. Only those species which meet the criteria as listed below in Step 3 and more detailed in the TS selection criteria background report should remain on this list. The HELCOM TS list is periodically re-evaluated by the expert group established under HELCOM Maritime.

Step 2

List all species found during the current JHP port surveys and if available additional data from other surveys in the same port or adjacent habitats *e.g.* by using data from AquaNIS of both/all ports involved

¹⁰ See: Target species selection criteria for risk assessment based exemptions of ballast water management requirements. Ocean & Coastal Management Volume 183, 1 January 2020, 105021. Gollasch et al, 2020. Available here: <https://www.sciencedirect.com/science/article/pii/S0964569119306829#!>

in an exemption application. All species which are on the HELCOM and OSPAR TS lists, when found in the ports to be considered, are identified as TS for the risk assessment for exemptions.

Step 3

Species found during the port surveys which have not been documented before should be evaluated based on the TS selection criteria. At least **all** following criteria need to be considered:

1. relationship with ballast water as a transport vector, i.e., when the species was already found in a ballast tank or if the life cycle of the species includes a larval phase or planktonic adult which makes a ballast water transport likely;
2. impact on human health, economy and/or environment and its severeness, i.e., does the species may cause unacceptable high impact (TS selection criteria background document); in case the impact is not known, the species will automatically appear as TS;
3. evidence of prior introduction(s), i.e., the species showed its capability to become introduced outside its native range; and
4. current distribution within the native biogeographic region and in other biogeographic regions.

It is recommended performing the evaluation in a transparent format, i.e., develop a species evaluation sheet that the reader can see which criterion applies and which not. This may be done in table format and with references where available.

In summary, TS are species that

- Criterion 1
 - have a relationship with ballast water; and
- Criterion 2
 - have been assessed to cause human health impact; and/or
 - have been assessed of having potential to cause measurable economic impact; and/or
 - have been assessed having potential to cause unacceptable environmental impact.

Criteria 3 and 4 are supporting criteria for the impact assessment in 2.

Further detailed information can be found in the TS selection criteria background document.

Annex 3 – Detailed explanations for Risk Analysis Algorithm

Definitions:

EM Environmental matching risk analysis component

SpS Species-specific risk analysis component

1.1 1st level question (EM): Is the salinity in the donor port < 0.5 psu and the salinity in the recipient port > 30 psu or is the salinity in the donor port > 30 psu and < 0.5 psu in the recipient port?

For the majority of organisms it would not be possible for all life stages to survive from fresh waters (< 0.5 psu) to full marine waters (> 30 psu) or vice-versa, and therefore the answer **yes** means low risk.

Yes Low Risk

No Next level

1.2 2nd level question: Is one or more target species present in the donor port but not in the recipient port?

The answers to this question lead to a species-specific (**SpS**) examination:

- If the answer is **yes** the risk is regarded as high;
- If the answer is **no**, then, the risk is regarded as low.

Classification of salinity according to the EU Water Framework Directive (Directive 2000/60/EC)		PSU	PSU	Classification for risk assessment
Euhalin	Marine, salinity is equal to the salinity in the ocean	> 30	> 18	Saline water
Polyhalin	Salinity is not much lower than salinity in the ocean	18 to < 30		
Mesohalin		5 to < 18	0.5 – 18	Brackish water
Oligohalin	Very low salinity, mainly in the inner coastal waters with a high amount of freshwater intake, like in lagoons	0.5 to < 5		
Fresh water		< 0.5	0 – 0.5	Fresh water

Table 1. Classification of salinity.

Annex 4 – Decision Support Tool

Introduction

The goal of the Decision Support Tool is to provide a simple interface to a risk assessment for translocation of target species in ballast water between harbours. It bases on a risk assessment algorithm, which uses the information about occurrence of target species and their characteristics for assessing the riskiness that they will survive and spread in the recipient harbour. Therefore, a well-structured organization of the port sampling data and the species information is required.

User interface

The decision support tool is a web application that uses a start (donor) and a destination (recipient) port as input and calculates two level of risk (low and high) for a transfer of target species between them as output. Different levels of explanations for the resulting risk assessment are provided.

The design is flexible and scalable. This means it is possible to integrate changes with little effort in the data structure and in the web application. It is possible to import data from the field measurements with standard database tools.

Contents of the database and respective data

The Risk Assessment Tool includes the following information components:

- port profiles (statistical information about environmental characteristics, size and some business parameters of ports);
- in situ measurements (on the species detected in the ports);
- lists of TS (pre-defined for different regions, i.e. HELCOM, OSPAR and Kattegat (HELCOM + OSPAR); and
- Risk Assessment Algorithm.

All parameters that should be sampled and that are saved in the database for species, ports and field measurements are listed in Annex 6. For this purpose, an on-line database is available (https://maps.helcom.fi/website/RA_tool/)

System summary

The system is hosted on Windows Server 2012. It uses ArcGIS Server and data are stored in ESRI File Geodatabases. Data processing is done using Python programming language. The application is built using ArcGIS API for Javascript and Dojo toolkit.

The web application is hosted by HELCOM and is available under address:

https://maps.helcom.fi/website/ra_tool/

The Risk Assessment Tool provides two different levels of access:

- Read only access – For all end users to view data and perform Risk Assessment; and
- Read, Write and Load Data access – This is available for the advanced users like Data Managers & Data Administrators, who will Load new Data or Modify data when needed.

Once the application is accessed the information is available for consultation, starting with the main webpage which provides background information on the tool and gives access to six tabs where information is structured as follows:

- **Information:** introduction on the tool, its purpose as well as background on ballast water regulations;
- **Exemptions:** administrative process to proceed with when asking for an exemption under the Joint HELCOM/OSPAR Harmonised Procedure;
- **Routes:** access to running A-4 risk assessment on spreading of non-indigenous species when travelling from port A to port B;
- **Target Species:** target non- indigenous species selected and agreed by Parties to HELCOM and OSPAR;
- **Data:** additionally, to the list of the species found in the different samples taken, information on the port characteristics, sampling environmental conditions and sampling methodology can also be viewed; in addition, data can be explored with a search function and displayed by GIS functionalities; and
- **Help:** containing a user guide to help understand the tool, the data model behind the tool, two documents: the BWM Convention and the Joint HELCOM/OSPAR Harmonised Procedure, as well as the data sheets for field recording and the format suitable for transferring the collected information to the Risk Assessment Tool.

Annex 5 – Checklist of elements for a recommended model for an exemption

The following elements are proposed for inclusion:

1. Details of the granting/issuing administration(s)

- country
- name of administrative entity and contact information

2. Details of the applicant or Country

- name of business entity (contact person)
- address

3. Details of ship

- name of ship
- distinctive number or letters /call sign
- port of registry
- gross tonnage
- company
- IMO number
- date of construction

4. Ballast information according to the Ballast Water Management Certificate

5. Details on the exempted route between specific ports

- list of relevant ports/locations, including direction of voyages (identify recipient and donor ports)
- if single voyage: Date and time of departure and arrival
- if multiple voyages: voyage frequency regularity and estimated amount of ballast water discharged during the exemption period
- information on any specific required additional measures (e.g. in case of emergency, if applicable)

6. Statement that the vessel will not mix ballast water or sediments other than between the ports or locations specified under number 5

7. Validity of exemption

- max. 5 years
- dates for intermediate review
 - Also depending on validity of port surveys
- conditions linked to the exemption

8. Information on and conditions for withdrawal

Annex 6 – Detailed description of the Port Survey Protocol

TO BE UPDATED THROUGH CORRESPONDENCE

Annex 4 Draft Terms of Reference for the Joint HELCOM/OSPAR Task Group on Ballast Water Management Convention (BWMC) and Biofouling, 2020-2024

Background and purpose

1. The transfer of harmful aquatic organisms with ships and recreational craft 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 and the Joint Harmonised Procedure for the OSPAR and HELCOM regions on the issue of exemptions in accordance with Regulation A-4 1.4 BWMC.
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 neighboring 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 low 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. The Joint Harmonised Procedure for the OSPAR and HELCOM regions on the issue of exemptions in accordance with Regulation A-4 1.4 BWMC is an important common framework for the regional cooperation on this issue in the North East Atlantic and the 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 18-2018 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.
6. 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.

Participants

7. 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 Contracting Parties through OSPAR EIHA and HELCOM MARITIME Heads of Delegation.

Scope of Work

8. 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. update of the Joint Harmonised Procedure if necessary;

- b. update of the 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. consider issues related to the HELCOM and OSPAR target species lists;
- e. consider the issues related to early warning system;
- f. further development of the decision support tool including data management;
- g. consider the issues related to list of surveyed ports;
- h. consider issues related to Same Risk Area;
- i. support and exchange experiences on compliance control and enforcement of the BWMC;
- j. work towards further harmonization of implementing regulations of the BWMC;
- k. 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));
- l. 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);
- m. develop a common OSPAR/HELCOM biofouling management strategy for the implementation of the IMO Biofouling Guidelines;
- n. 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;
- o. identify the knowledge gaps related to biofouling;
- p. identify the needed expertise and knowledge exchanges on biofouling; and
- q. facilitate the involvement of stakeholders in the biofouling process.

9. 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

- 10. The mandate work of the group should be for the 2020-2024 intersessional period and the group should select a chair(s) for the period.
- 11. The HELCOM and OSPAR Secretariats will jointly work as Secretariat to the group.
- 12. The group will work by correspondence and through meetings and will develop a more detailed work plan for itself.
- 13. Meetings will include dedicated time frame for both ballast water and biofouling issues as appropriate.
- 14. The group will report to OSPAR EIHA and HELCOM MARITIME groups.
- 15. Any recommendations proposed by the group, or continuation of the mandate, will be decided upon by HELCOM Commission and OSPAR Commission Meetings, as appropriate.

Annex 5 Official Contact Points for BWMC A-4 Exemptions (Missing information to be added)

DENMARK (HELCOM and OSPAR)

Mr. Ulrik Berggreen
Ministry of the Environment
Danish Nature Agency
ucb@mst.dk

Mr. Kim Larsen
Ministry of the Environment
Danish Nature Agency
kilar@mst.dk

ESTONIA (HELCOM)

Estonian Maritime Administration
Kristjan Truu
Kristjan.truu@vta.ee
(+372) 6205721

EUROPEAN UNION (HELCOM and OSPAR)
(Please note that the EU is not granting exemptions)

Mr. Maik Schmahl
Directorate-General for Mobility and Transport
maik.schmahl@ec.europa.eu

Mr. Brian Elliott
European Maritime Safety Agency (EMSA)
Brian.ELLIOTT@emsa.europa.eu

FINLAND (HELCOM and OSPAR)

Mr. Ville-Veikko Intovuori
Finnish Transport Safety Agency (TraFi)
ville-veikko.intovuori@trafi.fi

GERMANY (HELCOM and OSPAR)

Ms. Katrin Ewert
Federal Maritime and Hydrographic Agency
Environmental Protection in Maritime Traffic (S41)
P.O. Box 301220
Bernhard-Nocht-Strasse 78
D-20359 Hamburg
katrin.ewert@bsh.de

IRELAND (OSPAR)

Chief Surveyor
Irish Maritime Administration
Marine Survey Office
Department of Transport, Tourism & Sport
Leeson Lane
Dublin 2

LATVIA (HELCOM)

LITHUANIA (HELCOM)

Ms. Aistė Kubiliūtė
Ms. Toma Bulauskienė
Environmental Protection Agency
aiste.kubiliute@aaa.am.lt
Tel.: +370 46410455
toma.bulauskiene@aaa.am.lt

THE NETHERLANDS (OSPAR)

Mr. Tjitse Luggens
Netherlands Shipping Inspectorate
tjitse.luggens@ilent.nl
Tel.: 031-646707059

NORWAY (OSPAR)

Ms. Mona Kristensen
Norwegian Maritime Authority
Tel.: 004752745212
mkr@sdir.no

POLAND (HELCOM)

(Still not a Party to the Convention) Regarding inquiries:
Ms. Joanna Lyjak
Ministry of Maritime, Economy and Inland Navigation
joanna.lyjak@mgm.gov.pl
Tel.: +48 (22) 583 85 79

RUSSIA (HELCOM)

SPAIN (OSPAR)

Pablo Pedrosa Rey
Jefe de Área de Contaminación Marítima
Dirección General de la Marina Mercante
E mail : ppedrosa @fomento.es
Tel: 91 5979098
Fax: 91 5979235

SWEDEN (HELCOM and OSPAR)

Mr. Henrik Ramstedt
Swedish Transport Agency
henrik.ramstedt@transportstyrelsen.se