



OSPAR Recommendation 2010/03 on a Harmonised Offshore Chemical Notification Format (HOCNF) ¹

As amended by OSPAR Recommendation 2014/17, OSPAR Recommendation 2019/03, OSPAR Recommendation 2021/08 and OSPAR Recommendation 2023/03.

(Consolidated text²)

OSPAR Recommendation 2010/03 adopted by OSPAR 2010 (OSPAR 10/23/1, Annex 9)

OSPAR Recommendation 2014/17 adopted by OSPAR 2014 (OSPAR 14/21/1, Annex 24)

OSPAR Recommendation 2019/03 adopted by OSPAR 2019 (OSPAR 19/20/1, Annex 17)

OSPAR Recommendation 2021/08 adopted by OSPAR 2021 (OSPAR 21/13/1, Annex 9)

OSPAR Recommendation 2023/03 adopted by OSPAR 2023 (OSPAR 23/17/1, Annex 16)

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

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

RECALLING the programmes and measures stipulated in OSPAR Decision 2000/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals, as amended by OSPAR Decision 2005/01, and the experience gained in its application;

RECALLING the North-East Atlantic Environment Strategy with regard to preventing pollution by hazardous substances, by eliminating their emissions, discharges and losses, to achieve levels that do not give rise to adverse effects on human

¹ This Recommendation replaces OSPAR Recommendation 2000/5 as amended by OSPAR Recommendations 2005/3 and 2008/2.

² The consolidated text integrates the original OSPAR measure with subsequent amendments adopted by OSPAR in a single, non-official document to facilitate documentation. Only the original OSPAR measure and the subsequent measures adopted by OSPAR to amend the basic measure are official documents.

health or the marine environment with the ultimate aim of achieving and maintaining concentrations in the marine environment at near background values for naturally occurring substances and close to zero for human made hazardous substances;

NOTING the relevant legislation within the European Union, in particular Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and corresponding legislation of other Contracting Parties;

and as a consequence **DESIRING** to update the Harmonised Offshore Chemical Notification Format (HOCNF),

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

1. Definitions

1.1 For the purposes of the programmes and measures contained under section 3 of this Recommendation:

- a. "**authority**" means the competent national authority of a Contracting Party to the OSPAR Convention;
- b. "**discharge**" means the operational release of offshore chemicals or their degradation and transformation products into the maritime area;
- c. "**hazardous substances**" means (in accordance with the OSPAR Strategy with regard to Hazardous Substances) substances which fall into one of the following categories:
 - (i) substances or groups of substances that are toxic, persistent and liable to bioaccumulate;
 - (ii) other substances or groups of substances which are assessed by the Commission as requiring a similar approach as substances referred to in (i), even if they do not meet all the criteria for toxicity, persistence and bioaccumulation, but which give rise to an equivalent level of concern.

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

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

- d. "**HOCNF**" means the Harmonised Offshore Chemical Notification Format;
- e. "**offshore chemicals**" means all chemicals intentionally used in connection with offshore exploration, production and decommissioning activities in the maritime area. Offshore chemicals comprise both substances and preparations;
- f. "**OSPAR Decision 2000/02**" means OSPAR Decision 2000/02 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals, as amended by OSPAR Decision 2005/1;
- g. "**OSPAR Recommendation 2010/03**" means OSPAR Recommendation 2010/03 on a Harmonised Offshore Chemical Notification Format (HOCNF) as amended by OSPAR Recommendation 2014/07 and OSPAR Recommendation 2019/03;
- h. "**preparation**" means a mixture or solution composed of two or more substances;

- i. **"REACH"** means Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (as amended);
- j. **"substance"** means a chemical element or compound in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;
- k. **"use"** means application of any offshore chemical in connection with offshore exploration, production and decommissioning activities in the maritime area that might result in a discharge.

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

2. Purpose and Scope

2.1 The purpose of the Harmonised Offshore Chemical Notification Format is to provide authorities with data and information about chemicals to be used and discharged offshore, to enable the authorities to take the appropriate regulatory action in accordance with the scope of OSPAR Decision 2000/02.

3. Programmes and Measures

3.1 Authorities should require the provision of data and information in accordance with the registered data and information on the basis of REACH, if available, or with the data and information in accordance with the HOCNF Agreement 2023-09 in order to examine and decide upon an application for a substance or preparation to be used and discharged offshore in accordance with OSPAR Decision 2000/02.

3.2 Authorities should require that:

- a. data and information about the substance or preparation is provided in terms of its:
 - (i) complete and precise chemical composition, including unequivocal chemical names and CAS-numbers, molecular weights (MW) as well as the percentage content for all deliberately added substances;

and, as they deem necessary, with
 - (ii) country of manufacture;
 - (iii) other trade names for the product;
 - (iv) other countries in which the material is sold;
 - (v) the names and addresses of distributor, producer or importer;
 - (vi) report numbers of the tests carried out in accordance with the requirements stipulated in Part 2 of HOCNF Agreement 2023-09;
- b. sufficient information on offshore chemicals is being supplied to operators by suppliers or manufactures to allow them to properly assess the chemicals they use;

- c. the company making the application is aware of the relevant:
 - (i) national guidelines or regulations;
 - (ii) programmes, measures or agreements adopted in the framework of OSPAR.

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

4. Entry into Force

4.1 This Recommendation has effect from 1 January 2011 and should be reviewed and, if necessary, revised in 2014.

4.2 Upon taking effect this Recommendation supersedes OSPAR Recommendation 2000/05.

5. Implementation Reports

5.1 Reports on the implementation of this Recommendation should be submitted to the appropriate OSPAR subsidiary body in accordance with the timing of the implementation reporting on OSPAR Decision 2000/2.

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

Implementation Report Format

The format below for the implementation report on implementation of OSPAR Recommendation 2010/3 on a Harmonised Offshore Chemical Notification Format (HOCNF) should be used to the extent possible.

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant installation or activity)

.....

Means of Implementation:

by legislation	by administrative action	by negotiated agreement
yes/no*	yes/no*	yes/no*

Please provide information on:

- a. specific measures taken to give effect to this measure;
 - b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
 - c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
 - d. if appropriate, progress towards being able to lift the reservation.
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* Delete whichever is not appropriate