

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.