

SUB-COMMITTEE ON POLLUTION  
PREVENTION AND RESPONSE  
2nd session  
Agenda item 5

PPR 2/5/2  
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**GUIDELINES FOR PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION,  
INCLUDING GUIDANCE ON BALLAST WATER SAMPLING AND ANALYSIS**

**Joint HELCOM/OSPAR Harmonized Procedure on exemptions under regulation A-4 of  
the International Convention for the Control and Management of Ships'  
Ballast Water and Sediments**

**Submitted by Estonia and Finland**

**SUMMARY**

*Executive summary:* This document provides comments on resolution MEPC.162(56), documents MEPC 67/2/12 and MEPC 67/INF.23, and includes information about the joint HELCOM and OSPAR "Harmonized Procedure" to ensure that exemptions under regulation A-4 of the annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments are granted in a consistent manner, and the work which is presently carried out by HELCOM regarding the harmonized implementation of the BWM Convention and the impacts of the IMO Assembly resolution A.1088(28) for the Baltic Sea area

*Strategic direction:* 2

*High-level action:* 2.0.1

*Planned output:* 2.0.1.2

*Action to be taken:* Paragraph 9

*Related documents:* Resolution MEPC.162(56); MEPC 67/2/12 and MEPC 67/INF.23

**Introduction**

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.3), provides comments on resolution MEPC.162(56) and documents MEPC 67/2/12 and MEPC 67/INF.23, and includes information about the joint HELCOM and OSPAR "Harmonized Procedure" and the work which is presently carried out in HELCOM

regarding the harmonized implementation of the BWM Convention and the impacts of Assembly resolution A.1088(28) for the Baltic Sea area.

### **The HELCOM and OSPAR Harmonized Procedure**

2 The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWMC) provides, in 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 that a Party or Parties, in waters under their jurisdiction, may grant exemptions to any requirements to apply regulation B-3 or C-1, in addition to those exemptions contained elsewhere in the Convention.

3 To facilitate the process of granting exemptions under regulation A-4, the HELCOM and OSPAR Contracting Parties agreed on a Harmonized Procedure in accordance with article 13.3 of the Ballast Water Management Convention to ensure that exemptions are granted in a constant manner that prevents damage to the environment, human health, property or resources, once the BWMC enters into force. This Harmonized Procedure, agreed as the "HELCOM/OSPAR Joint Guidelines 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" is provided in the annex to this document. This Harmonized Procedure will be under continuous review by the HELCOM and OSPAR Commissions, together with the consideration of introducing a transitional period and burden sharing mechanisms once the BWMC enters into force.

4 To avoid confusion with IMO Guidelines, the joint HELCOM/OSPAR TG BALLAST proposed at its 3rd meeting on 5 December 2012 in the Hague, to rename by 2015 the Guidelines as follows (deletion by strikethrough, new text underlined): "Joint HELCOM/OSPAR Harmonized 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" during the next review to clarify the status of the document.

5 During the A-4 exemption process applicants must carry out the port surveys according to the methodology described in the Harmonized Procedure and attach the results to the exemption application. This information should cover each stopover port on the route for which the exemption is applied. A port survey is to be regarded valid for granting exemption for a maximum of 5 years, from the date of the first of the two sampling visits. The purpose of this additional process is to collect the data necessary to enable risk assessment as required by the BWMC according to its *Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7)* (resolution MEPC.162(56)).

6 Exemptions under regulation A-4 of the BWMC may only be granted by Contracting Parties to the Convention after its entry into force. Parties are encouraged to use the applicable parts of this Harmonized Procedure in preparation for the entry into force.

### **Further work in HELCOM**

7 The HELCOM Maritime Group decided, at its 14th meeting, from 4 to 6 November 2014 in Riga, Latvia, to work in a speedy manner on the following issues with a view to present a report to the HELCOM Commission meeting in March 2015:

- .1 taking into account the outcome from the joint HELCOM/OSPAR TG Ballast on the target species list, finalize the list of target species, bearing in mind its

nature of a living document, to facilitate the risk assessment in ports in the Baltic Sea area; and

- .2 in the view of the IMO Assembly resolution A.1088(28):
  - .1 consider, the interpretation by Denmark and Sweden in the MARITIME 13 meeting in 2013, that no additional management measures would be needed in the case where ballast water exchange cannot be performed in accordance with regulation D-1, as is the case in the Baltic Sea area;
  - .2 consider, if there is a need for clarification of the HELCOM Ministerial Declaration of 2010 on the "Guidance to distinguish between unacceptable high risk scenarios and acceptable low risk scenarios – a risk of spreading of alien species by ships on Intra-Baltic voyages" (especially the decision that ballast water exchange is not possible in the Baltic Sea); and
  - .3 based on .1 and .2, above, develop a common approach on whether additional measures are required before the ballast water performance standard described in regulation D-2 of the Convention applies.

8 The meeting also took note of the specific concerns in relation to short international voyages and recalled that MEPC 67 had referred the two Danish documents on ballast water and short sea shipping exception and exemptions to PPR 2.

#### **Action requested of the Sub-Committee**

9 The Sub-Committee is invited to note the information provided and take action as appropriate.

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## **ANNEX**

### **HARMONIZED PROCEDURE**

The HELCOM ministerial meeting in 2013 adopted the "Joint HELCOM/OSPAR Guidelines on the granting of exemptions under the International Convention for the Control and Management of Ships' Ballast Water and Sediments, Regulation A-4".

The Guidelines can be found under:

[http://www.helcom.fi/Documents/Ministerial2013/Ministerial%20declaration/Adopted\\_endorsed%20documents/Joint%20HELCOM\\_OSPAR%20Guidelines.pdf](http://www.helcom.fi/Documents/Ministerial2013/Ministerial%20declaration/Adopted_endorsed%20documents/Joint%20HELCOM_OSPAR%20Guidelines.pdf)