

## **Joint Notice to shipping from the Contracting Parties of HELCOM and OSPAR on:**

- **General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea, and**
- **General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations**

### **1. Introduction**

1.1 Loading and discharging ballast water is an essential part of a ships operation, with large ships requiring many thousands of tonnes of water to maintain their stability, draft and manoeuvrability. Contained within this ballast water are hundreds of microscopic species that will be carried to new destinations by the ship. The vast majority of these species will not survive the journey; however, the species that do survive may establish themselves 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-native species introduced through ballast water. Such non-native species may cause serious ecological, economic and public health impacts, particularly 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 ships ballast water.

### **2. IMO Convention**

2.1. Over 9-13 February 2004 a Diplomatic Conference was held to adopt the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (the Convention). This Convention puts in place international legislation for the first time and will enter into force 12 months after it has been signed by 30 States, representing 35% of world merchant shipping tonnage. The first application date of this Convention is 2009, however this date is subject to the IMO Assembly Resolution A.1005(25), which states that "A ship subject to regulation B.3-3 constructed in 2009 will not be required to comply with regulation D-2 until its second annual survey, but no later than 31 December 2011."

2.2. The Convention provides two standards for the industry – the first providing a standard for ballast water exchange and the second based on ballast water treatment. These are set out below:

- **D1 Standard** - Ballast Water Exchange (at least 95% volumetric exchange) or if using the pump through method - pumping through three times the volume of each tank.
- **D2 Standard** - Ballast Water Treatment systems approved by the Administration which treat ballast water to an efficacy of:

- less than 10 viable organisms per m<sup>3</sup>  $\geq$ 50 micrometres in minimum dimension, and
- less than 10 viable organisms per millilitre < 50 micrometres in minimum dimension and  $\geq$ 10 micrometers in minimum dimension.

Indicator Microbe concentrations shall not exceed: a) toxicogenic vibrio cholerae (O1 and O139): 1 colony forming unit (cfu) per 100 millilitre or 1 cfu per gram of zooplankton samples; b) Escherichia coli: 250 cfu per 100 millilitre c) Intestinal Enterococci: 100 cfu per 100 millilitre.

These will apply to different vessels at different times as set out in Regulation B-3 of the Convention.

2.3. Article 13 (3) of the Convention 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”

Therefore, the Contracting Parties of OSPAR and the Helsinki Convention: Belgium, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Iceland, Ireland, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland, have been working together to develop voluntary interim guidance on ballast water management for the North-East Atlantic and the Baltic Sea, to reduce the risk of non-indigenous species invasion through ballast water, prior to the Convention coming into force. These Guidelines are also supported by the European Commission.

### **3.0 General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea and General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations**

3.1 These two pieces of guidance form part of two separate interim strategies being developed through the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) and the Convention on the Protection of the Marine Environment of the Baltic Sea (Helsinki Convention). After discussion the two Commissions managing the OSPAR and Helsinki Conventions realised that there were key management options common to both strategies. This has resulted in the development of General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea, which is based on the ballast water exchange requirements of the Convention. Then, a second General Guidance was developed on the Voluntary Interim application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations.

3.2 In order to help reduce the risk of non-indigenous species entering the OSPAR maritime area through ballast water exchange, vessels entering North-East Atlantic waters are expected to apply the voluntary guidelines as found in Appendix 1 from 1<sup>st</sup> April 2008. It should be noted that this guidance is addressed specifically to vessels entering the OSPAR maritime area from transatlantic routes and those routes passing West Africa. It does not apply to vessels entering the OSPAR Area from the Mediterranean.

3.3 Vessels leaving the Baltic Sea and transiting through the OSPAR maritime area to other destinations are expected to apply the voluntary guidelines as found in Appendix 2 from 1 January 2010.

3.4 It should be noted that once the Convention comes into force these two guidelines will become mandatory. However, when vessels have to apply the D-2 Performance Standard of the Convention, after the Convention comes into force, then these Guidelines will no longer apply.

3.3 It should also be noted that further guidance and appropriate management measures to reduce the risk arising from the transfer of non-indigenous species through ballast water will be developed and distributed in the near future for vessels operating between ports within the OSPAR and HELCOM regions.

3.4 Further information on these strategies can be found at:

[\[http://www.mcga.gov.uk\]](http://www.mcga.gov.uk) for the OSPAR Ballast Water Management Strategy

[http://www.helcom.fi/BSAP/ActionPlan/otherDocs/en\\_GB/roadmap/](http://www.helcom.fi/BSAP/ActionPlan/otherDocs/en_GB/roadmap/) for the HELCOM Road Map

#### **4.0 Further information**

Further information can be obtained from the following:

[add and delete as appropriate]

## Appendix 1

### General Guidance on the Voluntary Interim application of the D1 Ballast Water Exchange Standard in the North-East Atlantic and the Baltic Sea.

1. In anticipation of the coming into force of the International Maritime Organization's International Convention for the Control and Management of Ship's Ballast Water and Sediments (the Ballast Water Management Convention), vessels entering the marine areas of:
  - the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); and,
  - the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)

would be expected to apply on a voluntary basis, as from 1<sup>st</sup> April 2008, the following guidelines to reduce the risk of non-indigenous species invasion through ballast water. The guidelines are addressed to those vessels covered by Article 3 of the Ballast Water Management Convention, taking into account the exceptions in Regulation A-3 of that Convention. These Guidelines do not replace the requirements of the Ballast Water Management Convention, but provide the first part of interim Ballast Water Regional Management Strategies for the North-East Atlantic and the Baltic Sea under Article 13 (3). These Guidelines will no longer apply when a ship is in a position to apply the D-2 Standard of this Convention, or the Ballast Water Management Convention comes into force and a ship has to apply the D-2 Standard.

2. If the safety of the vessel is in any way jeopardised by a ballast water exchange, it should not take place. Additionally these guidelines do not apply to the uptake or discharge of ballast water and sediments for ensuring the safety of the vessel in emergency situations or saving life at sea in the waters of the North East Atlantic and the Baltic Sea.
3. Such Waters are defined as
  - the internal waters and the territorial seas of Contracting Parties to the OSPAR and Helsinki Conventions who are also Member States of the IMO\*, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within the following limits:
    - those parts of the Atlantic and Arctic Oceans and their dependent seas, including the Baltic Sea, which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;
    - that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.
4. Each vessel entering these waters should have a Ballast Water Management Plan which complies with the Guidelines for ballast water management and development of ballast water management plans (G4) (IMO resolution MEPC.127(53)).
5. Each vessel entering these waters should keep a record of all ballast water operations.

6. Vessels entering these waters should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep. This includes vessels transiting the Atlantic, or entering the areas of the OSPAR and Helsinki Conventions from routes passing the West African Coast. It does not apply to vessels entering the area from the Mediterranean Sea. A map identifying these areas can be found in Figure 1.
7. If this has not been undertaken, vessels will be expected to exchange (to the D-1 Standard) in waters at least 200 nautical miles from the nearest land in water at least 200 metres deep within the North-East Atlantic. (If this is not possible for operational reasons then such exchange should be undertaken as far from the nearest land as possible, and in all cases in waters at least 50 nautical miles from the nearest land in waters of at least 200 metres depth). It should be noted that nowhere in the Baltic Sea fulfils these criteria. A map identifying these areas can be found in Figure 1.
8. The release of sediments during the cleaning of ballast tanks should not take place within 200nm of the coastline of the North-East Atlantic or within the Baltic Sea.
  - The Contracting Parties of OSPAR and/or the Helsinki Convention, who are also Member States of the IMO, are as follows: Belgium, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Iceland, Ireland, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. These Guidelines are also supported by the European Commission.

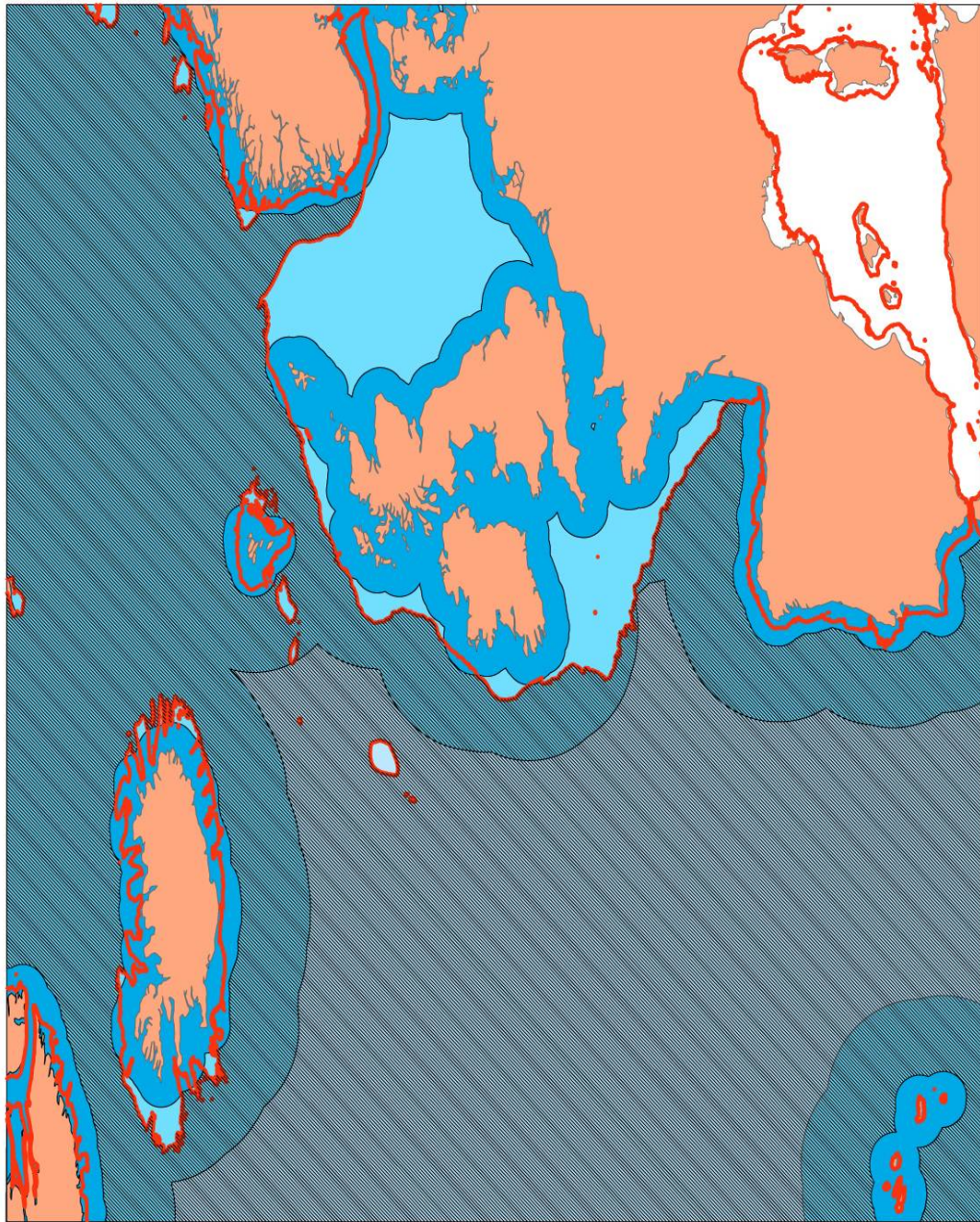
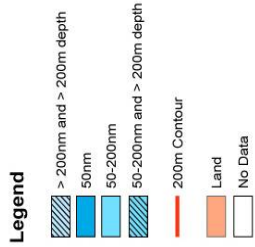


Figure 1: Map of North West Europe showing the 200nm and 50nm contours and the 200m depth contour.

## Appendix 2

### General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by vessels leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations

1. In anticipation of the coming into force of the International Maritime Organization's International Convention for the Control and Management of Ship's Ballast Water and Sediments (the Ballast Water Management Convention), vessels leaving the marine areas of:

- the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)

and transiting through the area of:

- the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)

would be expected to apply on a voluntary basis, as from 1 January 2010, the following guidelines to reduce the risk of non-indigenous species invasion through ballast water. The guidelines are addressed to the vessels covered by Article 3 of the Ballast Water Management Convention, taking into account the exceptions in Regulation A-3 of that Convention. This Guidance does not replace the requirements of the Ballast Water Management Convention, but provides a further part of interim Ballast Water Regional Management Strategies for the Baltic Sea and the North-East Atlantic under Article 13 (3). The Guidance will no longer apply when a ship is in a position to apply the D-2 Standard of this Convention, or the Ballast Water Management Convention comes into force and a ship has to apply the D-2 Standard.

2. If the safety of the vessel is in any way jeopardised by a ballast water exchange, it should not take place. Additionally these guidelines do not apply to the uptake or discharge of ballast water and sediments for ensuring the safety of the vessel in emergency situations or saving life at sea in the waters of the Baltic Sea and the North East Atlantic.

3. Such Waters are defined as

- the internal waters and the territorial seas of Contracting Parties to the Helsinki and OSPAR Conventions who are also Member States of the IMO\*, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil, situated within the following limits:

those parts of the Atlantic and Arctic Oceans and their dependent seas, including the Baltic Sea, which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;

- that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

4. Each vessel in these waters leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations should have a Ballast Water Management Plan which complies with the Guidelines for ballast water management and development of ballast water management plans (G4) (IMO resolution MEPC.127(53)).
5. Each vessel in these waters leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations should keep a record of all ballast water operations.
6. Vessels in these waters leaving the Baltic Sea and transiting through the North-East Atlantic to other destinations should exchange all their ballast tanks to the standards set out by the D-1 Standard of the Ballast Water Management Convention, at least 200 nautical miles from the nearest land in water at least 200 metres deep outside the North-East Atlantic. A map identifying these areas can be found in Figure 1.
7. If this is not to be undertaken, vessels will be expected to exchange (to the D-1 Standard) in waters at least 200 nautical miles from the nearest land in water at least 200 metres deep within the North-East Atlantic. (If this is not possible for operational reasons then such exchange should be undertaken as far from the nearest land as possible, and in all cases in waters at least 50 nautical miles from the nearest land in waters of at least 200 metres depth). A map identifying these areas can be found in Figure 1. It should be noted that nowhere in the Baltic Sea fulfils these criteria (Figure 2).
8. The release of sediments during the cleaning of ballast tanks should not take place within 200nm of the coastline of the North-East Atlantic or within the Baltic Sea.

\* The Contracting Parties of OSPAR and/or the Helsinki Convention, who are also Member States of the IMO, are as follows: Belgium, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Iceland, Ireland, The Netherlands, Norway, Poland, Portugal, The Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. These Guidelines are also supported by the European Commission.



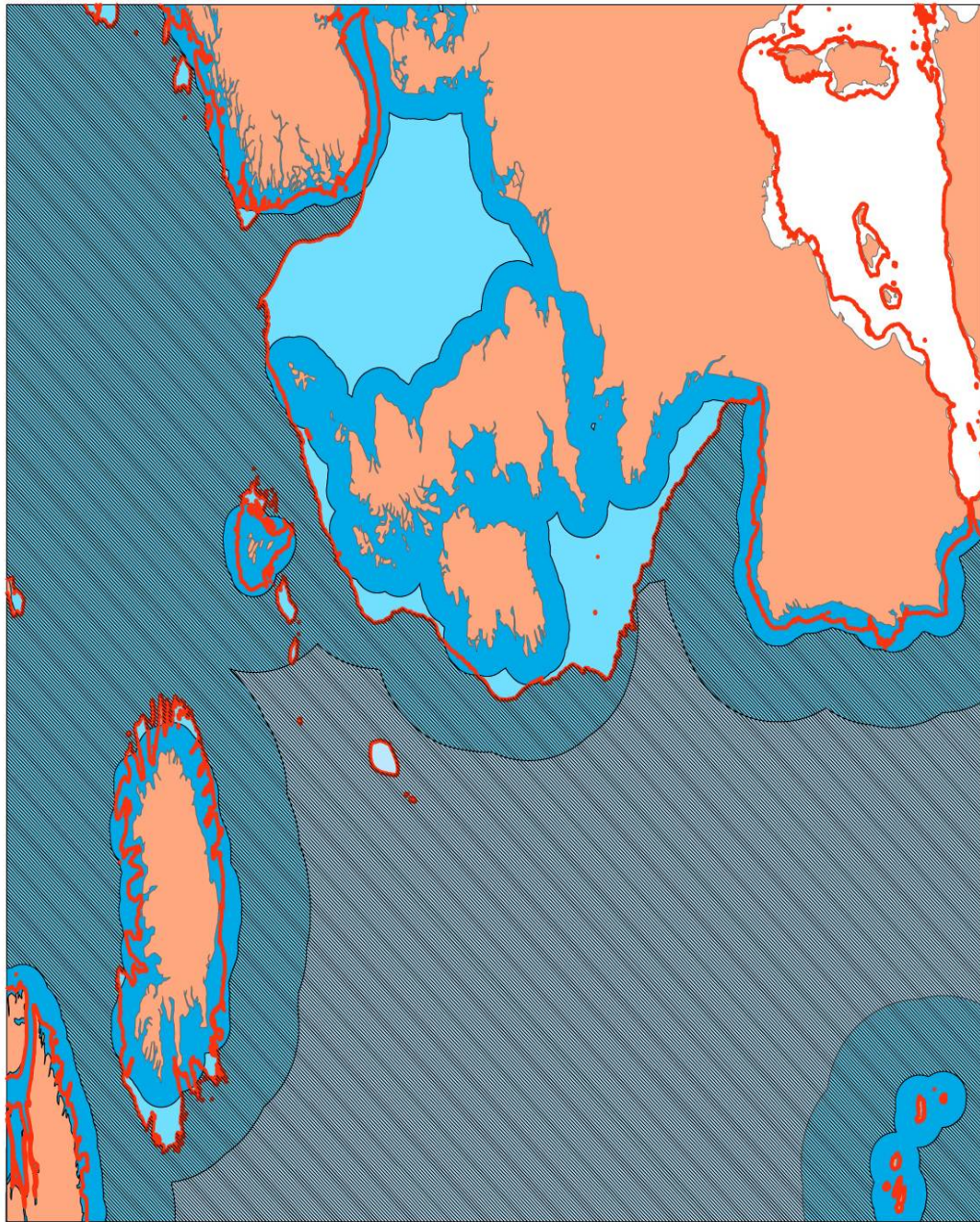
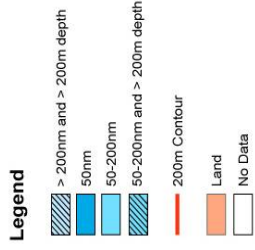


Figure 1: Map of North West Europe showing the 200nm and 50nm contours and the 200m depth contour.

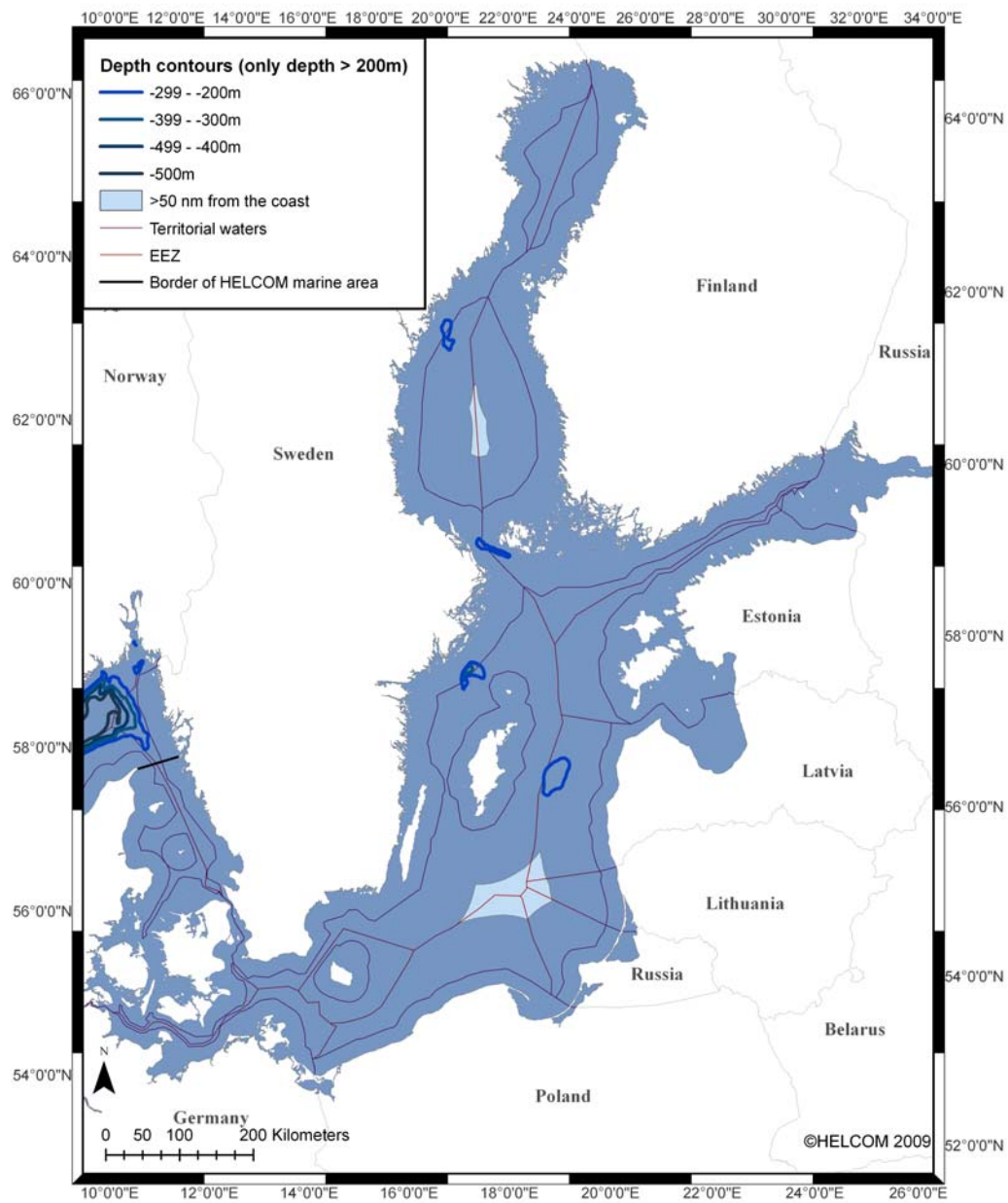


Figure 2: Map of the Baltic Sea showing areas of more than 50nm from the nearest land and areas of 200m deep.