



(OSPAR 10/23/1, Annex 10)

OSPAR Recommendation 2010/4 on a Harmonised Pre-screening Scheme for Offshore Chemicals¹

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 to Annex III of 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 competent authorities of the Contracting Parties and that the competent authorities shall provide for a system of monitoring and inspection;

RECALLING Appendix 1 to OSPAR Decision 2000/2 on a Harmonised Mandatory Control System for the Use and Discharge of Offshore Chemicals which stipulates that all offshore chemicals shall be subject to pre-screening, to enable authorities to assess whether the offshore chemical concerned should be subject to permission, substitution, temporary permission, or refusal of permission, and the experience gained in its application;

NOTING OSPAR Recommendation 2005/2 on Environmental Goals for the Discharge by the Offshore Industry of Chemicals that Are, or Contain Added Substances, Listed in the OSPAR List of Chemicals for Priority Action and OSPAR Recommendation 2006/3 on Environmental Goals for the Discharge by the Offshore Industry of Chemicals that Are, or Which Contain Substances Identified as Candidates for Substitution;

RECALLING the Hazardous Substances Strategy and the OSPAR Commission's strategic objective with regard to hazardous substances to prevent pollution of the OSPAR maritime area by continuously reducing discharges, emissions and losses of hazardous substances, with the ultimate aim to achieve concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances;

RECALLING the OSPAR Offshore Oil and Gas Industry Strategy and the OSPAR Commission's strategic objective with regard to offshore oil and gas activities to prevent and eliminate pollution and take the necessary measures to protect OSPAR maritime area against the adverse effects of offshore activities by setting environmental goals and improving management mechanisms, so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected;

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;

¹ This Recommendation replaces OSPAR Recommendation 2000/4 as amended by OSPAR Recommendation 2008/1.

and as a consequence **DESIRING** to update the Harmonised Pre-screening Procedure for Offshore Chemicals.

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 purpose of this Recommendation:

- a. "**authority**" means the competent national authority of a Contracting Party to the OSPAR Convention;
- b. "**BCF**" means the bioconcentration factor determined according to OECD 305 or ASTM E 1022 guidelines;
- c. "**CHARM**" means the Chemical Hazard Assessment and Risk Management model developed by authorities and offshore industry within the Convention area;
- d. "**discharge**" means the operational release of offshore chemicals or their degradation and transformation products into the maritime area;
- e. "**EC₅₀**" means the concentration of a test substance which results in a 50% response to the effect measured by the test (e.g. reduction in either growth or growth rate relative to the control) within a defined period of exposure;
- f. "**hazardous substances**" means (in accordance with the OSPAR Hazardous Substances Strategy) 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;

- g. "**HOCNF**" means the Harmonised Offshore Chemical Notification Format;
- h. "**LC₅₀**" means the median lethal concentration, i.e. that concentration of the test substance which kills 50% of a test batch of organisms within a defined period of exposure;
- i. "**offshore chemicals**" means all chemicals intentionally used in connection with offshore exploration and production activities in the maritime area. Offshore chemicals comprise both substances and preparations;
- j. "**OSPAR Decision 2000/2**" means OSPAR Decision 2000/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals;
- k. "**OSPAR LCPA**" means the OSPAR List of Chemicals for Priority Action;

- l. **“OSPAR LSPC”** means the OSPAR List of Substances of Possible Concern;
- m. **“OSPAR Recommendation 2000/4”** means OSPAR Recommendation 2000/4 on a Harmonised Pre-Screening Scheme for Offshore Chemicals, as amended by OSPAR Recommendation 2008/1;
- n. **“PLONOR”** means the OSPAR List of Substances/Preparations Used and Discharged Offshore, which are considered to pose Little or No Risk to the Environment;
- o. **“P_{ow}”** is equivalent to K_{ow} and means the partition coefficient of a substance between N-octanol and water, measured or calculated according to the HOCNF Guidelines;
- p. **“preparation”** means a mixture or solution composed of two or more substances;
- q. **“Pre-screening”** is the first part of the overall regulatory process which requires information on bioaccumulation potential, biodegradation, and acute toxicity of substances and preparations and may use expert judgement;
- r. **“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 (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/104/EC and 2000/21/EC (Official Journal of the European Union 30.12.2006 L396/1);
- s. **“substance”** means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability 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;
- t. **“surfactant”** means any substance, which has surface-active properties according to test method A.5 in Regulation EC 440/2008 laying down test methods pursuant to REACH, and which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that is capable of reducing the surface tension of water, and of forming spreading or adsorption monolayers at the water-air interface, and of forming emulsions and/or microemulsions and/or micelles, and of adsorption at water-solid interfaces.
- u. **“use”** means application of any offshore chemical in connection with offshore exploration and production activities in the maritime area that might result in a discharge.

2. Purpose and Scope

2.1 The purpose of pre-screening is to allow authorities to identify substances intended to be used or already used as, or in, offshore chemicals with the aim of:

- a. substituting, and ultimately phasing out, those substances which are hazardous;
- b. regulating and controlling the other substances, where necessary.

2.2 The pre-screening scheme set out in this Recommendation should guide Contracting Parties when implementing a harmonised mandatory control system for the introduction, use and discharge of offshore chemicals as required in the programmes and measures set out in OSPAR Decision 2000/2.

2.3 This Recommendation applies to offshore chemicals intended to be used or already used and/or discharged as a result of offshore activities.

3. Programmes and measures

3.1 When regulating the use and discharge of offshore chemicals, Contracting Parties should apply and follow the harmonised pre-screening scheme at Appendix 1. Relevant Contracting Parties should comply with REACH for the purpose of this Recommendation.

3.2 An offshore chemical should be substituted if:

- a. it is on the OSPAR LCPC; or
- b. it is on the OSPAR LSPC; or
- c. it is on Annex XIV or XVII to REACH; or
- d. it is considered by the authority, to which the application has been made, to be of equivalent concern for the marine environment as the substances covered by the previous sub-paragraphs; or
- e. it is inorganic and has a LC₅₀ or EC₅₀ less than 1 mg/l; or
- f. it has an ultimate biodegradation (mineralization) of
 - less than 20% in OECD 306, Marine BODIS or any other accepted marine protocols; or
 - less than 20% in 28 days in freshwater (OECD 301 and 310); or
- g. half-life values derived from simulation tests submitted under REACH (EC 1907/2006) are greater than 60 and 180 days in marine water and sediment respectively (e.g. OECD 308, 309 conducted with marine water and sediment as appropriate); or
- h. it meets two of the following three criteria:
 - (i) biodegradation: less than 60% in 28 days (OECD 306 or any other OSPAR-accepted marine protocol); or in the absence of valid results for such tests:
less than 60% (OECD 301B, 301C, 301D, 301F, Freshwater BODIS); or
less than 70% (OECD 301A, 301E);
 - (ii) bioaccumulation: BCF > 100 or log P_{ow} ≥ 3 and molecular weight <700; or if the conclusion of a weight of evidence judgement under Appendix 3 of OSPAR Agreement 2008-5 is negative; or
 - (iii) toxicity: LC₅₀ < 10mg/l or EC₅₀ < 10mg/l; if toxicity values <10 mg/l are derived from limit tests to fish, actual fish LC₅₀ data should be submitted;

and a less hazardous (or preferably non-hazardous) substitute is available.²

4. Entry into Force

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

² Details about the relevant methods for testing are given in the OSPAR Guidelines for Completing the Harmonised Offshore Chemical Notification Format (HOCNF).

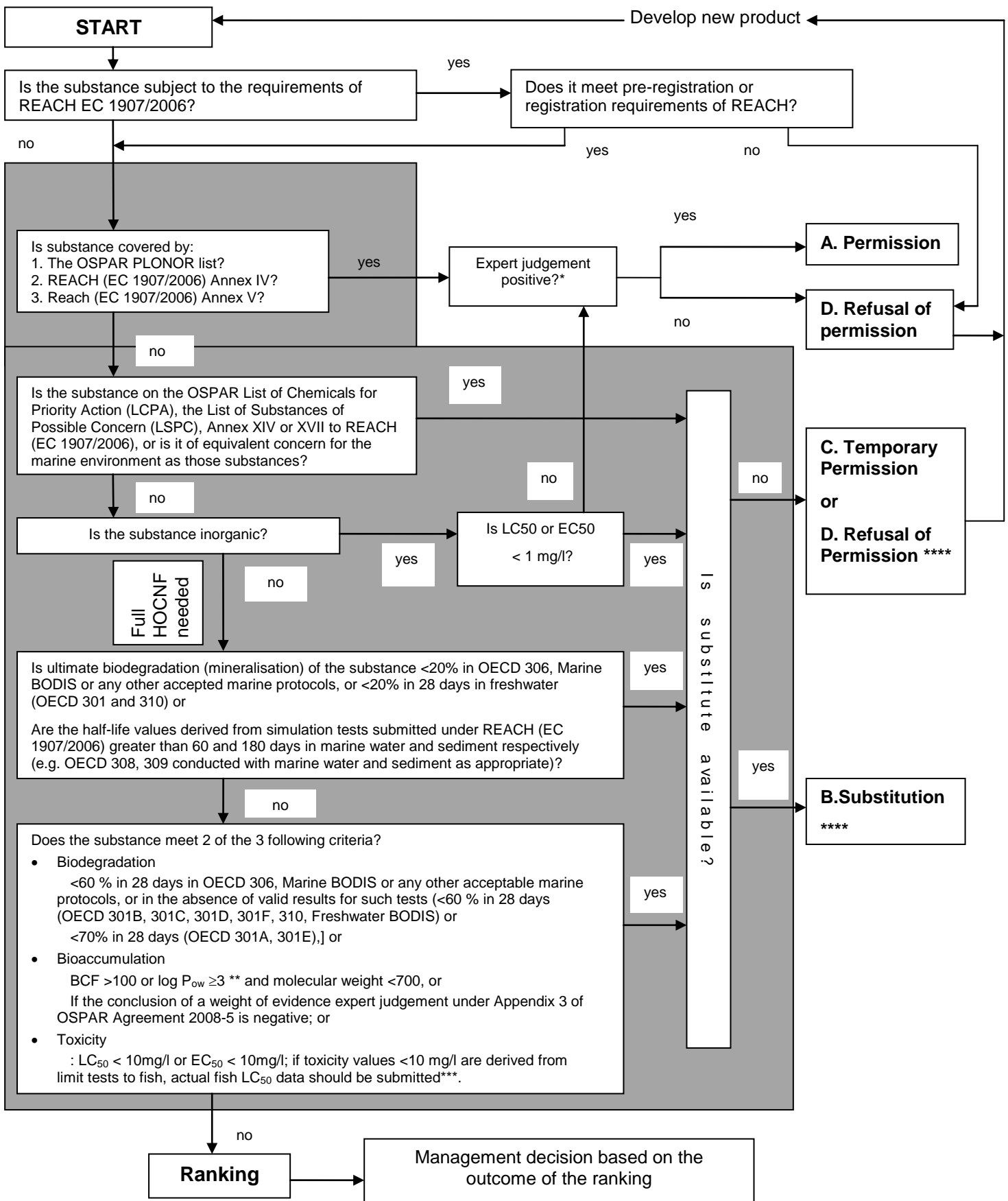
4.2 Upon taking effect this Recommendation supersedes OSPAR Recommendation 2000/4.

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 Appendix 2 should be used.

The Harmonised Pre-Screening Scheme (shaded) as Part of the Whole Harmonised Mandatory Control System for Offshore Substances set out in the applicable OSPAR Decision



The Harmonised Pre-Screening Scheme (shaded) as Part of the Whole Harmonised Mandatory Control System for Offshore Substances set out in the applicable OSPAR Decision**Explanatory notes:**

- * In accordance with the precautionary principle, expert judgement on a PLONOR/Annex IV/Annex V substance should take into account sensitive areas, where the discharge of certain amounts of the substance may have unacceptable effects on the receiving environment, or any relevant REACH restrictions
- ** The figure ≥ 3 means the result of an OECD 107 test or the highest reported log P_{ow} from the range of values in an OECD 117 test.
- *** For further guidance on fish toxicity testing, please refer to OSPAR Guidelines for Completing the HOCNF
- **** CHARM may be used as a decision supporting tool + expert judgement

Implementation Report Format

The format below for the implementation report on implementation of OSPAR Recommendation 2010/4 on a Harmonised Pre-screening Scheme for Offshore Chemicals 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.

* Delete whichever is not appropriate