

HELCOM RECOMMENDATION 19/15

Adopted 24 March 1998 having regard to
Article 13, Paragraph b) of the Helsinki Convention

MINIMUM REQUIREMENTS FOR VESSELS BOUND FOR OR LEAVING PORTS OF THE BALTIC SEA STATES AND CARRYING DANGEROUS OR POLLUTING GOODS

THE COMMISSION,

RECALLING Article 3, Paragraph 1 of the 1974 Helsinki Convention and Article 3, Paragraph 1 of the 1992 Helsinki Convention stipulating that the Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures in order to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea Area,

RECALLING ALSO Article 7, Paragraph 1 of the 1974 Helsinki Convention concerning protection of the Baltic Sea Area from pollution, *inter alia*, by deliberate, negligent or accidental release of oil or harmful substances other than oil from ships by development of measures set out in Annex IV of that Convention and Annexes I, II and III of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78),

RECALLING FURTHER that according to IMO Resolution A.648(16) the Member Governments are urged to ensure that ship reporting systems and reporting requirements comply as closely as possible with the general principles specified in its Annexes,

APPRECIATING that the European Council adopted the Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods, and that it is implemented by the Member States of the European Union,

NOTING HELCOM Recommendation 19/18 concerning reporting on incidents involving harmful substances and emergency dumping,

EXPRESSING its concern about the hazards to people and to the environment related to marine transportation of dangerous or polluting goods in case of an accident,

STRESSING that it is necessary to take all appropriate measures in order to avoid conditions likely to cause accidents of this type and to reduce the resulting damage when such accidents occur,

RECOGNIZING that the volume of dangerous or polluting goods carried by sea in the Baltic Sea Area has been growing unabated, increasing the risk of serious accidents and thereby causing a possibility of damage to the marine environment,

RECOGNIZING ALSO that better information could contribute to prevention and minimization of accidents,

EMPHASIZING that such information will also enable the relevant authorities to take the necessary precautions with regard to vessels carrying dangerous or polluting goods bound for or leaving ports of the Baltic Sea States,

RECOMMENDS that the Governments of the Contracting Parties shall ensure that their national legislation complies with this Recommendation and the attached Guidelines not later than by 1 January 2001,

REQUESTS that the Governments of the Contracting Parties shall take all necessary and appropriate measures to ensure that the masters or operators of vessels bound for or leaving a port of a Baltic Sea State and carrying dangerous or polluting goods in bulk or in packaged form, as well as shippers of such goods observe by 1 January 2001 the minimum requirements addressed to them in the Guidelines attached to this Recommendation,

REQUESTS ALSO the Governments of the Contracting Parties to use the reports referred to in the Guidelines in the event of any accident which may cause damage to the marine environment of the Baltic Sea Area,

REQUESTS FURTHER that the Governments of the Contracting Parties shall report on the implementation of this Recommendation to the Helsinki Commission in accordance with Article 16, Paragraph 1 of the 1992 Helsinki Convention,

REQUESTS FURTHERMORE the Governments of the Contracting Parties to approach the Marine Environment Protection Committee (MEPC) of IMO to issue a relevant Circular concerning this Recommendation in due time before 1 January 2001,

AUTHORIZES the Maritime Committee to update the Attachment to this Recommendation in accordance with amendments of relevant EU Directives.

***Guidelines for minimum requirements for vessels bound for or leaving ports of
the Baltic Sea States and carrying dangerous or polluting goods***

1 General

1.1 These Guidelines shall apply to all ships bound for or leaving ports of the Baltic Sea States and carrying dangerous or polluting goods with the exception of warships and other official ships used for non-commercial purposes.

1.2 These Guidelines shall not apply to bunkers, stores and equipment for use on board ships.

2 Definitions

For the purpose of this Recommendation:

- (a) 'operators' includes the owners, charterers, managers or agents of the vessel,
- (b) 'vessel' means any cargo vessel, oil, chemical or gas tanker or passenger vessel bound for or leaving a port of a Baltic Sea State and carrying dangerous or polluting goods in bulk or in packaged form,
- (c) 'dangerous goods' means goods classified in the IMDG Code, in Chapter 17 of the IBC Code and in Chapter 19 of the IGC Code,
- (d) 'polluting goods' means oils as defined in Annex I of MARPOL 73/78, noxious liquid substances as defined in Annex II of MARPOL 73/78, and harmful substances as defined in Annex III of MARPOL 73/78,
- (e) 'MARPOL 73/78' means the International Convention for the Prevention of Pollution from Ships, 1973 and its 1978 Protocol,
- (f) 'IMDG Code' means the International Maritime Dangerous Goods Code,
- (g) 'IBC Code' means the IMO International Code for Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,
- (h) 'IGC Code' means the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk,
- (i) 'IMO Resolution A.648(16)' means the International Maritime Organization Resolution 648(16) adopted by the Assembly at its sixteenth session on 19 October 1989 and entitled "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants",
- (j) 'competent authorities' are the authorities and organizations designated by the Governments of the Contracting Parties in accordance with section 3,
- (k) 'shipper' means any person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier.

3 Competent Authorities

3.1 The Governments of the Contracting Parties shall designate, and inform the Helsinki Commission of, the competent authorities to which the information and notifications provided for in this Recommendation shall be addressed.

3.2 The Helsinki Commission shall publish the list of the competent authorities and their communication links designated by the Governments of the Contracting Parties.

4 Shipper's duties

4.1 No dangerous or polluting goods shall be offered for carriage or taken on board any vessel unless a declaration has been delivered to the master or operator containing the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes, the quantities of such goods and, if in portable tanks or freight containers, their identification marks.

4.2 It shall be the duty of the shipper to deliver to the master or operator the declaration required by this Recommendation and to ensure that the shipment offered for carriage is indeed the one declared in compliance with paragraph 4.1.

5 Notification of dangerous or polluting goods

5.1 The operator of a vessel leaving a port in a Baltic Sea State shall notify before departure of the vessel all information listed in Annex I to the competent authority of that Baltic Sea State.

5.2 The operator of a vessel bound for a port located in a Baltic Sea State or an anchorage located in the territorial waters of a Baltic Sea State shall, as a condition for the entry into that port or anchorage, notify on departure from the loading port, all information listed in Annex I to the competent authority of the Baltic Sea State in which the port of destination or anchorage is located.

5.3 The Baltic Sea States may exempt regular scheduled services of less than one hour's crossing time from the application of paragraphs 5.1 and 5.2. The Helsinki Commission may, on request from a Contracting Party, agree to a reasonable extension of this period. In this case, the information in Annex I must at all times be made available by the operator upon request by the authorities of the Baltic Sea States of departure and destination.

6 Use of local vessel traffic service and pilots

6.1 Vessels entering or leaving a port located in a Baltic Sea State shall in accordance with the national regulations of that State:

(a) make use of the service provided by the local vessel traffic service (VTS), where they exist, and

(b) make use of pilots.

7 Notification in case of an incident

7.1 Each Baltic Sea State shall require that, in the case of an incident or circumstance at sea which poses a threat to its coastline or related interests, the master of the vessel concerned shall at least provide immediate information to the competent authority of the Baltic Sea State concerned as to the particulars of the incident and the information in Annex I.

7.2 The competent authority may consider that the obligation to report the information in Annex I is satisfied if the vessel indicates which competent authority within the Baltic Sea States is holding the information required in section 5.

7.3 The notification provided for in paragraph 7.1 shall be effected in accordance with IMO Resolution A.648(16) and shall be made at least in all circumstances set out in that Resolution.

8 Measures available to the Baltic Sea States under international law

8.1 Where, following upon an incident or circumstance of the type described under section 7 in regard to a vessel falling within the scope of this Recommendation, the competent authority of a Baltic Sea State concerned considers, in the framework of international law¹⁾, that it is necessary to prevent, mitigate or eliminate a serious and imminent danger to its coastline or related interests, the safety of other ships, the safety of crews, passengers or people ashore or to protect the marine environment such authority may, in particular:

- (a) restrict the movement of the vessel or direct it to follow a certain course. This requirement shall not override the master's responsibility for the safe conduct of his vessel,
- (b) request the master to provide the relevant information from the check list in Annex II of these Guidelines and confirm that a copy of the list or manifest or appropriate loading plan referred to under paragraph 9 of Annex I is available on board.

9 Existing requirements imposed as a result of international conventions or national port notification arrangements

9.1 Sections 6 and 7 shall be without prejudice to existing requirements imposed as a result of international conventions or national port notification arrangements.

10 Check list for vessels

10.1 The master of the vessel shall complete truly and accurately a check list as reproduced in Annex II to these Guidelines and make it available to the pilot for his information and to the competent authority, if it so requests.

1) - United Nations Convention on the Law of the Sea (UNCLOS)(1983, Article 221),
- International Convention relating to intervention on the high seas in cases of oil pollution casualties, 1969, Articles I, II, III and V,
- Protocol relating to intervention on the high seas in cases of pollution by substances other than oil, 1973, Articles I and II.

10.2 Pilots engaged in berthing, unberthing or manoeuvring vessels shall immediately inform the competent authority whenever they learn that there are deficiencies which may prejudice the safe navigation of the vessel.

11 Duties of the competent authorities

11.1 The competent authority concerned shall, as necessary, broadcast within the relevant areas any incident notified under paragraph 7.1 and information with regard to any vessel which poses a threat to other shipping.

11.2 The competent authority holding the information as notified in accordance with section 5 and paragraph 7.1 of these Guidelines shall make adequate arrangements to provide such information at any time upon request for safety reasons by the competent authority of another Baltic Sea State.

11.3 Any Baltic Sea State the competent authorities of which have been informed, in accordance with these Guidelines or in some other way, of facts which involve or increase the risk for another Baltic Sea State of a hazard being posed to certain maritime and coastal zones, shall take whatever measures are appropriate to inform the Baltic Sea States concerned thereof as soon as possible.

11.4 Each Baltic Sea State shall make the necessary arrangements to use fully the reports which the vessels are obliged to transmit to them in the event of an incident which may cause very serious damage.

INFORMATION ON VESSEL CARRYING DANGEROUS OR POLLUTING GOODS

1. Name of vessel _____ Call sign _____

2. Nationality _____

3. Length _____ Draught _____

4. Port of destination _____

5. Estimated time of arrival

at the pilot station _____

or at the port of destination _____

as required by competent authority

6. Estimated time of departure _____

7. Intended route _____

8. Dangerous or polluting goods

a) Information of where the manifest or appropriate loading plan can be found elsewhere than on board the vessel:

b) Packaged dangerous or polluting goods in accordance with Appendix 1.

c) Dangerous or polluting goods in bulk in accordance with Appendix 2.

9. Confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the vessel is on board.

Yes

No

Date _____

Signature _____

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