

HELCOM RECOMMENDATION 21/2 *)

Adopted 20 March 2000
having regard to Article 20 (1), c)
of the 1992 Helsinki Convention

AMENDMENTS TO ANNEX IV “PREVENTION OF POLLUTION FROM SHIPS” OF THE 1992 HELSINKI CONVENTION

THE COMMISSION,

NOTING with satisfaction that the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, entered into force on 17 January 2000,

RECALLING Article 36 (5) of the 1992 Helsinki Convention according to which amendments to the Annexes of the 1974 Helsinki Convention adopted by the Contracting Parties between the signing of the 1992 Helsinki Convention and its entry into force, shall continue to apply until the corresponding annexes of the 1992 Helsinki Convention have been amended accordingly,

RECALLING ALSO that Annex IV of the 1974 Helsinki Convention was amended by HELCOM Recommendations 14/8 and 19/7 and that the Contracting Parties, when adopting HELCOM Recommendation 19/7, resolved to amend accordingly Annex IV of the 1992 Helsinki Convention if that Convention entered into force prior to the accepted amendments,

RECALLING FURTHER that in accordance with Article 24 (2) of the 1974 Helsinki Convention the entry into force of the amendments to Annex IV made in HELCOM Recommendation 19/7 was prolonged for an additional period of six months, and that the date of entry accordingly was postponed from 1 January to 1 July 2000,

TAKING INTO CONSIDERATION the amendment procedure for the Annexes of the 1992 Helsinki Convention, as contained in Article 32 of that Convention,

RESOLVES:

- a) to amend Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, in accordance with Attachment 1 (corresponding to the attachments to HELCOM Recommendations 14/8 and 19/7) and Attachment 2 (a rectification to Regulation 4) to this Recommendation;

*) Upon its entry into force on 31 December 2000, this Recommendation supersedes HELCOM Recommendations 14/8 and 19/7.

- b) to ask the Depositary Government to Communicate these amendments to the Contracting Parties with the Commission's Recommendation for acceptance; and
- c) to determine that accepted amendments shall enter into force on 31 December 2000,

RECOMMENDS to the Governments of those Contracting Parties which have established an exclusive economic zone to apply Regulation 8 of Annex IV also within this zone in accordance with international law,

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

The following text is added to Annex IV of the Helsinki Convention:

A new Regulation 6 in Annex IV of the Helsinki Convention is inserted:

“ Regulation 6; Discharge of sewage by other ships

A. Compliance

All other ships including pleasure craft not referred to in paragraph B of Regulation 5 fitted with toilets shall comply with the provisions of paragraphs A, C and D of Regulation 5 as follows:

- a) on 1 January 2005 for ships built before 1 January 2000, and
- b) upon the entry into force of this Regulation for ships built on or after 1 January 2000.

B. Toilet retention systems

Ships referred to in paragraph A shall be fitted with toilet retention systems for sewage in accordance with guidelines approved by the Helsinki Commission.

C. Reception facilities

- 1. Paragraph E 1 of Regulation 5 shall apply, as appropriate, to ships referred to in Paragraph A.
- 2. To enable pipes of reception facilities to be connected with the discharge pipeline of ships referred to in Paragraph A, both lines shall be fitted with a standard discharge connection in accordance with guidelines approved by the Helsinki Commission. “

A new Regulation 7 in Annex IV of the Helsinki Convention is inserted:

“ Regulation 7; Mandatory discharge of all wastes to a port reception facility

A. Definitions

For the purpose of this Regulation:

- 1. “Ship-generated wastes” means all residues generated during the service of the ship, including oily residues from engine room spaces, sewage, and garbage as defined in Annex V of MARPOL 73/78, cargo associated waste including but not limited to loading/unloading excess and spillage, dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping;
- 2. “Cargo residues” means the remnants of any cargo material on board in cargo holds which remain for disposal after unloading procedures are completed.

B. Discharge of wastes to a port reception facility

Before leaving port ships shall discharge all ship-generated wastes, which are not allowed to be discharged into the sea in the Baltic Sea Area in accordance with MARPOL 73/78 and this Convention, to a port reception facility. Before leaving port all cargo residues shall be discharged to a port reception facility in accordance with the requirements of MARPOL 73/78.

C. Exemptions

1. Exemptions may be granted by the Administration from mandatory discharge of all wastes to a port reception facility taking into account the need for special arrangements for, e.g., passenger ferries engaged in short voyages. The Administration shall inform the Helsinki Commission on the issued exemptions.
2. In case of inadequate reception facilities ships shall have the right to properly stow and keep wastes on board for delivery to next adequate port reception facility. The Port Authority or the Operator shall provide a ship with a document informing on inadequacy of reception facilities.
3. A ship should be allowed to keep on board minor amounts of wastes which are unreasonable to discharge to port reception facilities. "

A new Regulation 8 in Annex IV of the Helsinki Convention is inserted:

" Regulation 8; Incineration of ship-generated wastes on board ships

A. Definition

For the purpose of this Regulation "incineration of ship-generated wastes on board ships" means the deliberate combustion of ship-generated wastes, incidental to the normal operation of ships, for the purpose of thermal destruction of such wastes.

B. Prohibition

The Contracting Parties shall prohibit any incineration of ship-generated wastes on board ships, irrespective of their nationality, operating in their territorial seas. "

The following text replaces the current text of Regulation 4 of the Helsinki Convention:

“ Regulation 4; Application of the Annexes of MARPOL 73/78

Subject to Regulation 5 the Contracting Parties shall apply the provisions of Annexes I-V of MARPOL 73/78. “