

HELSINKI COMMISSION

Baltic Marine Environment
Protection Commission



HELCOM Recommendation 24/8

Adopted 25 June 2003
having regard to Article 20, Paragraph 1 c)
of the Helsinki Convention

AMENDMENTS TO ANNEX IV "PREVENTION OF POLLUTION FROM SHIPS" TO THE HELSINKI CONVENTION, CONCERNING DISCHARGE OF SEWAGE

THE COMMISSION,

CONSCIOUS of the sensitivity of the marine environment of the Baltic Sea area and of the importance it represents to the people living around it, for economic, social, recreational and cultural reasons,

AWARE of the need to protect this shared resource for the benefit of present and future generations through the implementation of an integrated approach as envisaged in the concept of sustainability,

RECOGNIZING the sensitivity of this marine area to the introduction of nutrients and therefore the need for regulations for the discharge of sewage from all ships,

TAKING INTO ACCOUNT that Annex IV "Regulations for the Prevention of Pollution by Sewage from Ships" of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), will enter into force on 27 September 2003,

TAKING INTO ACCOUNT ALSO Resolution MEPC.88(44) according to which "the Parties to Annex IV of MARPOL 73/78 should implement the revised Annex IV of MARPOL 73/78 immediately after entry into force of the existing Annex IV of MARPOL 73/78, with the view to avoiding the creation of a dual treaty regime between the existing and the revised Annex IV of MARPOL 73/78",

WANTING to apply the revised Annex IV of MARPOL 73/78 with the strictest possible discharge regulations and thereby also confirming the need to make available reception facilities for the delivery of sewage in ports,

ACKNOWLEDGING the impacts of discharges from pleasure craft and other ships, not covered by the revised Annex IV of MARPOL 73/78, especially in archipelago areas,

BEING AWARE of the difficulties for existing pleasure craft and other non-MARPOL ships to apply with the technical requirements to fulfil the sewage discharge regulations,

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

RESOLVES:

- a) to amend the present Regulations 4 and 5, and as a consequence hereof to renumber the remaining Regulations, in Annex IV "Prevention of Pollution from Ships" to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, appearing in the **Attachment** to this Recommendation;
- b) to ask the Depositary Government to communicate these amendments to the Contracting Parties with the Commission's recommendation for acceptance;

- c) to determine that the amendments shall be deemed to have been accepted unless prior to 1 September 2003 any of the Contracting Parties has objected to the amendments; and
- d) to determine that accepted amendments shall enter into force on 1 January 2004,

RECOMMENDS to the Governments of the Contracting Parties to apply the regulations in the revised Annex IV of MARPOL 73/78 as from 1 January 2004 also to existing ships of 400 gross tonnage and above as well as existing ships of less than 400 gross tonnage and certified to carry more than 15 persons, 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 Helsinki Convention.

The following text replaces the current text of Paragraph 1) and adds a new Paragraph 3) of Regulation 4 in Annex IV ■Prevention of Pollution from Ships• to the Helsinki Convention:

Regulation 4: Application of the Annexes of MARPOL 73/78

1. The Contracting Parties shall apply the provisions of Annexes I-V of MARPOL 73/78
2. At the entry into force of the revised Regulation 13G of Annex I to MARPOL 73/78 the Contracting Parties:
 - a) shall amend the conditions under which ships are permitted to fly their flags so as not to allow the operation of ships which may not comply with the requirements of Regulation 13F in accordance with Regulation 13G(4);
 - b) shall refrain from making use of the provisions of either paragraph (5)(a) or paragraph (5)(b) of Regulation 13G and thus will not allow ships entitled to fly their flag to which paragraph (5)(a) and (5)(b) may be applied to continue operating beyond the date specified in Regulation 13G(4); and
 - c) shall make use, as from 1 January 2015, of the provisions of paragraph 8(b) of Regulation 13G for the purpose of denying entry into their ports or offshore terminals of ships which have been permitted, on the basis of the provisions of paragraph (5)(a) or (5)(b) of Regulation 13G, to continue operating beyond the anniversary of the date of their delivery in 2015;
 - d) may under exceptional circumstances allow an individual ship not complying with Regulation 13F in accordance with Regulation 13G(4), to enter their ports or off-shore terminals, when:
 - an oil tanker is in difficulty and in search of a safe haven or of a place of refuge,
 - an unloaded oil tanker is proceeding to a port of repair.
3. As from 1 January 2004 the Contracting Parties shall:
 - a) Apply the provisions for discharge of sewage as stated in Regulation 11, Paragraphs 1 and 3 of the revised Annex IV of MARPOL 73/78; and
 - b) Ensure the provision of facilities at ports and terminals for the reception of sewage as stated in Regulation 12, Paragraph 1 of the revised Annex IV of MARPOL 73/78.”

As a consequence of the above change to Regulation 4, Regulation 5 in Annex IV “Prevention of Pollution from Ships” to the Helsinki Convention shall be deleted.

As a consequence of the deletion of Regulation 5 in Annex IV “Prevention of Pollution from Ships” to the Helsinki Convention the following remaining Regulations in Annex IV to the Helsinki Convention shall be renumbered.

The following text replaces the current text of the renumbered Regulation 5 (earlier Regulation 6) in Annex IV “Prevention of Pollution from Ships” to the Helsinki Convention:

Regulation 5; Discharge of sewage by other ships

A. Compliance

All other ships including pleasure craft not referred to in Regulation 2 of the revised Annex IV of MARPOL 73/78 fitted with toilets shall comply with Regulation 1, Paragraph 3 and 4, Regulation 11, Paragraphs 1 and 3 and Regulation 3 of the revised Annex IV of MARPOL 73/78 as follows, cf. paragraph D below:

- 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. Regulation 12, Paragraph 1 of the revised Annex IV of MARPOL 73/78 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.

D. Exceptions

- a) Provisions of paragraph A and B of this regulation may not apply to certain types of pleasure craft and other ships fitted with toilets not referred to in Regulation 2 of the revised Annex IV of MARPOL 73/78 if
 - i) according to guidelines approved by the Helsinki Commission the installation of toilet retention systems in these pleasure craft and other ships is technically difficult or the costs of installation is high compared to the value of the ship, and
 - ii) these pleasure craft and other ships are built before 1 January 2000.
- b) A Contracting Party making use of the exceptions stated above shall inform the Helsinki Commission of the concrete wording of the exception, who shall then inform the other Contracting Parties.
- c) This paragraph is only valid for waters under the jurisdiction of the said Contracting Party.