

HELCOM Recommendation 34E/3

***“Amendments to Annex VII 'Response to Pollution Accidents'
of the 1992 Helsinki Convention, concerning response
on the shore”***

This document is a part of the
2013 HELCOM Ministerial Declaration
and was adopted by the 2013 HELCOM Ministerial Meeting



HELCOM RECOMMENDATION 34E/3

Adopted 3 October 2013,
having regard to Article 20, Paragraph 1 c)
of the Helsinki Convention

AMENDMENTS TO ANNEX VII “RESPONSE TO POLLUTION INCIDENTS” OF THE 1992 HELSINKI CONVENTION, CONCERNING RESPONSE ON THE SHORE

THE COMMISSION,

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 VII “Response to pollution incidents” of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, in accordance with 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 December 2013 any of the Contracting Parties has objected to the amendments;
and
- d) to determine that the accepted amendments shall enter into force on 1 July 2014,

REQUESTS the Governments of the Contracting Parties to report on the progress of implementation of the amendments to Annex VII in accordance with the agreed deadlines and Article 16, Paragraph 1 of the 1992 Helsinki Convention.

ATTACHMENT

Revised Annex VII “Response to pollution incidents”**REGULATION 1: GENERAL PROVISIONS**

1. The Contracting Parties undertake to maintain the ability to respond to pollution incidents threatening the marine environment of the Baltic Sea Area. This ability shall include adequate equipment, ships and manpower prepared for operations at sea or on the shore.
2.
 - a) In addition to the incidents referred to in Article 13 the Contracting Party shall also notify without delay those pollution incidents occurring within its response region, which affect or are likely to affect the interests of other Contracting Parties.
 - b) In the event of a significant pollution incident other Contracting Parties and the Commission shall also be informed as soon as possible.
3. The Contracting Parties agree that subject to their capabilities and the availability of relevant resources, they shall co-operate in responding to pollution incidents when the severity of such incidents so justify.
4. In addition the Contracting Parties shall take other measures to:
 - a) conduct regular surveillance outside their coastlines; and
 - b) otherwise co-operate and exchange information with other Contracting Parties in order to improve the ability to respond to pollution incidents.

REGULATION 2: CONTINGENCY PLANNING

Each Contracting Party shall have a national contingency plan for response to pollution incidents at sea. Each Contracting Party shall also, as appropriate, have contingency plans for response on the shore. Such plans may be combined.

The Contracting Parties shall, as appropriate, have bilateral or multilateral plans for joint response to pollution incidents.

REGULATION 3: SURVEILLANCE

1. In order to prevent violations of the existing regulations on prevention of pollution from ships the Contracting Parties shall develop and apply individually or in co-operation, surveillance activities covering the Baltic Sea Area in order to spot and monitor oil and other substances released into the sea.
2. The Contracting Parties shall undertake appropriate measures to conduct the surveillance referred to in Paragraph 1 by using, inter alia, airborne surveillance equipped with remote sensing systems.

REGULATION 4: RESPONSE REGIONS

The Contracting Parties shall as soon as possible agree bilaterally or multilaterally on those regions of the Baltic Sea Area in which they shall conduct surveillance activities and take action to respond whenever a significant pollution incident has occurred or is likely to occur. Such agreements shall not prejudice any other agreements concluded between Contracting

Parties concerning the same subject. Neighboring States shall ensure the harmonization of different agreements. Contracting Parties shall inform other Contracting Parties and the Commission about such agreements.

REGULATION 5: REPORTING PROCEDURE

1.
 - a) Each Contracting Party shall require masters or other persons having charge of ships flying its flag to report without delay any event on their ship involving a discharge or probable discharge of oil or other harmful substances.
 - b) The report shall be made to the nearest coastal state and in accordance with the provisions of Article 8 and Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto (MARPOL 73/78).
 - c) The Contracting Parties shall request masters or other persons having charge of ships and pilots of aircraft to report without delay and in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.
2. The provisions of paragraph 1. b) shall also be applied with regard to dumping made under the provisions of Article 11, paragraph 4 of this Convention.

REGULATION 6: EMERGENCY MEASURES ON BOARD SHIPS

1. Each Contracting Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions of MARPOL 73/78.
2. Each Contracting Party shall request masters of ships flying its flag or, in case of fixed or floating platforms operating under its jurisdiction, the persons having charge of platforms to provide, in case of a pollution incident and on request by the proper authorities, such detailed information about the ship and its cargo or in case of platform its production which is relevant to actions for preventing or responding to pollution of the sea, and to co-operate with these authorities.

REGULATION 7: RESPONSE MEASURES

1. The Contracting Party shall, when a pollution incident occurs in its response region, make the necessary assessments of the situation and take adequate response action in order to avoid or minimize subsequent pollution effects.
2.
 - a) The Contracting Parties shall, subject to sub-paragraph b), use mechanical means to respond to pollution incidents.
 - b) Chemical agents may be used only in exceptional cases and after authorization, in each individual case, by the appropriate national authority.
3. When such a spillage is drifting or is likely to drift into a response region of another Contracting Party, that Party shall without delay be informed of the situation and the actions that have been taken.

REGULATION 8: ASSISTANCE

1. According to the provisions of paragraph 3 of Regulation 1:
 - a) a Contracting Party is entitled to call for assistance from other Contracting Parties when responding to a pollution incident at sea or on the shore; and
 - b) Contracting Parties shall use their best endeavours to bring such assistance
2. Contracting Parties shall take necessary legal or administrative measures to facilitate:
 - a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
 - b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in sub-paragraph a).

REGULATION 9: REIMBURSEMENT OF COST OF ASSISTANCE

1. The Contracting Parties shall bear the costs of assistance referred to in Regulation 8 in accordance with this Regulation.
2.
 - a) If the action was taken by one Contracting Party at the express request of another Contracting Party, the requesting Party shall reimburse to the assisting Party the costs of the action of the assisting Party. If the request is cancelled the requesting Party shall bear the costs already incurred or committed by the assisting Party.
 - b) If the action was taken by a Contracting Party on its own initiative, this Party shall bear the costs of its action.
 - c) The principles laid down above in sub-paragraphs a) and b) shall apply unless the Parties concerned otherwise agree in any individual case.
3. Unless otherwise agreed, the costs of the action taken by a Contracting Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
4. The provisions of this regulation shall not be interpreted as in any way prejudicing the rights of Contracting Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of international law and national or supra-national regulations.

REGULATION 10: REGULAR CO-OPERATION

1. Each Contracting Party shall provide information to the other Contracting Parties and the Commission about:
 - a) its organization for dealing with spillages at sea and on the shore of oil and other harmful substances;
 - b) its regulations and other matters which have a direct bearing on preparedness and response to pollution at sea or on the shore by oil and other harmful substances;
 - c) the competent authority responsible for receiving and dispatching reports of pollution at sea and on the shore by oil and other harmful substances;

- d) the competent authorities for dealing with questions concerning measures for mutual assistance, information and co-operation between the Contracting Parties according to this Annex; and
 - e) actions taken in accordance with Regulations 7 and 8 of this Annex.
2. The Contracting Parties shall exchange information on research and development programs, results concerning ways in which pollution by oil and other harmful substances at sea or on the shore may be dealt with and experiences in surveillance activities and in responding to such pollution.
 3. The Contracting Parties shall on a regular basis arrange joint operational combatting exercises as well as alarm exercises. The Contracting Parties shall also on a regular basis arrange exercises on the shore.
 4. The Contracting Parties shall co-operate within the International Maritime Organization in matters concerning the implementation and further development of the International Convention on Oil Pollution Preparedness, Response and Co-operation.

REGULATION 11: HELCOM RESPONSE MANUAL

The Contracting Parties agree to apply, as far as practicable, the principles and rules included in the HELCOM Manual on Co-operation in Response to Marine Pollution, detailing this Annex and adopted by the Commission or by the Group designated by the Commission for this purpose.