

CONVENTION ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA
BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION - HELSINKI COMMISSION -
HELCOM 6/16 Annex 12
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HELCOM RECOMMENDATION 6/8

adopted 13 March 1985, having regard to Article 13, Paragraph b) of the Helsinki Convention

**RECOMMENDATION CONCERNING THE IMPLEMENTATION OF REGULATION 5
OF ANNEX IV TO THE HELSINKI CONVENTION**

THE COMMISSION,

RECALLING Article 7 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974, (Helsinki Convention), as well as Paragraph H of Regulation 5 of Annex IV to that Convention concerning reception facilities for residues and mixtures containing noxious liquid substances,

RECOGNIZING the difficulties which may be encountered by the Contracting Parties in evaluating the adequacy of reception facilities to meet the needs of ships,

RECOGNIZING FURTHER the desirability of establishing, as an interim measure pending the adoption by the International Maritime Organization (IMO) of amendments to the regulations of MARPOL 73/78 which correspond to Regulation 5 of Annex IV to the Helsinki Convention, procedures which would offer practical ways to implement the latter Regulation,

RECOMMENDS that the Governments of the Contracting Parties to the Helsinki Convention should:

a) ensure that facilities for the reception of ballast water or tank washings containing cargo residues of noxious liquid substances in Categories A, B and C are available at places where:

- (i) such noxious liquid substances are unloaded;
- (ii) tankers are to be loaded, if a tank which is to be loaded has to be emptied from ballast water or tank washings containing cargo residues of noxious liquid substances in order to enable loading to be carried out; and
- (iii) tankers are to be repaired, if ballast water or tank washings containing cargo residues of noxious liquid substances have to be removed from the ship in order to enable repair work to be carried out,

b) require those responsible for reception facilities at places where noxious liquid substances are unloaded to receive the tank washings resulting from the application of prewash procedures contained in the Annex to this Recommendation,

c) ensure that no tankers are loaded at places where no adequate arrangements have been made for the reception of ballast water or tank washings containing cargo residues of noxious liquid substances which have to be removed from the ship in order to enable loading to be carried out,

d) ensure that no tankers are repaired at places where no adequate arrangements have been made for the reception of ballast water or tank washings containing cargo residues of noxious liquid substances which have to be removed from the ship in order to enable repair work to be carried out,

e) take into account, when deciding on the fee system to be applied to the reception of residues of noxious liquid substances the desirability not to charge a special fee to the ship for the reception of tank washings resulting from the application of prewash procedures contained in the Annex to this Recommendation.

RECOMMENDS ALSO that the Governments of the Contracting Parties to the Helsinki Convention should:

- a) apply the provisions contained in the Annex to this Recommendation in the interim period between the entry into force of Regulation 5 of Annex IV of the Helsinki Convention and the entry into force of amendments to Regulation 5 of Annex IV

on the basis of accepted amendments to Annex II to MARPOL 73/78 in lieu of the provisions of Sub-Paragraphs 1,2.a) and 5 of Paragraph D and Sub-Paragraphs 1-6 of Paragraph F of Regulation 5 of Annex IV of the Helsinki Convention,

- b) implement, by way of appropriate national regulations, the provisions of Paragraph F of the Annex to this Recommendation relating to the washing and prewashing in unloading ports of Category A, B and C substances with respect to ships, irrespective of nationality, calling at their ports,

RECOMMENDS FURTHER that the Governments of the Contracting Parties to the Helsinki Convention should when applying the provisions of the Annex to this Recommendation take into consideration the outcome of the 21st session of IMO'S Marine Environment Protection Committee (MEPC) which may necessitate consequential amendments to the present text of the Annex to this Recommendation.

D DISCHARGE OF NOXIOUS LIQUID SUBSTANCES

Subject to the provisions of Paragraph E of this Regulation:

1. The discharge into the sea of substances in Category A, as defined in Sub-Paragraph 1.a) of Paragraph B of this Regulation or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the Contracting Parties shall provide in accordance with Paragraph H of this Regulation, until the concentration of the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in Column IV of Appendix III to this Annex and until the tank is empty. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are also satisfied:

- a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water not less than 25 metres.

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- a) the tank has been prewashed in accordance with standards approved by the Administration and the resulting tank washings have been discharged to a reception facility;

5. Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to the discharge requirements of this Paragraph.

F MEASURES OF CONTROL

1. The Contracting Parties shall appoint or authorize surveyors for the purpose of implementing this Paragraph.

Category A Substances

2.a) A tank which has been unloaded shall, subject to the provisions of Sub-Paragraph 2.b) of this Paragraph, be washed in accordance with the requirements of Sub-Paragraph 3 or 4 of this Paragraph before the ship leaves the port of unloading;

b) The Government of the receiving Party may exempt the ship from the requirements referred to in Sub-Paragraph 2.a) of this Paragraph, where it is satisfied by documentation that:

- (i) the tank unloaded is to be used for the same substance or another substance compatible with the previous one, that no washing will be carried out before loading and that the tank will not be used for other purposes, such as ballasting, prior to loading; or
 - (ii) all washings and ballast water contaminated with a Category A substance will be returned to the port where the Category A substance was loaded or to another port where the Government of the port to receive the waste has found the reception facilities to be adequate for such a purpose; or
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration.
- c) A surveyor duly authorized by the Government of _____ the receiving Party shall certify in the Cargo Record Book that _____ an exemption has been granted under Sub-Paragraph 2.b) of this _____ Para graph.

d) If a tank is partially unloaded, an appropriate entry shall be made in the Cargo Record Book.

e) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.

3. If the tank is to be washed:

a) the effluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix III to the Annex. When the required residual concentration has been

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achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and certified by the surveyor; and

b) the discharge into the sea of any remaining residues shall be in accordance with the provisions of Sub-Paragraphs 1.a), b) and c) of Paragraph D of this Regulation. Appropriate entries of these operations shall be made in the Cargo Record Book.

4. Where the Government of the receiving Party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to Sub-Paragraph 3.a) of this Paragraph provided that:

a) a prewash procedure for that tank and that substance is approved by the Administration and the receiving Party is satisfied that such procedure will fulfil the requirements of Sub-Paragraph 1 of Paragraph D of this Regulation with respect to the attainment of the prescribed residual concentrations;

b) a surveyor duly authorized by that Party shall certify in the Cargo Record Book that:

(i) the tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved prewash procedure referred to in Sub-Paragraph (ii) of this Sub-Paragraph has been based;

(ii) a prewash has been carried out in accordance with the prewash procedure approved by the Administration for that tank and that substance; and

- (iii) the tank washings resulting from such prewash have been discharged to a reception facility and the tank is empty,
- c) the discharge into the sea of any remaining residues shall be in accordance with the provisions of Sub-Paragraphs 1.a), 1.b) and 1.c) of Paragraph D of this Regulation and an appropriate entry is made in the cargo Record Book.

Category B Substances

5. Subject to such surveillance and approval by the authorized or appointed surveyor, as may be deemed necessary by the Contracting Party, the Master of a ship shall, with respect to a Category B substance, ensure compliance with the following:

- a) a tank which has been unloaded shall, subject to the provisions of Sub-Paragraph d) and e) of this Paragraph, be pre-
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washed in accordance with the requirements of Sub-Paragraph b) of this Paragraph before the ship leaves the port of unloading;

- b) if the tank is to be prewashed, the master shall ensure that:
 - (i) the procedure used is approved by the Administration;
 - (ii) the resulting tank washings are discharged to a reception facility; and
 - (iii) an appropriate entry is made in the Cargo Record Book,
- c) if the tank is to be further cleaned and emptied at sea, the Master shall ensure that any discharge into the sea is made in accordance with the requirements of Sub-Paragraph 2 of Paragraph D of this Regulation and an appropriate entry is made in the Cargo Record Book,
- d) after unloading a prewash procedure need not be applied, provided that the residues are retained on board for subsequent discharge into the sea outside the Baltic Sea Area. An appropriate entry shall be made in the Cargo Record Book.
- e) The Government of the receiving Party may exempt the ship from the requirements of Sub-Paragraph a) of this Paragraph where it is satisfied by documentation that:
 - (i) the tank unloaded is to be used for the same substance or another substance compatible with the previous one, that no cleaning will be carried out before loading a that the tank will not be used for other purposes, such as ballasting, prior to loading; or
 - (ii) all tank washings and ballast water contaminated with a Category B substance will be returned to the port where the Category B substance was loaded or to another port where the Government of the port to receive the waste has found the reception facilities to be adequate for such a purpose; or
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration.
- f) When an exemption has been granted under Sub-Paragraph e) of this Paragraph, an appropriate entry shall be made in the Cargo Record Book.
- g) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

h) Until that tank is cleaned, every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.

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Category C Substances

6. Subject to such surveillance and approval by the authorized or appointed surveyor, as may be deemed necessary by the Contracting Party, the Master of a ship shall, with respect to a Category C substance, ensure compliance with the following:

a) if, after unloading, the quantity of substance remaining in the tank and its associated piping exceeds the maximum quantity for that substance which may be discharged into the sea under Sub-Paragraph 3.c) of Paragraph D of this Regulation, the tank shall, subject to the provisions of Sub-Paragraphs b) and c) of this Paragraph, be prewashed before the ship leaves the port of unloading. The resulting tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book. The method for establishing the quantity remaining in the tank and its associated piping and the prewash procedure shall be approved by the Administration;

b) if, after unloading, the quantity of the substance remaining in the tank and its associated piping exceeds the maximum quantity which may be discharged into the sea within the Baltic Sea Area, the residues may be retained on board for subsequent discharge into the sea outside the Baltic Sea Area. An appropriate entry shall be made in the Cargo Record Book.

c) The Government of the receiving Party may exempt the ship from the requirements of Sub-Paragraph a) of this Paragraph, where it is satisfied by documentation that:

- (i) the tank unloaded is to be used for the same substance or another substance compatible with the previous one, that no cleaning will be carried out before loading and that the tank will not be used for other purposes, such as ballasting, prior to loading; or
- (ii) all tank washings and ballast water contaminated with a Category C substance will be returned to the port where the Category C substance was loaded or to another port where the Government of the port to receive the waste has found the reception facilities to be adequate for such a purpose; or
- (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration.

d) When an exemption has been granted under Sub-Paragraph c) of this Paragraph, an appropriate entry shall be made in the Cargo Record Book.

e) If, after unloading, the quantity of the substance remaining in the tank and its associated piping does not exceed the maximum quantity which may be discharged into the sea for that substance under Sub-Paragraph 3 of Paragraph D of this Regulation,

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cleaning of the tank may be carried out in port in accordance with the provisions of Sub-Paragraph f) of this Paragraph, or at sea.

f) If the tank is to be cleaned in port:

- (i) the tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or
- (ii) the tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book, indicating the location and disposition of the tank washings.

g) If the tank is to be cleaned at sea, an appropriate entry shall be made in the Cargo Record Book.

h) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book.

i) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.