

## **HELCOM RECOMMENDATION 19/7**

Adopted 26 March 1998 having regard to  
Article 13, Paragraph c) of the Helsinki Convention

### **AMENDMENTS TO ANNEX IV OF THE HELSINKI CONVENTION**

#### **THE COMMISSION,**

**RECALLING** the goals of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues,

**RECALLING ALSO** HELCOM Recommendation 17/11 concerning reception facilities which calls for the development and application of harmonized, mandatory rules for fishing vessels, working vessels and pleasure craft which are not covered by the existing regulations in respect to toilet retention systems and holding tanks for sewage,

**RECALLING FURTHER** that HELCOM Recommendation 17/11 concerning reception facilities stipulates the need for the development of mandatory regulations for ships to deliver all garbage to a port reception facility before leaving port, taking into account special arrangements for e.g. passenger ferries and ships engaged in short voyages,

**BEING AWARE** that the implementation of the strategy is one of the prerequisites for substantial decrease in the number of operational and illegal discharges and thus for the protection of the marine environment of the Baltic Sea Area from pollution by ships,

**NOTING** that Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) only covers those small vessels which are certified to carry more than 10 persons on board,

**BEARING IN MIND** Regulations 5 and 7 of Annex V of MARPOL 73/78 and Regulation 7 of Annex IV of the 1974 Helsinki Convention and Regulation 5 of Annex IV of the 1992 Helsinki Convention, in which the Contracting Parties undertake to ensure the provision of facilities at their ports and terminals of the Baltic Sea Area for the reception of garbage and sewage, without causing undue delay to ships, adequate to meet the needs of ships using them,

**NOTING ALSO** Article 19, Paragraph 2 of the 1992 Helsinki Convention according to which the Baltic Marine Environment Protection Commission, established pursuant to the 1974 Helsinki Convention, is the Commission under the 1992 Helsinki Convention,

**TAKING INTO CONSIDERATION** the amendment procedure for the Annexes of the Helsinki Convention as contained in article 24 of the Convention,

**RESOLVES:**

- a) to adopt new Regulations 7 bis and 8 bis to Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974, appearing in the Attachment to this Recommendation;
- b) to ask the Depositary Government to Communicate amendments to the Contracting Parties with the Commission's Recommendation for acceptance;
- c) to determine that amendments shall be deemed to have been accepted unless prior to 1 January 1999 any of the Contracting Parties has objected to the amendments; and
- d) to determine that accepted amendments shall enter into force on 1 January 2000,

**RESOLVES ALSO** to amend accordingly Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, at the date of entry into force of the accepted amendments, if this Convention entered into force prior to these amendments,

**REQUESTS** the Governments of those Contracting Parties being Member States of the European Union to strive for corresponding regulations as part of a European Council directive on port reception facilities for waste and residues from ships,

**REQUESTS FURTHER** the Governments of the Contracting Parties to report on the implementation of this Recommendation in accordance with the reporting format on the implementation of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues.

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

**Regulation 7 bis; Discharge of sewage by other ships**

**A. Compliance**

All other ships including pleasure craft not referred to in paragraph B of Regulation 7 fitted with toilets shall comply with the provisions of paragraphs A, C and D of Regulation 7 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 7 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 8 bis in Annex IV of the Helsinki Convention is inserted:*

**Regulation 8 bis; 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.