

HELCOM RECOMMENDATION 8/4

Adopted 25 February 1987, having regard to Article 24 of the Helsinki Convention

RECOMMENDATION CONCERNING AMENDMENTS TO REGULATIONS 1-5 OF ANNEX IV AND APPENDICES I-IV TO ANNEX IV OF THE HELSINKI CONVENTION

THE COMMISSION,

RECALLING that Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), entered into force on 2 October 1983 and that Annex I subsequently has been amended with effect from 7 January 1986,

RECALLING ALSO that Annex II Of MARPOL 73/78 incorporating extensive amendments will be binding on the parties to MARPOL 73/78 as from 6 April 1987,

RECALLING FURTHER that certain provisions of Annexes I and II of MARPOL 73/78 in their original version are included in Annex IV of the Helsinki Convention,

RECOGNIZING that as from 1 July 1986 all Contracting Parties to the Helsinki Convention are also parties to MARPOL 73/78 and consequently bound by the provisions of Annexes I and II of MARPOL 73/78 with regard to the protection of the marine environment of the Baltic Sea Area from pollution from ships,

CONSIDERING that, as a result of the developments in respect of MARPOL 73/78, there is no need to retain in the Helsinki Convention texts which reproduce provisions of Annexes I and II of MARPOL 73/78,

RECOGNIZING ALSO that the co-operation between the Baltic Sea States within the International Maritime Organization in matters relating to the protection of the marine environment of the Baltic Sea Area from pollution from ships should be further enhanced,

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 the amendments to Regulations 1-5 and Appendices I-IV of Annex IV of the Convention appearing in the Annex to this Recommendation;
- b) to ask the Depository Government to communicate the 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 25 March 1987, any one of the Contracting Parties has objected to the amendments; and
- d) to determine that the accepted amendments shall enter into force on 6 April 1987.

ANNEX

1. Regulation I of Annex IV of the Helsinki Convention is amended to read as follows:

"Regulation 1

The Contracting Parties shall, in matters concerning the protection of the Baltic Sea Area from pollution by ships, co-operate

- a) within the International Maritime Organization, in particular in promoting the development of international rules,
- b) in the effective and harmonized implementation of rules adopted by the International Maritime Organization."

2. Regulation 2 of Annex IV of the Helsinki Convention is amended to read as follows:

"Regulation 2

The Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the present Convention, as appropriate assist each other in investigating violations of the existing legislation on anti-pollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include but is not limited to inspection by the competent authorities of oil record books, cargo record books, log books and engine log books and taking oil samples for analytical identification purposes."

3. In Regulation 3 of Annex IV of the Helsinki Convention the following new Paragraph 6 is added:

"6. The term "MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto."

4. Regulation 4 of Annex IV of the Helsinki Convention is amended to read as follows:

"Regulation 4

Oil

The Contracting Parties, also being parties to MARPOL 73/78, apply in conformity with that agreement the provisions of Annex I of MARPOL 73/78 for the prevention of pollution by oil."

5. Regulation 5 of Annex IV of the Helsinki Convention is amended to read as follows:

"Regulation 5

Noxious Liquid Substances

The Contracting Parties, also being parties to MARPOL 73/78, apply in conformity with that agreement the provisions of Annex II of MARPOL 73/78 for the prevention of pollution by noxious liquid substances carried in bulk."

6. Appendices I to IV to Annex IV of the Helsinki Convention are deleted.