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Improved flight permits for HELCOM surveillance aircraft fleet

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Baltic Marine Environment Protection Commission

IMPROVED FLIGHT PERMITS FOR HELCOM SURVEILLANCE AIRCRAFT FLEET

The whole Baltic Sea area has an IMO Special Area status implying that it is prohibited to release from ships any liquids containing more than 15 ppm of oily substances.

Amongst HELCOM countries, efficient aerial and satellite surveillance has been the backbone in the prevention of illegal oil discharges.

Principles of HELCOM aerial surveillance flights are specified by a set of recommendations and by the HELCOM Response Manual, Volume I (oil), Chapter 7.

HELCOM Recommendation 12/8, adopted already in 1991, recommends that all the contracting parties should have the ability to carry out airborne surveillance with remote sensing equipment. The recommendation further stresses the need and importance of intensified cooperation regarding airborne surveillance between the countries. It is also recommended that evidence gathered by any of the Baltic Sea surveillance aircraft should be sufficient in a court case in another country.

HELCOM Recommendation 28E/12, adopted in 2007, stresses even further the importance of collaboration between the countries. It is recommended that countries should cooperate by carrying out joint surveillance operations and/or flights over the responsibility area of the other country's area in order to make sure that the minimum HELCOM requirements on aerial surveillance will be met.

The minimum flight frequencies are defined in HELCOM Response Manual. All the coastal States should cover their regular traffic zones, as a minimum, twice per week. Other sea areas should be covered at least once a week.

The current situation with aerial surveillance of illegal discharges in the Baltic Sea Region

Today, seven out of nine Baltic Sea countries carries out regular surveillance flights and six out of nine countries have surveillance aircraft with remote sensing equipment which is able to detect oil during the night time and in poor visibility. Most of these aircraft can detect oil spills as far as 20 nm away from their flight route.

Every year, one or two Coordinated Extended Pollution Control Operations (CEPCO) are carried out. During these operations, several countries' surveillance aircraft are gathered to some airfield from where continuous surveillance flights are carried out over the busiest shipping lanes in the Baltic Sea area. The operations last for 24 hours or more. The operation area always covers waters belonging to several countries, many times reaching also territorial waters. During these operations the countries gather invaluable experience and routine in cooperation.

HELCOM Response Manual describes the procedures for documenting an oil discharge. All the countries follow similar documenting principles.

Altogether, HELCOM Contracting parties carry out about 4000-5000 hours of surveillance flights over the Baltic Sea every year. In 2011, the countries reported – in a standardized format – 122 observed oil spills. The number and volume of oil pollution has been decreasing significantly since the introduction of regular surveillance flights over the Baltic Sea region. The good tendency with the decreasing pollution observations is believed to be a result of

well establish and routine cooperation among the countries as well as successful prosecution of the polluters.

Aerial surveillance is supported by satellite image service provided by the European Maritime Safety Agency (EMSA) requiring that, wherever possible, the suspected oil pollution cases should be checked by aerial surveillance. One satellite image always covers waters in several Baltic Sea countries which encourage countries to close collaboration with the verification flights.

Baltic Sea Action Plan, adopted in 2010 by all the HELCOM contracting parties, sets an extremely ambitious goal aiming to minimize oil pollution: there should be zero operational discharges in the Baltic Sea by the year 2021. In order to reach this zero-discharges level, the cooperation should be further strengthened. Elimination of illegal discharges by 2021 in the Baltic Sea is also set as a target for the objective “Save the Sea” of the EU Strategy for the Baltic Sea Region (EUSBSR).

The most efficient use of available aerial surveillance flight hours is to coordinate flights among the countries and to minimize situations where several aircraft are flying over the same sea area at the same time. This way, surveillance can be targeted over the busiest shipping lanes in a well coordinated way with a maximum temporal coverage.

Challenges on the way of efficient collaboration: restricted flight permits

Flying to other country's airspace always requires a flight permission. Typically, this permit has to be applied in advance. Flight permission can also be applied on an annual basis to a certain country. This is the common practice for HELCOM surveillance aircraft and has been recommended by the HELCOM Informal Working Group on Aerial Surveillance (IWGAS).

During the last couple of years, however, there has been a tendency of restricting the regulations under which foreign aircraft are allowed to enter other country's airspace. Many of the countries have started to require a 48 or 72 hour prior notice before entering their area. For routine patrol flights planned well in advance this prior notice is possible to deal with.

However, for operational situations where quick response is needed – for example in case of a suspected red-handed polluter - these kinds of limitations set remarkable challenges to the collaboration and the best use of HELCOM aircraft resources.

Another major challenge is that some annual flight permits limit either the use of instruments, minimum flight altitude or the means of communication. In some cases these limitations prevent the proper collection of evidence defined in HELCOM Response Manual and agreed by HELCOM countries.

After ensuring that it is possible for the HELCOM surveillance aircraft to collaborate and, as agreed, gather evidence on illegal discharges, further effort should be put on ensuring that the evidence would be sufficient in court cases in another country.

Possible solution

In order to ensure the Baltic Sea wide collaboration in environmental surveillance flights, the following actions are recommended to be taken:

1) the Contracting Parties carrying out routine environmental surveillance flights should apply an annual permanent diplomatic clearance for the environmental surveillance aircraft listed in HELCOM Response Manual;

2) the Contracting Party permitting the diplomatic clearance for environmental surveillance flights should give the permit for the following actions for the environmental surveillance aircraft:

   a. to carry out routine environmental surveillance flights in the permit-giving country's waters with a minimum possible prior notification. Preferably, there should be no prior notification at all;

   b. to enter to the permit-giving country and carry out environmental surveillance flights on the request of the permit-giving country's national contact point defined in HELCOM Response manual. This should allow even the already airborne aircraft to be used for collecting evidence of a suspected red-handed polluter;

   c. to use the instruments needed for observing and documenting discharges according to HELCOM manual. The instruments should be permitted to be used also in territorial waters;

   d. to document the discharges in a manner defined in HELCOM Response Manual;

   e. to land in the permit-giving country's territory.

3) the Contracting Party permitting the diplomatic clearance for environmental surveillance flights should mention in the permit if the following actions would be allowed in their Exclusive Economic Zone (EEZ) or territorial waters:

   a. dropping an oil sampling buoy from the aircraft;

   b. interviewing master of a ship suspected of discharging.

Countries already have similar kind of practices for Search and Rescue (SAR) operations and for humanitarian flights. Environmental surveillance flights should be treated in a similar manner when processing annual flight permits for the countries.