



Document title	HELCOM Recommendation 17/12 to be withdrawn
Code	5-1
Category	DEC
Agenda Item	5 - Matters arising from the subsidiary bodies
Submission date	23.2.2021
Submitted by	Executive Secretary
Reference	Outcome of HOD 59-2020, paragraph 6.66

Background

RESPONSE 25-2018 reviewed a list of all valid HELCOM Recommendations and Contracting Parties and Response sub-groups were invited to inform the Meeting of any proposals regarding withdrawal or revision as well as suggestions for merging relevant HELCOM Recommendations.

RESPONSE 28-2020 recalled that revision of HELCOM Recommendation 17/12 on measures to abate pollution by oil and other harmful substances in cases of grounding, collision, sinking of a ship or other maritime casualty had been discussed during several Response Working Group meetings and agreed that there is no need to revise the Recommendation and instead recommended to HOD 59- 2020 that the Recommendation should be withdrawn.

HOD 59-2020 approved the proposal by RESPONSE 28-2020 to withdraw HELCOM Recommendation 17/12.

Action requested

The Meeting is invited to withdraw HELCOM Recommendation 17/12 “Measures to abate pollution by oil and other harmful substances in cases of grounding, collision, sinking of a ship or other maritime casualty”.

CONVENTION ON THE PROTECTION OF THE MARINE
ENVIRONMENT OF THE BALTIC SEA AREA

HELSINKI COMMISSION - Baltic Marine
Environment Protection Commission

17th Meeting
Helsinki, 12-14 March 1996

HELCOM 17/96
17/1
Annex 21

HELCOM RECOMMENDATION 17/12

Adopted 13 March 1996, having regard to
Article 13, Paragraph b) of the Helsinki Convention

**MEASURES TO ABATE POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES IN
CASES OF GROUNDING, COLLISION, SINKING OF A SHIP OR OTHER MARITIME
CASUALTY**

THE COMMISSION,

RECALLING paragraphs 6 and 7 of Article 2, Article 11, Annex II and Annex VI of the 1974 Helsinki Convention and paragraphs 7, 8 and 9 of Article 2, paragraphs 1 and 2 of Article 3, Article 5, Article 14, Annex I and Annex VII of the 1992 Helsinki Convention,

RECALLING ALSO International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 and Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, as amended,

RECALLING FURTHER Articles 211 and 221 of the United Nations Convention on the Law of the Sea,

BEARING IN MIND the recent incidents which posed a serious threat to the marine environment of the Baltic Sea Area and to the coastlines and related interests of the Contracting Parties to the Helsinki Convention,

CONSCIOUS that the introduction of any harmful substance to the marine environment of the Baltic Sea is liable to cause pollution,

BEING AWARE of the importance of precautionary measures to avoid pollution caused by maritime casualties,

TAKING INTO ACCOUNT the polluter-pays principle stipulated in the 1992 Helsinki Convention,

REQUESTS the Governments of the Contracting Parties, which have not yet done so, to ratify the International Convention on Salvage, 1989, in order to establish a modern legal regime concerning efficient and timely salvage operations to maintain the safety of the vessels, to protect other property in danger and the marine environment of the Baltic Sea Area,

REQUESTS ALSO the Governments of the Contracting Parties, which have not yet done so, to ratify the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992) and the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1992), in order to ensure compensation for responding to oil pollution incidents in the exclusive economic zones or equivalent areas of the Contracting Parties,

REQUESTS FURTHER the Governments of the Contracting Parties:

- i) to cooperate within the International Maritime Organization (IMO):
 1. to promote early elaboration of a convention on wreck removal;
 2. to study possibilities of amending the list of substances annexed to the 1973 Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (INTERVENTION PROTOCOL, 1973) by inclusion of other harmful substances, such as nutrients, which give coastal states the right to intervene in sea areas particularly sensitive to any kind of pollution;
 3. to study proposals concerning the amendment of MARPOL 73/78 by a new annex related to solid harmful substances;
- ii) to cooperate during the diplomatic conference to be arranged by IMO for the purpose of
 1. amending the 1976 Convention on Limitation of Liability for Maritime Claims (CLLMC) by higher limits of liability; and
 2. adopting the convention for liability and compensation for damage caused by hazardous and noxious substances (HNS Convention),

URGES the Governments of the Contracting Parties, in cases of grounding, collision, sinking of a ship or other maritime casualty, to take appropriate action on the basis of international law in their exclusive economic zones or equivalent areas, or in response regions in accordance with Regulation 7 of Annex VI to the Convention, to:

1. remove the bunker fuel oil, other oils and any other harmful substance carried as a cargo on board which may cause or are likely to cause immediate or delayed hazards to the marine environment, coastlines of the Contracting Parties or their related interests;
2. carry out salvage of a ship and removal of a wreck whenever she may pose a danger to the safety of navigation and to the marine environment,

URGES ALSO the Governments of the Contracting Parties to provide the Combatting and Maritime Committees with reports on the progress related to this Recommendation every year.