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<b>Document title</b>	Deletion and revision of Maritime and Response related HELCOM Recommendations
<b>Code</b>	3-1
<b>Category</b>	DEC
<b>Agenda Item</b>	3 - Matters arising from the HELCOM Groups
<b>Submission date</b>	14.11.2017
<b>Submitted by</b>	Executive Secretary
<b>Reference</b>	Outcome of MARITIME 17-2017, paragraphs 9.5, 10.6-10.8 and Annexes 5, 6 and 7. Outcome of RESPONSE 27-2017, paragraphs 13.3-4 and Annex 4.

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## Background

MARITIME 17-2017 considered and approved submission by the Secretariat to HOD with the aim to withdraw HELCOM Recommendations 2/2, 21/2, 22E/5 and 24/8 (“Obsolete Recommendations”) from the list of valid HELCOM Recommendations.

MARITIME 17-2017 considered the revised proposal by SAFE NAV 8-2017 for amending HELCOM Recommendation 34E/2 “Further testing and developing the concept of pro-active route planning as well as other e-navigation solutions to enhance safety of navigation and protection of the marine environment in the Baltic Sea Region”, agreed to the proposal with minor adjustments and requested the Secretariat to submit it to HELCOM HOD for adoption if appropriate.

MARITIME 17-2017 considered and approved revisions to HELCOM Recommendation 19/10 “Application by the Baltic Sea States of guidelines for holding tanks/oily water separating or filtering equipment for ships of less than 400 tons gross tonnage” and to HELCOM Recommendation 10/11 “International co-operation on liability for damage resulting from vessel-based pollution” for HOD decision.

RESPONSE 27-2017 considered and agreed to revisions to HELCOM Recommendation 36/3 “Marine pollution incident reporting and requests for assistance between Contracting Parties in the Baltic Sea area” (Outcome Response 27-2017 para 13.3) and requested Secretariat to submit full draft to HOD 53-2017 for adoption.

## Action requested

The Meeting is invited to:

- delete from the list of valid HELCOM Recommendations:
  - HELCOM Recommendation 2/2 “Recommendation on the Acceptance by the Baltic Sea States of International Instruments on Maritime Safety, Pollution Prevention and Related Matters”;
  - HELCOM Recommendation 21/2 “Amendments to Annex IV “Prevention of pollution from ships” of the 1992 Helsinki Convention”;
  - HELCOM Recommendation 22E/5 “Amendments to Annex IV “Prevention of pollution from ships” to the Helsinki Convention”;
  - HELCOM Recommendation 24/8 “Amendments to Annex IV “Prevention of pollution from ships” to the Helsinki Convention, concerning discharge of sewage”;
- consider and adopt the following draft revised HELCOM Recommendations:
  - HELCOM Recommendation 34E/2 “Further testing and developing the concept of pro-active route planning as well as other e-navigation solutions to enhance safety of navigation and protection of the marine environment in the Baltic Sea Region” (**Attachment 1**);

- HELCOM Recommendation 19/10 “Application by the Baltic Sea States of guidelines for holding tanks/oily water separating or filtering equipment for ships of less than 400 tons gross tonnage” (**Attachment 2**);
- HELCOM Recommendation 10/11 “International co-operation on liability for damage resulting from vessel-based pollution” (**Attachment 3**).
- HELCOM Recommendation 36/3 “Marine pollution incident reporting and requests for assistance between Contracting Parties in the Baltic Sea area” (**Attachment 4**)

Adopted xx yy  
having regard to Article 20, Paragraph 1 b)  
of the Helsinki Convention

**FURTHER TESTING AND DEVELOPMENT OF THE CONCEPT OF EXCHANGE OF VOYAGE PLANS AS WELL AS OTHER E-NAVIGATION SOLUTIONS TO ENHANCE SAFETY OF NAVIGATION AND PROTECTION OF THE MARINE ENVIRONMENT IN THE BALTIC SEA REGION**

**THE COMMISSION,**

**RECALLING** the 1992 Helsinki Convention and its Article 8 and the Annex IV on Prevention of pollution from ships, including Regulation 1 on Cooperation, Regulation 8 on Improved hydrographic services and promotion of the use of Electronic Navigational Charts (ENC) and Regulation 9 on Use of Automatic Identification Systems (AIS),

**RECALLING** the Declaration on the safety of navigation and emergency capacity in the Baltic Sea area (HELCOM Copenhagen Ministerial Declaration) of 2001, HELCOM Baltic Sea Action Plan of 2007 (Krakow) and HELCOM Ministerial Declaration 2010 (Moscow), and HELCOM Ministerial Declaration 2013 (Copenhagen) including the commitments to undertake measures to improve mariners' abilities to assess and interpret hydrographic content in nautical charts and publications either in printed or digital form, especially in the Electronic Chart Display and Information System, and to investigate new tools to improve safety of navigation,

**RECALLING** the United Nations Convention on the Law of the Sea (UNCLOS), 1982, the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended; International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL); Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREG), as amended and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) as amended, as well as for HELCOM member states being also EU member states Directive 2002/59/EC of 27 June 2002 establishing a Community vessel traffic monitoring and information system (VTMIS),

**RECALLING** the International Maritime Organisation (IMO) e-Navigation strategy of 2008, the subsequent work to develop and implement a IMO Strategy Implementation Plan for e-navigation and the ongoing work carried out within the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) e-Navigation Committee on aspects of e-navigation relating to aids to navigation,

**RECALLING** the relevant HELCOM Recommendations including 23/3 on Enhancing the use of pilots in route T and the Sound by notification to departing ships and establishment of an early warning system, 25/7 on safety of winter navigation in the Baltic sea area; 28E/11 Further measures to improve the safety of navigation in ice conditions in the Baltic sea, including advancing high quality training programmes in navigation in ice conditions; 28E/13 on introducing economic incentives as a complement to existing regulations to reduce emissions from ships, and 33/1 Unified interpretation in relation to access to and use of HELCOM AIS,

**NOTING** the recent e-navigation related projects carried out in the Baltic region within i.a. the MONALISA, MONALISA 2.0, STM Validation Project, ENSI, EfficienSea, EfficienSea 2 and the Russian e-Navigation Pilot Project in the Gulf of Finland,

**RECOGNISING** that the Baltic Sea test bed of Sea Traffic Management (STM) is a good start and that the second test phase should begin in 2019 and there is a need to widen the test globally and see to that various initiatives are working in the same direction,

**NOTING** that e-navigation, as the harmonized collection, integration, exchange, presentation and analysis of marine information, **will be defined by IMO onboard and by IALA** ashore by electronic means to enhance berth to berth navigation and related services for safety and security at sea and protection of the marine environment,

**RECOGNISING** the potential of e-navigation in helping to protect the Baltic marine environment from shipborne pollution stemming from collisions and groundings by bringing improvements to navigation safety through the reduction of risk,

**RECOGNISING** the potential of e-navigation in helping to reduce carbon, sulphur and nitrogen emissions from ships in the Baltic Sea through more efficient vessel handling, and as a monitoring tool helping in introducing economic incentives as a complement to existing regulations to reduce emissions from ships,

**RECOGNISING FURTHER** the potential of **exchange of voyage plans** in the Baltic Sea for increased safety of navigation and improved environmental performance as well as for increased competitiveness of environmentally friendly maritime transport without violating international regulations,

**WITHOUT PREJUDICE** to international agreements and legislation of the Contracting Parties,

**RECOMMENDS** the Governments of the Baltic Sea countries to further test the concept of **exchange of voyage plans**, including a legal assessment for example in regard of liability and ownership of a distributed route on the basis of the general practice of the master as the liable person in respect of accepted conventions and regulations, **as well as** other e-navigation services such as promulgation of Maritime Safety Information (MSI), Notice to Mariners (NM), **ship to ship route exchange, Route optimization, Route Cross-checking, Route and port monitoring, Ice routing, Port call optimization, Port call synchronization, Flow optimization, Facilitated reporting, Pilot route distribution, and efficient exchange of SAR information** in the Baltic Sea region,

**RECOMMENDS** the Governments of the Baltic Sea countries to bring forward/develop concrete solutions suitable for testing and-validating e-navigation services in the Baltic Sea region and to take necessary actions to support the technical developments, including defining the relevant performance and technical standards, and potentially define the regulatory framework,

**RECOMMENDS** the Governments of the Baltic Sea countries to closely cooperate with the private sector and within international organisations and associations to develop common technical protocol in order to secure an unhampered information flow between ship-ship and ship-shore,

**ENCOURAGES** the Governments of the Baltic Sea and other relevant parties to take part in the coming test period for Sea Traffic Management (STM) exchange of voyage plans in shore-based systems and services e.g. VTS, ice-breaking, Search and Rescue and pilotage,

**ENCOURAGES** the Governments of the Baltic Sea and other relevant parties to take the necessary steps so that ships with suitable equipment and sailing in the Baltic Sea may have the ability to share their voyage plans ship to shore and shorter route messages between ships, or if not possible other information on their voyage plans,

**RECOMMENDS** the Governments of the Baltic Sea countries to cooperate closely within IMO and IALA in order to inform and involve the organizations about the results and outputs from any projects within the Baltic Sea region that may enhance safety and security at sea and protection of the marine environment. This may include further perspective research in the field of e-navigation,

**RECOMMENDS** that the appropriate HELCOM Group analyses these tests and the concrete solutions developed and, if appropriate, prepare draft text for joint input by the Baltic Sea countries to IMO and IALA,

**RECOMMENDS FURTHER** that the Governments of the Baltic Sea and other relevant parties bring the Baltic Sea STM test and other Baltic Sea region e-navigation developments to the attention of IMO to enable further global progress.

Adopted 26 March 1998 and amended xx yy,  
having regard to Article 13, Paragraph b)  
of the Helsinki Convention

**APPLICATION BY THE BALTIC SEA STATES OF GUIDELINES FOR HOLDING TANKS/OILY WATER SEPARATING OR FILTERING EQUIPMENT FOR SHIPS OF LESS THAN 400 TONS GROSS TONNAGE <sup>\*)</sup>**

**THE COMMISSION,**

**RECALLING** Regulation 4 of Annex IV of the 1974 Helsinki Convention concerning the application of Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL) for ships trading in the Baltic Sea Area,

**RECALLING ALSO** Paragraph 3, 6 and 9 of Regulation 15 and Paragraph 9 of Regulation 34 of Annex I of MARPOL concerning methods for the prevention of oil pollution from machinery spaces of ships of less than 400 gross tonnage,

**NOTING** Paragraph 4 and 5.2 of Regulation 14 of Annex I of MARPOL concerning obligation of the Administration to ensure that ships of less than 400 gross tonnage for machinery spaces are equipped, as far as practicable, to retain on board oil or oily mixture or discharge them in accordance with the requirements of Paragraph 6 of Regulation 15 of Annex I of MARPOL,

**RECOGNIZING** the need for supplementary guidelines to the above mentioned MARPOL Regulations in order to achieve uniform provisions for the Prevention of Pollution of the Baltic Sea Area by oil from machinery spaces of ships of less than 400 gross tonnage,

**RECOGNIZING ALSO** the need to avoid the retention of oil or oily mixtures in machinery space bilges due to the risk of polluting the sea during bilge pumping,

**REALIZING** that the presence of oil or oily mixtures in machinery spaces bilges would add fuel to an engine room fire,

**RECOMMENDS** that the Governments of the Contracting Parties shall apply the attached Guidelines for the prevention of pollution of the sea by oil from machinery spaces of ships of less than 400 gross tonnage,

**RECALLS** that the Governments of the Contracting Parties were requested to implement the Guidelines as soon as possible and not later than 1 January 2002 for both new and existing ships of less than 400 gross tonnage,

**REQUESTS ALSO** 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.

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<sup>\*)</sup> Applicable to all ships referred to in Regulation 14 (7) of Annex I of MARPOL

**Guidelines for the prevention of pollution of the sea by oil from machinery spaces of ships of less than 400 gross tonnage**

1. Such ships should be fitted with approved oily-water separating or oil-filtering equipment and sufficient tank capacity for oily residues, which enable the ship to comply with Paragraph 3 of Regulation 15 of Annex I of MARPOL;

or

2. Such ships should be equipped with holding tank/tanks to retain generated oily bilge water and other generated oily residues on board for subsequent discharge to reception facilities, which enable the ship to comply with Paragraph 9 of Regulation 15 and Paragraph 9 of Regulation 34 of Annex I of MARPOL;

3. Tanks required by paragraphs 1. and 2. above should be equipped with pumping facilities and standard discharge connection to enable pipes/hoses of reception facilities to be connected. \*) The tank/tanks should have adequate capacity taking into account the type and condition of the ship, trading pattern, time at sea, etc.;

4. For ships of less than 24 meters in length the Administration may allow other arrangements than stated in paragraphs 1.-3. above;

5. For any ship whose constructional features are such as to render the above mentioned arrangements unreasonable or impracticable the Administration may allow other equivalent protection against pollution by oily residues.

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\*) Ships should preferably be equipped with the quick release connection shown in figure 1. of the European Standard EN 1305, but may alternatively be equipped with a standard discharge connection referred to in Regulation 13 of Annex I of MARPOL.

Adopted 15 February 1989 and amended xx yy,  
having regard to Article 17  
of the Helsinki Convention

## **INTERNATIONAL COOPERATION ON LIABILITY FOR DAMAGE RESULTING FROM VESSEL-BASED POLLUTION**

### **THE COMMISSION,**

**RECALLING** that under Article 17 the Contracting Parties undertake, as soon as possible, jointly to develop and accept rules concerning responsibility for damage, resulting from acts or omissions in contravention of the present Convention,

**NOTING** the importance of the achievements made within the International Maritime Organization as regards liability regimes for vessel-based pollution,

**NOTING FURTHER** the current work within that Organization to bring into force the liability regime created by the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS PROT 2010),

**RECOGNIZING** that the cooperation 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 vessel-based pollution should be further enhanced,

**RECOMMENDS** the Governments of the Contracting Parties to the Helsinki Convention to:

- a) accede to/ratify and enforce existing Conventions concluded under the auspices of the International Maritime Organization, such as the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS PROT 2010), the Nairobi International Convention on the Removal of Wrecks, 2007 (Nairobi WRC 2007) and the 1971 Convention relating to Civil Liability in the field of Maritime Carriage of Nuclear Material,
- b) cooperate fully within the International Maritime Organization with a view to elaborating further regimes on liability for pollution damage.

**HELCOM RECOMMENDATION 36/3**

Adopted 4 March 2015 and amended xx yy,  
having regard to Article 20, Paragraph 1 b)  
of the Helsinki Convention

**MARINE POLLUTION INCIDENT REPORTING AND REQUESTS FOR ASSISTANCE BETWEEN CONTRACTING PARTIES IN THE BALTIC SEA AREA****THE COMMISSION,**

**RECALLING** the 1992 Helsinki Convention ratified by the coastal countries of the Baltic Sea and the European Union, Article 13 of the concerning notification and consultation on pollution incidents and Article 14 on co-operation in combatting marine pollution

**RECALLING** Annex VII of the Helsinki Convention including Regulation 1 §2, concerning pollution incidents which affect or are likely to affect interests of other Contracting Parties, Regulation 5, concerning reporting procedure and Regulation 11 on HELCOM Response Manual;

**RECALLING FURTHER** the HELCOM Response manual Volume I Chapter 3 on reporting procedures and the HELCOM POLREP BALTIC standard message, Chapter 4 on Requesting and providing assistance and Chapter 5, on operational co-operation, especially 5.4.2 on External (off-site) Communications

**RECALLING ALSO** the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990, and its Protocol on HNS, as well as Article 8 and Protocol I (Resolution MEPC. 21(22)) of the International Convention for the Prevention of Pollution from Ships (MARPOL).

**RECALLING** that according to IMO Resolution A.851(20) as amended by Resolution MEPC.138(53) the Baltic State Governments are urged to ensure that ship reporting systems and reporting requirements comply as closely as possible with the general principles specified in its Annex,

**RECALLING** Directive 2002/59/EC, establishing a Community vessel traffic monitoring and information system,

**CONSCIOUS** that efficient and effective reporting on incidents is an essential tool in taking appropriate and timely measures to combat pollution and to investigate the matter,

**NOTING** that while the HELCOM POLREP BALTIC messages, including requests for assistance, have been traditionally sent via telefax new electronic means of communication have developed during the last decades and that the current trend in emergency communication is towards integrated solutions where the operator can access several communication systems via one or few access points.

**NOTING FURTHER** that the Contracting Parties which are also EU member states such electronic means of incident reporting is enabled by the national nodes of the EU SafeSeaNet network, as well as the marine pollution CECIS.

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**EMPHASIZING** that ensuring efficient response in the Baltic Sea region and the full implementation of marine pollution incident provisions of the Helsinki Convention calls for efficient and operational communication channels connecting all Contracting Parties on an equal basis.

**RECOMMENDS** that formal POLREP BALTIC messages warning (POLWARN) and informing (POLINF) on an incident, requesting and rendering assistance (POLFAC), as well as acknowledging the receipt of such messages, shall be handled by the National Contact Point as defined in the HELCOM Response Manual Volume I.

**RECOMMENDS** that such POLREP BALTIC messages, containing the information defined in the HELCOM Response manual Volume I Chapter 3, should be submitted using SafeSeaNet and Marine Pollution CECIS, respectively, **or other available communication means to ensure** communication between all Contracting Parties on an equal basis.

**RECOMMENDS** to continue the work initiated to ensure such equal communication by developing a technical solution allowing to combine SafeSeaNet, Marine Pollution CECIS and the regional HELCOM POLREP transmission system.

**RECOMMENDS FURTHER** that urgent official or informal contacts may be made **through any available communication means.** Any matter of importance for joint efforts should be confirmed as soon as possible by formal POLREP BALTIC messages.

**RECOMMENDS** that the relevant sections of the HELCOM Response Manual are amended by the HELCOM Response group accordingly.