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Background

The HELCOM Response Manual consists of three volumes and has been updated several times over the years. The present state of the Manual has been discussed during the meetings of the Response Working Group and its subsidiary groups, and the Contacting Parties have expressed views that the Manual should be more operational and user friendly. The present Manual is almost 450 pages long and there is certain overlap between the three volumes. HELCOM RESPONSE 25-2018 agreed on the allocation of tasks and chapter leads to facilitate the work, as described in document [13-4](#) of RESPONSE 25-2018. In this respect it may be noted that it was agreed that the Maritime Working Group should be consulted with regard to Chapter 4.5 (Requesting a Place of Refuge) of the Manual.

HELCOM HOD 55-2018 approved a project proposal for the review of the HELCOM Response Manual. The Secretariat has employed a Project Researcher to conduct the work together with the chapter leads and the Response Working Group. The Maritime Working Group is hereby given the opportunity to provide comments and input with regard to Chapter 4.5 of the Manual (see **Annex**). In particular, consideration should be given to whether any updates or amendments are needed to the text. Any amendments agreed by the Meeting will be implemented by the Secretariat in the thorough revision of the Manual, before submission for approval to the Response Working Group and subsequent adoption by the Helsinki Commission as part of the revised HELCOM Response Manual.

Action requested

The Meeting is invited to consider Chapter 4.5 of the HELCOM Response Manual and provide comments as appropriate.

4. REQUESTING AND PROVIDING ASSISTANCE

Requesting and providing assistance for combatting spillages of oil or other harmful substances at sea according to Annex VII, Regulation 8 of the Helsinki Convention

Requesting and providing a place of refuge according to HELCOM Recommendation 31E/5 on Mutual Plan for Places of Refuge in the Baltic Sea Area in the Baltic Sea Area

4.1 REQUESTING PARTY

Request for assistance from a Contracting Party (requesting Party) in case of a major spillage of oil or other harmful substance at sea as well as resulting oiled wildlife in order to perform combatting operations and/or oiled wildlife response shall be made by the competent authority of that Party and addressed to the competent authority of another Contracting Party (assisting Party).

A request by telephone shall always be followed by a written confirmation by a competent authority of the requesting Party.

Requested assistance will be subject to the responsibility of the requesting Party. Personnel from the assisting Party is assigned to the competent authority of the requesting Party. Such personnel may only be transferred to other authorities or organizations of the requesting Party with the approval of the assisting Party.

The requesting Party is responsible for the necessary domestic arrangements for the border passage and the housing of the assisting resources as well as the necessary arrangements for collected oil, rescued or dead oiled wildlife, and provision of maintenance facilities.

Request for assistance can consist of:

- specified equipment only;
- specified equipment with trained personnel;
- complete strike teams;
- personnel with special expertise;
- aerial surveillance.

Strike teams referred to above consist of:

- combatting ships and work boats and equipment for
 - communication
 - personal safety (protective suits, breathing apparatus, etc.)
 - combatting marine pollution
 - storage of limited quantities of recovered oil, etc., on board (if tank capacity is available);
- trained crews and personnel for handling the equipment;

- National On-Scene Commander (NOSC) with necessary staff independently able to conduct the work of the strike teams according to instructions from the appointed Supreme On-Scene Commander (SOSC).

4.2 ASSISTING PARTY

The assisting Party shall be prepared to give information on the financial consequences connected with the requested assistance.

The assisting Party shall use its best endeavours to bring about the requested assistance and to decide to which extent the request can be complied with.

The assisting Party shall be prepared to appoint liaison officers to the staff of the Operational Control of the requesting Party in order to secure necessary knowledge of rendered national resources.

4.3 DISPATCHING OF RESOURCES

Both parties should make a preliminary agreement concerning the proper dispatching of the resources provided as well as concerning a survey and assessment of consumed stocks, including damaged or contaminated equipment (cf. Chapter 6 of Part I).

4.4 TERMINATION OF ASSISTANCE

If the circumstances so demand, the assisting Party can fully or partly terminate its assistance. Information on the termination shall be communicated to the competent authority of the requesting Party.

4.5 REQUESTING A PLACE OF REFUGE

Request for a place of refuge from a Contracting Party (Requesting Party) should only be submitted if national options have been fully explored leading to a conclusion that due to different circumstances there is no suitable place of refuge in its own area and granting a shelter in a neighboring Contracting Party is the only solution to ensure ship, coastal and traffic safety and avoid or limit pollution.

Such a request shall be made by the designated competent authority which has the power to take independent decisions concerning accommodation of ships in need of assistance and addressed to the competent authority of another Contracting Party, as listed in Chapter 1.

Financial considerations, commercial reasons or lack of response resources should not be regarded as a sufficient reason to request a place of refuge from another Contracting Party.

A request by telephone shall always be followed by a written confirmation by a competent authority of the Requesting Party.

The Requesting Party when contacting the Requested Party should provide all information on their reasons for not accommodating the vessel in their own area, as well as information according to IMO Resolution A.949(23) "Guidelines on places of refuge for ships in need of assistance", including information on:

- ship details,
- seaworthiness of the ship, in particular buoyancy, stability, availability of means of propulsion and power generation, docking ability, etc.,
- nature and condition of cargo, stores, bunkers, in particular hazardous goods, including its quantity,
- pollution caused by ship,
- whether the master is still on board,
- the number of other crew and/or salvors and other persons on board and an assessment of human factors, including fatigue,
- whether the ship is insured and identification of the insurer, and the limits of liability available,
- provisions of the financial security required,
- commercial salvage contracts already concluded by the master or company of the ship,
- information on the intention of the master and/or salvor,
- any measures already taken.

In case the Requested Party is not in a position to offer a place of refuge the underlying reasons for this decision should be communicated to the Requesting Party.

The Contracting Parties should in advance bilaterally discuss ways of fair sharing of the operation costs by state authorities in a place of refuge situation not met by the international compensation regime and without prejudice to Polluter Pays Principle.

The existing format for pollution reporting (POLREP) is to be used when requesting assistance.