CONVENTION

on the Protection of the Marine Environment of the Baltic Sea Area, 1974 (Helsinki Convention)

THE STATES PARTIES TO THIS CONVENTION,

CONSCIOUS of the indispensable economic, social and cultural values of the marine environment of the Baltic Sea area and its living resources for the peoples of the Contracting Parties,

BEARING in mind the exceptional hydrographic and ecological characteristics of the Baltic Sea area and the sensitivity of its living resources to changes in the environment,

NOTING the rapid development of human activities at the Baltic Sea area, the considerable population living within its catchment area and the highly urbanized and industrialized state of the Contracting Parties as well as their intensive agriculture and forestry,

NOTING with deep concern the increasing pollution of the Baltic Sea area, originating from many sources such as discharges through rivers, estuaries, outfalls and pipelines, dumping and normal operations of vessels as well as through airborne pollutants,

CONSCIOUS of the responsibility of the Contracting Parties to protect and enhance the values of the marine environment of the Baltic Sea area for the benefit of their peoples,

RECOGNIZING that the protection and enhancement of the marine environment of the Baltic Sea area are tasks that cannot effectively be accomplished by national efforts only but that also close regional cooperation and other appropriate international measures aiming at fulfilling these tasks are urgently needed,

NOTING that the relevant recent international conventions even after having entered into force for the respective Contracting Parties do not cover all special requirements to protect and enhance the marine environment of the Baltic Sea area,

NOTING the importance of scientific and technological cooperation in the protection and enhancement of the marine environment of the Baltic Sea area, particularly between the Contracting Parties,

DESIRING to develop further regional cooperation in the Baltic Sea area, the possibilities and requirements of which were confirmed by the signing of the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts, Gdansk 1973,

CONSCIOUS of the importance or regional intergovernmental cooperation in the protection of the marine environment of the Baltic Sea area as an integral part of the peaceful cooperation and mutual understanding between all European States,

HAVE AGREED as follows:

Article 1

Convention area

For the purposes of the present Convention 'the Baltic Sea area' shall be the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44,8'N. It does not include internal waters of the Contracting Parties.

Article 2

Definitions

For the purposes of the present Convention:

1. 'pollution' means introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, resulting in such deleterious effects as hazard to human health, harm

to living resources and marine life, hindrance to legitimate uses of the sea including fishing, impairment of the quality for use of sea water, and reduction of amenities;

2. 'land-based pollution' means pollution of the sea caused by discharges from land reaching the sea waterborne, airborne or directly from the coast, including outfalls from pipelines;

3. (a) 'dumping' means:

(i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

(ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea;

(b) 'dumping' does not include:

(i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of the present Convention;

4. 'vessels and aircraft' means waterborne or airborne craft of any type whatsoever. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms;

5. 'oil' means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

6. 'harmful substance' means any hazardous, noxious or other substance, which, if introduced into the sea, is liable to cause pollution;

7. 'incident' means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

Article 3

Fundamental principles and obligations

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures in order to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea area.

2. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause an increase in the pollution of sea areas outside the Baltic Sea area.

Article 4

Application

1. The present Convention shall apply to the protection of the marine environment of the Baltic Sea area which comprises the water body and the sea bed including their living resources and other forms of marine life.

2. Without prejudice to the sovereign rights in regard to their territorial sea, each Contracting Party shall implement the provisions of the present Convention within its territorial sea through its national authorities.

3. While the provisions of the present Convention do not apply to internal waters, which are under the sovereignty of each Contracting Party, the Contracting Parties undertake, without prejudice to the sovereign rights, to ensure that the purposes of the present Convention will be obtained in these waters.

4. The present Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

Article 5

Hazardous substances

The Contracting Parties undertake to counteract the introduction, whether airborne, waterborne or otherwise, into the Baltic Sea area of hazardous substances as specified in Annex I to the present Convention.

Article 6

Principles and obligations concerning land-based pollution

1. The Contracting Parties shall take all appropriate measures to control and minimize land-based pollution of the marine environment of the Baltic Sea area.

2. In particular, the Contracting Parties shall take all appropriate measures to control and strictly limit pollution by noxious substances and materials in accordance with Annex II of the present Convention. To this end they shall, *inter alia*, as appropriate cooperate in the development and adoption of specific programmes, guidelines, standards or regulations concerning discharges, environmental quality, and products containing such substances and materials and their use.

3. The substances and materials listed in Annex II of the present Convention shall not be introduced into the marine environment of the Baltic Sea area in significant quantities without a prior special permit, which may be periodically reviewed, by the appropriate national authority.

4. The appropriate national authority will inform the commission referred to in Article 12 of the present Convention of the quantity, quality and way of discharge if it considers that significant quantities of substances and materials listed in Annex II of the present Convention were discharged.

5. The Contracting Parties shall endeavour to establish and adopt common criteria for issuing permits for discharges.

6. To control and minimize pollution of the Baltic Sea area by harmful substances the Contracting Parties shall, in addition to the provisions of Article 5 of the present Convention, aim at attaining the goals and applying the criteria enumerated in Annex III to the present Convention.

7. If the discharge from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Baltic Sea area, the Contracting Parties concerned shall in common take appropriate measures in order to prevent and abate such pollution.

8. The Contracting Parties shall endeavour to use best practicable means in order to minimize the airborne pollution of the Baltic Sea area by noxious substances.

Article 7

Prevention of pollution from ships

1. In order to protect the Baltic Sea area from pollution by deliberate, negligent or accidental release of oil, harmful substances other than oil, and by the discharge of sewage and garbage from ships, the Contracting Parties shall take measures as set out in Annex IV to the present Convention.

2. The Contracting Parties shall develop and apply uniform requirements for the capacity and location of facilities for the reception of residues of oil, harmful substances other than oil, including sewage and garbage, taking into account *inter alia* the special needs of passenger ships and combination carriers.

Article 8

Pleasure craft

The Contracting Parties shall, in addition to implementing those provisions of the present Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine environment of the Baltic Sea area of pleasure craft activities. The measures shall *inter alia* deal with adequate reception facilities for wastes from pleasure craft.

Article 9

Prevention of dumping

1. The Contracting Parties shall, subject to paragraphs 2 and 4 of this Article, prohibit dumping in the Baltic Sea area.

2. Dumping of dredged spoils shall be subject to a prior special permit by the appropriate national authority in accordance with the provisions of Annex V to the present Convention.

3. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by vessels and aircraft:

(a) registered in its territory or flying its flag;

(b) loading, within its territory or territorial sea, matter which is to be dumped; or

(c) believed to be engaged in dumping within its territorial sea.

4. The provisions of this Article shall not apply when the safety of human life or of a vessel or aircraft at sea is threatened by the complete destruction or total loss of the vessel or aircraft, or in any case which constitutes a danger to human life, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life.

5. Dumping made under the provisions of paragraph 4 of this Article shall be reported and dealt with in accordance with Annex VI to the present Convention and shall be reported forthwith to the commission referred to in Article 12 of the present Convention in accordance with the provisions of Regulation 4 of Annex V of the present Convention.

6. In case of dumping suspected to be in contravention of the provisions of this Article the Contracting Parties shall cooperate in investigating the matter in accordance with Regulation 2 of Annex IV to the present Convention.

Article 10

Exploration and exploitation of the sea bed and its subsoil

Each Contracting Party shall take all appropriate measures in order to prevent pollution of the marine environment of the Baltic Sea area resulting from exploration or exploitation of its part of the sea bed and its subsoil or from any associated activities thereon. It shall also ensure that adequate equipment is at hand to start an immediate abatement of pollution in that area.

Article 11

Cooperation in combating marine pollution

The Contracting Parties shall take measures and cooperate as set out in Annex VI to the present Convention in order to eliminate or minimize pollution of the Baltic Sea area by oil or other harmful substances.

Article 12

Institutional and organizational framework

1. The Baltic Marine Environment Protection Commission, hereinafter referred to as 'the Commission', is hereby established for the purposes of the present Convention.

2. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the States in the English language.

The chairman shall serve for a period of two years, and cannot during the period of his chairmanship serve as representative of his country.

Should the chairmanship fall vacant, the Contracting Party chairing the Commission shall nominate a successor to remain in office until the term of chairmanship of that Contracting Party expires.

3. Meetings of the Commission shall be held at least once a year upon convocation by the chairman. Upon the request of a Contracting Party, provided it is endorsed by another Contracting Party, the chairman shall, as soon as possible, summon an extraordinary meeting at such time and place as the chairman determines, however, not later than 90 days from the date of the submission of the request.

4. The first meeting of the Commission shall be called by the depositary government and shall take place within a period of 90 days from the date following the entry into force of the present Convention.

5. Each Contracting Party shall have one vote in the Commission. Unless otherwise provided under the present Convention, the Commission shall take its decisions unanimously.

Article 13

The duties of the Commission

The duties of the Commission shall be:

(a) to keep the implementation of the present Convention under continuous observation;

(b) to make recommendations on measures relating to the purposes of the present Convention;

(c) to keep under review the contents of the present Convention including its Annexes and to recommend to the Contracting Parties such amendments to the present Convention including its Annexes as may be required including changes in the lists of substances and materials as well as the adoption of new Annexes;

(d) to define pollution control criteria, objectives for the reduction of pollution, and objectives concerning measures, particularly according to Annex III of the present Convention;

(e) to promote in close cooperation with appropriate governmental bodies, taking into consideration subparagraph (f) of this Article, additional measures to protect the marine environment of the Baltic Sea area and for this purpose:

(i) to receive, process, summarize and disseminate from available sources relevant scientific, technological and statistical information; and

(ii) to promote scientific and technological research;

(f) to seek, when appropriate, the services of competent regional and other international organizations to collaborate in scientific and technological research as well as other relevant activities pertinent to the objectives of the present Convention;

(g) to assume such other functions as may be appropriate under the terms of the present Convention.

Article 14

Administrative provisions for the Commission

1. The working language of the Commission shall be English.

2. The Commission shall adopt its rules of procedure.

3. The office of the Commission, hereafter referred to as the 'secretariat', shall be in Helsinki.

4. The Commission shall appoint an executive secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of the executive secretary.

5. The executive secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of the present Convention, the work of the Commission and other tasks entrusted to the executive secretary by the Commission and its rules of procedure.

Article 15

Financial provisions for the Commission

1. The Commission shall adopt its financial rules.

2. The Commission shall adopt an annual or biennial budget of proposed expenditures and budget estimates for the fiscal period following thereafter.

3. The total amount of the budget, including any supplementary budget adopted by the Commission, shall be contributed by the Contracting Parties in equal parts, unless the Commission unanimously decides otherwise.

In addition to the contributions made by its Member States the European Economic Community will contribute at almost 2,5 % of the administrative costs of the budget.

4. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article 16

Scientific and technological cooperation

1. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to cooperate in the fields of science, technology and other research, and to exchange data as well as other scientific information for the purposes of the present Convention.

2. Without prejudice to paragraphs 1, 2 and 3 of Article 4 of the present Convention the Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to promote studies, undertake, support or contribute to programmes aimed at developing ways and means for the assessment of the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea area, and particularly to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea area.

3. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, and, on the basis of the information and data acquired pursuant to paragraphs 1 and 2 of this Article, to cooperate in developing inter-comparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.

4. The organization and scope of work connected with the implementation of tasks referred to in the preceding paragraphs should primarily be outlined by the Commission.

Article 17

Responsibility for damage

The Contracting Parties undertake, as soon as possible, jointly to develop and accept rules concerning responsibility for damage resulting from acts or ommissions in contravention of the present Convention, including, *inter alia*, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

Article 18

Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of the present Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request the mediation by a third Contracting Party, a qualified international organization or a qualified person.

2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an *ad hoc* arbitration tribunal, to a permanent arbitration tribunal, or to the International Court of Justice.

Article 19

Safeguard of certain freedoms

Nothing in the present Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

Article 20

Status of Annexes

The Annexes attached to the present Convention form an integral part of the Convention.

Article 21

Relation to other conventions

The provisions of the present Convention shall be without prejudice to the rights and obligations of the Contracting Parties under treaties concluded previously as well as under treaties which may be concluded in the future, furthering and developing the general principles of the law of the sea that the present Convention is based upon and in particular provisions concerning the prevention of pollution of the marine environment.

Article 22

Revision of the Convention

A conference for the purpose of a general revision of the present Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

Article 23

Amendments to the Articles of the Convention

1. Each Contracting Party may propose amendments to the Articles of the present Convention. Any such proposed amendment shall be submitted to the depositary government and communicated by it to all Contracting Parties, which shall inform the depositary government of either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force 90 days after the depositary government has received notifications of acceptance of that amendment from all Contracting Parties.

2. With the consent of the Contracting Parties or at the request of the Commission a conference may be convened for the purpose of amending the present Convention.

Article 24

Amendments to the Annexes and the adoption of Annexes

1. Any amendment to the Annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the depositary government and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.

2. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly, if, in exceptional cases, any Contracting Party before the expiring of the period determined by the Commission informs the depositary government, that, although it intends to accept the proposal, the constitutional requirements for such an acceptance are not yet fulfilled in its State.

3. An Annex to the present Convention may be adopted in accordance with the provisions of this Article.

4. The depositary government shall inform all Contracting Parties of any amendments or the adoption of a new Annex which enter into force under this Article and of the date on which such amendment or new Annex enters into force.

5. Any objection under this Article shall be made by notification in writing to the depositary government which shall notify all Contracting Parties and the executive secretary of any such notification and the date of its receipt.

Article 25

Reservations

1. The provisions of the present Convention shall not be subject to reservations.

2. The provision of paragraph 1 of this Article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an Annex of the present Convention or part thereof or an amendment thereto after the Annex in question or the amendment thereto has entered into force.

3. If after the entry into force of the present Convention a Contracting Party invokes the provisions of paragraph 2 of this Article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an Annex, or a new Annex, of those provisions which will be suspended in accordance with paragraph 2 of this Article.

Article 26

Signature, ratification, approval, and accession

1. The present Convention shall be open for signature in Helsinki on 22 March 1974 by the Baltic Sea States participating in the diplomatic conference on the protection of the marine environment of the Baltic Sea area, held in Helsinki from 18 to 22 March 1974. The present Convention shall be open for accession to any other State interested in fulfilling the aims and purposes of the present Convention, provided that this State is invited by all the Contracting Parties.

The present Convention shall be open for accession by the European Economic Community. Within area of its competence, the European Economic Community is entitled to a number of votes equal to the number of its Member States which are Contracting Parties to the present Convention. The European Economic Community shall not exercise its rights to vote in cases where its Members exercise theirs and conversely.

2. The present Convention shall be subject to ratification or approval by the States which have signed it.

3. The instruments of ratification, approval, or accession shall be deposited with the Government of Finland, which will perform the duties of the depositary government.

Article 27

Entry into force

The present Convention shall enter into force two months after the deposit of the seventh instrument of ratification or approval.

For the European Economic Community acceding to the Convention according to Article 26 the Convention shall enter into force two months after the deposit of the instrument of accession.

Article 28

Withdrawal

1. At any time after the expiry of five years from the date of entry into force of the present Convention any Contracting Party may, by giving written notification to the depositary government, withdraw from the present Convention. The withdrawal shall take effect for such Contracting Party on the 31st day of December of the year which follows the year in which the depositary government was notified of the withdrawal.

2. In case of notification of withdrawal by a Contracting Party the depositary government shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

Article 29

Language

The present Convention has been drawn up in a single copy in the English language. Official translations into the Danish, Finnish, German, Polish, Russian and Swedish languages shall be prepared and deposited with the signed original.

In witness whereof the undersigned plenipotentiaries, being duly authorized thereto, have signed the present Convention.

Done at Helsinki, this twenty-second day of March one thousand nine hundred and seventy-four.

For Denmark:

HOLGER HANSEN

For Finland:

JERMU LAINE

For the German Democratic Republic:

HANS REICHELT

For the Federal Republic of Germany:

HANS-GEORG SACHS

For the Polish People's Republic:

JERZY KUSIAK

For Sweden:

SVANTE LUNDKVIST

For the Union of Soviet Socialist Republics:

E. E. ALEXEEVSKY

ANNEX I

HAZARDOUS SUBSTANCES

The protection of the Baltic Sea area from pollution by the substances listed below can involve the use of appropriate technical means, prohibitions and regulations of the transport, trade, handling, application, and final deposition of products containing such substances.

1. DDT (1,1,1-trichloro-2,2-bis-(chlorophenyl)-ethane) and its derivatives DDE and DDD.
2. PCB's (polychlorinated biphenyls).
3. PCT's (polychlorinated terphenyls).

ANNEX II

NOXIOUS SUBSTANCES AND MATERIALS

The following substances and materials are listed for the purposes of Article 6 of the present Convention.

The list is valid for substances and materials introduced as waterborne into the marine environment. The Contracting Parties shall also endeavour to use best practicable means to prevent harmful substances and materials from being introduced as airborne to the Baltic Sea area.

A. **For urgent consideration:**

1. mercury, cadmium, and their compounds.

B.

2. Antimony, arsenic, beryllium, chronium, copper, lead, molybdenum, nickel, selenium, tin, vanadium, zinc, and their compounds, as well as elemental phosphorus.
3. Phenols and their derivatives.
4. Phthalic acid and its derivatives.
5. Cyanides.
6. Persistent halogenated hydrocarbons.
7. Polycyclic aromatic hydrocarbons and their derivatives.
8. Persistent toxic organosilicic compounds.
9. Persistent pesticides, including organophosphoric and organostannic pesticides, herbicides, slimicides and chemicals used for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles, not covered by the provisions of Annex I to the present Convention.
10. Radioactive materials.
11. Acids, alkalis and surface active agents in high concentrations or big quantities.
12. Oil and wastes of petrochemical and other industries containing lipid-soluble substances.
13. Substances having adverse effects on the taste and/or smell of products for human consumption from the sea, or effects on taste, smell, colour, transparency or other characteristics of the water seriously reducing its amenity values.
14. Materials and substances which may float, remain in suspension or sink, and which may seriously interfere with any legitimate use of the sea.
15. Lignin substances contained in industrial waste waters.
16. The chelators EDTA (ethylenedinitrilotetraacetic acid or ethylenediaminetetraacetic acid) and DTPA diethylenetriaminopentaacetic acid).

ANNEX III

GOALS, CRITERIA AND MEASURES CONCERNING THE PREVENTION OF LAND-BASED POLLUTION

In accordance with the provisions of Article 6 of the present Convention the Contracting Parties shall endeavour to attain the goals and apply the criteria and measures enumerated in this Annex in order to control and minimize land-based pollution of the marine environment of the Baltic Sea area.

1. Municipal sewage shall be treated in an appropriate way so that the amount of organic matter does not cause harmful changes in the oxygen content of the Baltic Sea area and the amount of nutrients does not cause harmful eutrophication of the Baltic Sea area.

2. Municipal sewage shall also be treated in an appropriate way to ensure that the hygienic quality, and in particular epidemiological and toxicological safety, of the receiving sea area is maintained at a level which does not cause harm to human health, and in a way that under the given composition of the sewage no significant amount of such harmful substances as are listed in Annexes I and II to the present Convention is formed.

3. The polluting load of industrial wastes shall be minimized in an appropriate way in order to reduce the amount of harmful substances, organic matter and nutrients.

4. The means referred to in paragraph 3 of this Annex shall in particular include minimization of production of wastes by processing techniques, recirculation and reuse of processing water, developing of water economy and improvement of qualifications for water treatment. In the treatment of waste water mechanical, chemical, biological and other measures, according to the quality of the waste water, and as required to improve the quality of the recipient water, shall be applied.

5. The discharge of cooling water from nuclear power plants or other kinds of industries using large amounts of water shall be effected in a way which minimizes the pollution of the marine environment of the Baltic Sea area.

6. The Commission will define pollution control criteria, objectives for reduction of pollution and objectives concerning measures, including processing techniques and waste treatment, to reduce pollution of the Baltic Sea area.

ANNEX IV

PREVENTION OF POLLUTION FROM SHIPS

REGULATION 1

The Contracting Parties shall, in matters concerning the protection of the Baltic Sea area from pollution by ships, cooperate

(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.

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.

REGULATION 3

Definitions

For the purposes of this Annex:

1. 'ship' means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;

2. 'administration' means the government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the administration is the government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the administration is the government of the coastal State concerned;

3. (a) 'discharge', in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

   (b) 'discharge' does not include:

      (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or

      (ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea bed mineral resources; or

      (iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

4. 'nearest land': the term 'from the nearest land' means from the baseline from which the territorial sea of the territory in question is established in accordance with international law;

5. the term 'jurisdiction' shall be interpreted in accordance with international law in force at the time of application or interpretation of this Annex;

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.

REGULATION 4

Oil

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

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 to Marpol 73/78 for the prevention of pollution by noxious liquid substances carried in bulk.

REGULATION 6

Harmful substances in packaged forms

A. The Contracting Parties shall as soon as possible apply suitable uniform rules for the carriage of harmful substances in packaged forms or in freight containers, portable tanks or road and rail tank wagons.

B. With respect to certain harmful substances, as may be designated by the Commission, the master or owner of the ship or his representative shall notify the appropriate port authority of the intent to load or unload such substances at least 24 hours prior to such action.

C. A report of an incident involving harmful substances shall be made in accordance with the provisions of Annex VI to the present Convention.

REGULATION 7

Sewage

The Contracting Parties shall apply the provisions of paragraphs A to D and F and G of this Regulation on discharge of sewage from ships while operating in the Baltic Sea area.

A. *Definitions*

For the purposes of this Regulation:

1. 'sewage' means:

   (a) drainage and other wastes from any form of toilets, urinals, and WC scuppers;

   (b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;

   (c) drainage from spaces containing living animals; or

   (d) other waste waters when mixed with the drainages defined above;

2. 'holding tank' means a tank used for the collection and storage of sewage.

B. *Application*

The provisions of this Regulation shall apply to:

(a) ships of 200 tonnes gross tonnage and above;

(b) ships of less than 200 tonnes gross tonnage which are certified to carry more than 10 persons;

(c) ships which do not have a measured gross tonnage and are certified to carry more than 10 persons.

C. *Discharge of sewage*

1. Subject to the provisions of paragraph D of this Regulation, the discharge of sewage into the sea is prohibited, except when:

   (a) the ship is discharging comminuted and disinfected sewage using a system approved by the administration at a distance of more than four nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is *en route* and proceeding at not less than four knots; or

   (b) the ship has in operation a sewage treatment plant which has been approved by the administration, and

      (i) the test results of the plant are laid down in a document carried by the ship;

      (ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of the surrounding water; or

   (c) the ship is situated in the waters under the jurisdiction of a State and is discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

2. When the sewage is mixed with wastes or waste water having different discharge requirements, the more stringent requirements shall apply.

D. *Exceptions*

Paragraph C of this Regulation shall not apply to:

(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of preventing or minimizing the discharge.

E. *Reception facilities*

1. Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea area for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ship using them.

2. To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

Standard dimensions of flanges for discharge connections

Description	Dimension
Outside diamenter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	Four holes, 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm.
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	Four, each of 16 mm in diameter and of suitable length

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm^2.

For ships having a moulded depth of five metres and less, the inner diameter of the discharge connection may be 38 mm.

F. *Surveys*

1. Ships which are engaged in international voyages in the Baltic Sea area shall be subject to surveys specified below:

(a) an initial survey before the ship is put in service or before the certificate required pursuant to paragraph G of this Regulation is issued for the first time, which shall include a survey of the ship which shall be such as to ensure:

(i) when the ship is equipped with a sewage treatment plant the plant shall meet operational requirements based on standards and the test methods recommended by the Commission (1) and shall be approved by the administration;

(ii) when the ship is fitted with a system to comminute and disinfect the sewage, such a system shall meet operational requirements based on standards and the test methods recommended by the commission (1) and shall be approved by the administration;

(iii) when the ship is equipped with a holding tank the capacity of such tank shall be to the satisfaction of the administration for the retention of all sewage having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall meet operational requirements based on standards and the test methods recommended by the Commission (1) and shall be approved by the administration; and

(iv) that the ship is equipped with a pipeline to discharge sewage to a reception facility. The pipeline should be fitted with a standard shore connection in accordance with paragraph E or for ships in dedicated trades alternatively with other standards which can be accepted by the administration such as quick connection couplings.

(1) Reference is made to Helcom recommendation 1/5.

This survey shall be such as to ensure that equipment, fittings, arrangements and material fully comply with the applicable requirements of this Regulation.

The administration shall recognize the 'certificate of type test' for sewage treatment plants issued under the authority of other Contracting Parties;

(b) periodical surveys at intervals specified by the administration but not exceeding five years which shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Regulation.

2. Surveys of the ship as regards enforcement of the provisions of this Regulation shall be carried out by officers of the administration. The administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the administration concerned fully guarantees the completeness and efficiency of the surveys.

3. After any survey of the ship has been completed, no significant change shall be made in the equipment, fittings, arrangements, or material covered by the survey without the approval of the administration, except the direct replacement of such equipment or fittings.

G. *Certificate*

1. A sewage pollution prevention certificate shall be issued to ships certified to carry more than 50 persons which are engaged in international voyages in the Baltic Sea area, after survey in accordance with the provisions of paragraph F of this Regulation.

2. Such certificate shall be issued either by the administration or by any person or organization duly authorized by it. In every case the administration assumes full responsibility for the certificate.

3. The sewage prevention certificate shall be drawn up in the form corresponding to the model given in the appendix to Annex IV to Marpol 73/78, as the Contracting Parties are also parties to Marpol 73/78. If the language is not English, the text shall include a translation into English.

4. A sewage pollution prevention certificate shall be issued for a period certified by the administration, which shall not exceed five years.

5. A certificate shall cease to be valid if significant alternations have taken place in the equipment, fittings, arrangement or material required without the approval of the administration except the direct replacement of such equipment or fittings.

REGULATION 8

Garbage

The Contracting Parties, also being parties to Marpol 73/78, apply in conformity with that agreement the provisions of Annex V to Marpol 73/78 for the prevention of pollution by garbage from ships.

ANNEX V

EXCEPTIONS FROM THE GENERAL PROHIBITION OF DUMPING OF WASTE AND OTHER MATTER IN THE BALTIC SEA AREA

REGULATION 1

In accordance with paragraph 2 of Article 9 of the present Convention the prohibition of dumping shall not apply to the disposal at sea of dredged spoils provided that:

1. they do not contain significant quantities and concentrations of substances to be defined by the Commission and listed in Annexes I and II to the present Convention; and
2. the dumping is carried out under a prior special permit given by the appropriate national authority, either:
   (a) within the area of the territorial sea of the Contracting Party; or
   (b) outside the area of the territorial sea, whenever necessary, after prior consultations in the Commission.

When issuing such permits the Contracting Party shall comply with the provisions in Regulation 3 of this Annex.

REGULATION 2

1. The appropriate national authority referred to in paragraph 2 of Article 9 of the present Convention shall:
   (a) issue special permits provided for in Regulation 1 of this Annex;
   (b) keep records of the nature and quantities of matter permitted to be dumped and the location, time and method of dumping;
   (c) collect available information concerning the nature and quantities of matter that has been dumped in the Baltic Sea area recently and up to the coming into force of the present Convention, provided that the dumped matter in question could be liable to contaminate water or organisms in the Baltic Sea area, to be caught by fishing equipment, or otherwise to give rise to harm, and the location, time and method of such dumping.
2. The appropriate national authority shall issue special permits in accordance with Regulation 1 of this Annex in respect of matter intended for dumping in the Baltic Sea area:
   (a) loaded in its territory;
   (b) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to the present Convention.
3. When issuing permits under subparagraph 1 (a), the appropriate national authority shall comply with Regulation 3 of this Annex, together with such additional criteria, measures and requirements as they may consider relevant.
4. Each Contracting Party shall report to the commission, and where appropriate to other Contracting Parties, the information specified in subparagraph 1 (c) of Regulation 2 of this Annex. The procedure to be followed and the nature of such reports shall be determined by the Commission.

REGULATION 3

When issuing special permits according to Regulation 1 of this Annex the appropriate national authority shall take into account:

1. the quantity of dredged spoils to be dumped;
2. the content of the matter referred to in Annexes I and II to the present Convention;
3. location (e.g. coordinates of the dumping area, depth and distance from coast) and its relation to areas of special interest (e.g. amenity areas, spawning, nursery and fishing areas, etc.);
4. water characteristics, if dumping is carried out outside the territorial sea, consisting of:
   (a) hydrographic properties (e.g. temperature, salinity, density, profile);
   (b) chemical properties (e.g. pH, dissolved oxygen, nutrients);
   (c) biological properties (e.g. primary production and benthic animals).

   The data should include sufficient information on the annual mean levels and the seasonal variation of the properties mentioned in this paragraph;

5. the existence and effects of other dumping which may have been carried out in the dumping area.

REGULATION 4

Reports made in accordance with paragraph 5 of Article 9 of the present Convention shall include the following information:

1. location of dumping, characteristics of dumped material, and countermeasures taken:

   (a) location (e.g. coordinates of the accidental dumping site, depth and distance from the coast);

   (b) method of deposit;

   (c) quantity and composition of dumped matter as well as its physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients), and biological properties (e.g. presence of viruses, bacteria, yeasts, parasites);

   (d) toxicity;

   (e) content of the substances referred to in Annex I and II to the present Convention;

   (f) dispersal characteristics (e.g. effects of currents and wind, and horizontal transport and vertical mixing);

   (g) water characteristics (e.g. temperature, pH, redox conditions, salinity and stratification);

   (h) bottom characteristics (e.g. topography, geological characteristics and redox conditions);

   (i) countermeasures taken and follow-up operations carried out or planned.

2. general considerations and conditions:

   (a) possible effects on amenities (e.g. floating or stranded material, turbidity, objectionable odour, discolouration and foaming);

   (b) possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and cultures; and

   (c) possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation and protection of areas of special importance for scientific or conservation purposes).

ANNEX VI

COOPERATION IN COMBATING MARINE POLLUTION

REGULATION 1

For the purpose of this Annex:

1. 'ship' means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;

2. 'administration' means the government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the administration is the government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the administration is the government of the coastal State concerned;

3. (a) 'discharge', in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

   (b) 'discharge' does not include:

      (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or

      (ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea bed mineral resources; or

      (iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

REGULATION 2

The Contracting Parties undertake to maintain ability to combat spillages of oil and other harmful substances on the sea. This ability shall include adequate equipment, ships and manpower prepared for operations in coastal waters as well as on the high sea.

REGULATION 3

The Contracting Parties shall, without prejudice to paragraph 4 of Article 4 of the present Convention, develop and apply individually or in cooperation, surveillance activities covering the Baltic Sea area, in order to spot and monitor oil and other substances released into the sea.

REGULATION 4

In the case of loss overboard of harmful substances in packages, freight containers, portable tanks, or road and rail tank wagons, the Contracting Parties shall cooperate in the salvage and recovery of such packages, containers or tanks so as to minimize the danger to the environment.

REGULATION 5

1. The Contracting Parties, also being parties to the international Convention for the prevention of pollution from ships, 1973, as modified by the Protocol of 1978 relating thereto (Marpol 73/78), apply in conformity with that agreement the provisions of Article 8 and Protocol I to Marpol 73/78 on reports on incidents involving harmful substances. These provisions shall also be applied with regard to significant spillages of oil or other harmful substances in cases not covered by Article 8 of Marpol 73/78.

2. The Contracting Parties shall request masters of ships and pilots of aircraft to report without delay in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.

REGULATION 6

Each Contracting Party shall request masters of ships flying its flag to provide, in case of an incident, on request by the proper authorities, such detailed information about the ship and its cargo which is relevant to actions for preventing or combating pollution of the sea, and to cooperate with these authorities.

REGULATION 7

1. (a) The Contracting Parties shall as soon as possible agree bilaterally or multilaterally on those regions of the Baltic Sea area in which they will take action for combating or salvage activities whenever a significant spillage of oil or other harmful substances or any incidents causing or likely to cause pollution within the Baltic Sea area have occurred or are likely to occur. Such agreements shall not prejudice any other agreements concluded between Contracting Parties concerning the same subject. The neighbouring States shall ensure the harmonization of the different agreements. The Contracting Parties will inform each other about such agreements.

The Contracting Parties may ask the Commission for assistance to reach agreement, if needed.

(b) The Contracting Party within whose region a situation as described in Regulation 1 of this Annex occurs shall make the necessary assessments of the situation and take adequate action in order to avoid or minimize subsequent pollution effects and shall keep drifting parts of the spillage under observation until no further action is called for.

2. In the case that such a spillage is drifting or is likely to drift into a region, where another Contracting Party should take action for purposes as defined in subparagraph 1 (a) of this Regulation, that Party shall without delay be informed of the situation and the actions that have been taken.

REGULATION 8

A Contracting Party requiring assistance for combating spillages of oil or other harmful substance at sea is entitled to call for assistance by other Contracting Parties, starting with those who seem likely also to be affected by the spillage. Contracting Parties called upon for assistance in accordance with this Regulation shall use their best endeavours to bring such assistance.

REGULATION 9

1. The Contracting Parties shall provide information to the other Contracting Parties and the Commission about

(a) their national organization for dealing with spillages at sea of oil and other harmful substances;

(b) national regulations and other matters which have a direct bearing on combating pollution at sea by oil other harmful substances;

(c) the competent authority responsible for receiving and dispatching reports of pollution at sea by oil and other harmful substances;

(d) the competent authorities for dealing with questions concerning measures of mutual assistance, information and cooperation between the Contracting Parties according to this Annex;

(e) actions taken in accordance with Regulation 8 of this Annex.

2. The Contracting Parties shall exchange information of research and development programmes and results concerning ways in which pollution by oil and other harmful substances at sea may be dealt with and experiences in combating such pollution.

REGULATION 10

The authorities referred to in subparagraph 1 (d) of Regulation 9 of this Annex shall establish direct contact and cooperate in operational matters.