

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

HELSINKI COMMISSION - Baltic Marine
Environment Protection Commission

Extraordinary Ministerial Meeting
Copenhagen, Denmark, 10 September 2001

HELCOM EXTRA 2001
Minutes of the Meeting

Annex 17

**DECLARATION ON THE SAFETY OF NAVIGATION
AND EMERGENCY CAPACITY IN THE BALTIC SEA AREA
(HELCOM COPENHAGEN DECLARATION)**

adopted on 10 September 2001 in Copenhagen
by the HELCOM Extraordinary Ministerial Meeting

The Commission, represented by

the Minister for Environment and Energy of the Government of the Kingdom of Denmark and the Minister for Trade and Industry of the Government of the Kingdom of Denmark,

the Minister for Transport and Communications of the Government of the Republic of Estonia,

the Permanent Secretary in the Ministry of Transport and Communications of the Government of the Republic of Finland,

the Federal Minister for the Environment, Nature Conservation and Nuclear Safety of the Government of the Federal Republic of Germany and the Federal Minister of Transport, Building and Housing of the Federal Republic of Germany,

the Minister of Environmental Protection and Regional Development of the Government of the Republic of Latvia,

the Vice Minister of Environment of the Government of the Republic of Lithuania and the Vice Minister of Transport and Communications of the Republic of Lithuania

the Vice Minister for Transport and Maritime Economy of the Government of the Republic of Poland,

the First Deputy Minister of Transport of the Government of the Russian Federation,

the Minister for Industry, Employment and Communications of the Government of the Kingdom of Sweden;

and by the Director of the European Commission's Maritime Directorate, representing the Commissioner for Transport and Energy of the Commission of the European Community

ASSEMBLED in Copenhagen, Denmark on the occasion of the Extraordinary Ministerial Meeting of the Helsinki Commission, on 10 September 2001,

RECALLING the provisions of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992,

CONSCIOUS of the sensitivity of the marine environment of the Baltic Sea Area and of the importance it represents to the people living around it, for economic, social, recreational and cultural reasons,

AWARE of the need to protect this shared resource for the benefit of present and future generations through the implementation of an integrated approach as envisaged in the concept of sustainability,

RECOGNIZING that if harmful substances are introduced to this vulnerable sea they will remain there for a long time,

NOTING with satisfaction the joint endeavours of the Baltic Sea States already undertaken as well as the work carried out within the International Maritime Organization and the European Community,

MINDFUL of the goal of the Helsinki Commission to improve the involvement and support from the business communities in the policy implementation as decided during HELCOM EXTRA 99,

TAKING INTO ACCOUNT the Communiqué by the Tenth Ministerial Session of the Council of the Baltic Sea States (CBSS), held in Hamburg, on 7 June 2001 and especially Annex two hereof dealing with marine environment protection and safety of sea transport as well as the Resolution adopted by the 10th Baltic Sea Parliamentary Conference (BSPC) held in Greifswald, on 3-4 September 2001 and especially Part II dealing with safety of ships and sea lanes,

EXPRESSING concern as to the growing density of maritime traffic in Baltic Sea Area and the accidents which have taken place,

ACKNOWLEDGING the difficulties the Baltic Sea Area presents to navigation due to narrow straits, shallow depths, archipelago areas and ice cover during winter period,

BEING CONVINCED of the need for additional measures in order to ensure the safety of navigation in the Baltic Sea Area,

TAKING INTO ACCOUNT the forthcoming directive of the European Parliament and the Council establishing a Community vessels traffic monitoring and information system for maritime traffic which should form the basis of a fully integrated AIS vessel monitoring system covering the entire European area;

FURTHER BEING CONVINCED of the need to improve the emergency and combatting capacities in the Baltic Sea Area,

TAKING INTO ACCOUNT the action programme of the European Community, established by Decision 2850/2000/EC setting up a Community framework for co-operation in the field of accidental or deliberate pollution, which includes the development of a Community Information System (CIS) with the list of intervention resources available, and the support measures for improving techniques and methods of response and rehabilitation;

TAKING INTO ACCOUNT the new European Community mechanism to facilitate reinforced co-operation in Civil Protection assistance interventions, which includes accidental marine pollution, and should enter into force on 1 January 2002;

WITHOUT PREJUDICE TO international agreements and legislation of the European Community;

NOTING that for the purpose of this Declaration “the Governments of the Contracting Parties” means the Governments of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden

HAS AGREED TO THE FOLLOWING MEASURES

I To improve existing routing measures in the Baltic Sea Area

a) Deep-water route North East of Gedser (DW 17m)

- by having supported the extension of the deep-water route North East of Gedser (DW 17 m) five nautical miles into the Traffic Separation Scheme (TSS) “South of Gedser”, as jointly proposed to the International Maritime Organization (IMO) by Denmark and Germany and having received the endorsement by the IMO Sub-Committee on Safety of Navigation at its 47th Session of a de facto early implementation hereof in January 2002 (cf. IMO SN/Circ. 218);
- by requesting the 75th session of the IMO Maritime Safety Committee (May 2002) to adopt the above mentioned proposal, as approved by the IMO Sub-Committee

on Safety of Navigation at its 47th session; and

- by expressing its appreciation to the Governments of Denmark and Germany for their joint arrangement as regards aids to navigation and AIS monitoring to increase the safety of navigation in the Kadetrenden.

b) Routeing measures in the eastern part of the Gulf of Finland

- by supporting amendments to the Traffic Separation Schemes and the establishment of a new deep water route in the eastern part of the Gulf of Finland, as proposed to IMO by Russia following the construction of the new oil terminal in Primorsk, Russia; and
- by requesting the 75th session of the IMO Maritime Safety Committee (May 2002) to adopt the above mentioned proposal, as approved by the IMO Sub-Committee on Safety of Navigation at its 47th session.

c) New routeing measures in the Baltic

- by declaring the preparedness to support joint submissions to IMO with regard to:
 - the need to move traffic with, in particular, deep draught ships, especially tankers westbound, from the traffic separation scheme off the island of Gotland;
 - the need to recommend a new route for deep draught ships south of the present traffic separation schemes; and
 - the need to consider a traffic separation scheme or other means between the island of Bornholm and the Swedish mainland.

d) New routeing and reporting measures in the Gulf of Finland

- by declaring the preparedness to support a joint submission to IMO by Estonia, Finland and Russia with regard to:
 - the need to extend the existing routeing system in the Gulf of Finland; and
 - the need for a new mandatory routeing and reporting system in the Gulf of Finland, including the establishment of a new VTMS system.

II To enhance the use of pilotage in Route T and the Sound

- by declaring preparedness to consider this issue within the framework of the IMO and, in particular,
 - to support a joint submission to IMO by Denmark, proposing to extend IMO Resolution A.620(15) "Navigation through the Entrances to the Baltic Sea" to include a recommendation for all ships with a draught between 11 and 13 metres to use a pilot in **Route T**, so that

for **Route T** ships with a draft of 11 metres or more and ships carrying a shipment of INF cargo and for **the Sound** loaded oil tankers with a

draught of 7 metres or more, loaded chemical tankers and gas carriers irrespective of size and ships carrying a shipment of INF cargo are recommended to take a pilot when navigating through the entrances to the Baltic Sea;

- to consider other ways and means of enhancing compliance with IMO resolutions A.579(14) "Use of Pilotage Services in the Sound" and A.620(15) "Navigation through the Entrances to the Baltic Sea", as amended;
- to consider any further steps that may be taken with a view to enhance safety by the use of pilots in the Baltic Sea and the entrances thereto;
- by declaring preparedness to work together within the framework of HELCOM with a view to establishing a system whereby
 - ships covered by the above resolutions, as amended, upon departure from a port in the Baltic region are reminded that they are recommended to use a pilot
 - an appropriate body in Denmark, to be determined, is informed of ships covered by the above resolutions, as amended, leaving a port in the Baltic region and bound for **Route T** or **the Sound**.

III To adopt additional measures to ensure improved hydrographic services and to promote the use of Electronic Navigational Charts (ENC)

a) Re-surveying of major shipping routes and ports

- by requesting the Governments of the Contracting Parties to develop a scheme for systematic re-surveying of major shipping routes and ports in order to ensure that safety of navigation is not endangered by inadequate source information. The survey shall be carried out to a standard not inferior to the latest edition of IHO S-44. The scheme shall be elaborated jointly by the hydrographic services responsible for the areas in question not later than by the end of 2002 with the aim to begin implementation by 2003,

b) Electronic Navigational Charts (ENC)

- by requesting the Governments of the Contracting Parties to ensure that major shipping routes and ports are covered by ENC by the end of 2002. Major shipping routes and ports shall be selected on the basis of volumes of dangerous goods and number of passengers;
- by requesting the Governments of the Contracting Parties to ensure that secondary shipping routes and ports are covered by ENC by the end of 2004.

c) Electronic Chart Display and Information Systems (ECDIS)

- by requesting the Governments of the Contracting Parties to accept ECDIS as equivalent to paper charts in accordance with the revised Chapter V of SOLAS,
- by requesting the Governments of the Contracting Parties to enter into negotiations with shippers and recipients in their States, who are involved in transport of

goods to and from ports in the Baltic Sea Area, with the aim that the commercial parties (e.g. national shippers and receivers) make arrangements to the effect that:

- ships with a draft of 11 metres or more, oil tankers with a draft of 7 metres or more, chemical tankers and gas carriers irrespective of size and ships carrying a shipment of INF cargo carry ECDIS;
- by requesting the Governments of the Contracting Parties by the end of the year 2002 as a matter of particular interest to ensure that port State control of paper charts is intensified on board ships with a draught of 11 metres or more, oil tankers with a draft of 7 metres or more, chemical tankers and gas carriers irrespective of size and ships carrying a shipment of INF cargo;
- by requesting the Governments of the Contracting Parties to make national information campaigns to shipowners about the acceptance of ECDIS as equivalent to paper charts in accordance with Chapter V of SOLAS, the availability of ENC and the advantages to be gained from using ECDIS.

IV To enhance the use of Automatic Identification Systems (AIS)

- by requiring the Governments of the Contracting Parties to establish national, land-based monitoring systems for ships, based on AIS signals. A full monitoring of the Baltic Sea Area within A1 sea area shall take place not later than 1 July 2005;
- by requiring the Governments of the Contracting Parties to establish a common Baltic Sea monitoring system based on - and with access to - all national Baltic AIS monitoring systems;
- by requiring the Governments of the Contracting Parties to provide the HELCOM Secretariat with specified and conformed AIS data in order to enable the Secretariat to prepare an annual report containing reliable statistics on ships' traffic in the Baltic Sea Area as a basis for risk analyses and further consideration by the Contracting Parties;
- by establishing an expert working group, under the leadership of Sweden, with representatives from each of the Contracting Parties with the purpose of facilitating mutual exchange and deliveries of AIS data, including the construction of the monitoring system for the maritime traffic in the Baltic Sea Area (the Terms of Reference of the expert working Group are contained in **Attachment 1**)

V To support the actions of the European Commission to ensure maritime safety and pollution prevention

- by requesting the European Community and HELCOM in due time to develop an agreement on technical co-operation between the European Maritime Safety Agency and HELCOM;
- by requesting the Governments of the Contracting Parties to consider their readiness to participate in a Memorandum of Understanding for the setting-up of a European Platform for Maritime Data Exchange; and
- by inviting the European Commission and the applicant States and Russia to promote the participation of the applicant States and Russia in the European Platform

for Maritime Data Exchange.

VI To phase out the use of single hull oil tankers in the Baltic Sea Area

- by requesting the Governments of the Contracting Parties to notify the International Maritime Organization, for circulation to the Parties to MARPOL 73/78, that they:
 - will amend the conditions under which ships are permitted to fly their flags so as not to allow the operation of ships which may not comply with the requirements of Regulation 13F in accordance with Regulation 13G(4);
 - will refrain from making use of the provisions of either paragraph (5)(a) or paragraph (5)(b) of the revised Regulation 13G of Annex I of MARPOL 73/78 and thus they will not allow ships entitled to fly their flag to which paragraph (5)(a) and (5)(b) may be applied to continue operating beyond the date specified in Regulation 13G(4);
 - will make use, as from 1 January 2015, of the provisions of paragraph 8(b) of Regulation 13G for the purpose of denying entry into their ports or offshore terminals of ships which have been permitted, on the basis of the provisions of paragraph (5)(a) or (5)(b) of Regulation 13G, to continue operating beyond the anniversary of the date of their delivery in 2015;
 - may under exceptional circumstances allow an individual ship not complying with Regulation 13F in accordance with Regulation 13G(4), to enter their ports or off-shore terminals, when:
 - an oil tanker is in difficulty and in search of a safe haven or of a place of refuge,
 - an unloaded oil tanker is proceeding to a port of repair.
- by requesting the Governments of the Contracting Parties to enter into negotiations with national shippers and recipients, who are importing or importing by ports in the Baltic Sea Area, with the aim that the commercial parties (e.g. national shippers and receivers) make arrangements to the effect that orimulsion is carried in double-hull tankers.

VII To carry out port State control on the basis of either the 1982 Paris Memorandum of Understanding on Port State Control or the Council Directive 95/21/EC, as amended

- by urging the Governments of Estonia, Latvia and Lithuania to take appropriate steps in order to become full members, as quickly as possible, to the 1982 Paris MOU;
- to urge the maritime industry, in particular the charters and cargo owners, to make use of the results of port State inspections as inserted in the EQUASIS Database and thereby effectively apply the principles of the Maritime Industry Charter on Quality.

VIII To investigate the benefits from designating parts of the Baltic Sea Area as a Particularly Sensitive Sea Area (PSSA)

- by analysing, by 2003, the existing maritime safety measures and the need for additional ones by the Sea-based Pollution Group of the Helsinki Commission

with a view to further promoting such measures through a possible designation of certain areas in the Baltic Sea as Particularly Sensitive Sea Areas, within the framework of IMO.

IX To provide systematic and updated guidance and information related to safe navigation to relevant stakeholders trading in and out of the Baltic Sea Area

- by requesting the Governments of the Contracting Parties to establish such information on their national web-pages (the outline of the common headings and content is contained in **Attachment 2**); and
- by requesting links to be established from the HELCOM web-page to the national web-pages.

X To promote a safety and environmental culture through the establishment of a common procedure for the investigations into marine casualties

- by identifying major non conformities under the ISM Code when investigating any safety or environment related occurrences on board a ship and marine casualties, distributing the findings to the maritime industry via IMO with the aim to improve safety management systems applied and act accordingly with respect to the possible withdrawal of the Document of Compliance or the Safety Management Certificate;
- by making use of the IMO Code for the Investigation of Marine Casualties and Incidents (resolution A.849(20)) with a view to co-operating if involved as flag State or other substantially interested State and to exchange, within the legal framework of data protection, the data of the voyage data recorders of involved ships under their flag;
- by asking HELCOM SEA to consider the possibility of establishing a common data base containing the results of maritime casualty investigations, including the development of parameters to be used when deciding which results to enter in the data base.

XI To ensure adequate emergency capacity (fire-fighting, emergency lightering and emergency towing capacities)

- by requesting the Governments of the Contracting Parties to ascertain the readiness of existing capacity;
- by requesting the Governments of the Contracting Parties to make Emergency Capacity a field of high priority in their national capacity building for oil and chemical accidents at sea; and
- by requesting the Governments of the Contracting Parties to develop plans for regional co-operation and for mutual and prompt information and assistance in order to ascertain as high readiness as possible in areas where quick response is of utmost need such as the south-western parts of the Baltic Sea, the mid Baltic area and the Gulf of Finland.

XII To ensure places of refuge

- by requesting the Governments of the Contracting Parties to take due account of and actively support the work within EC and IMO on this issue, *inter alia*, the development of criteria to select a place of refuge and relevant guidelines concerning plan for accommodating ships in distress in order to seek a world wide solution;

- and by following-up the work of EC and IMO:
 - by requesting the Governments of the Contracting Parties to draw up plans to accommodate, in the waters under their jurisdiction, ships in distress in order to ensure that these ships may immediately go to a place of refuge subject to authorisation by the competent authority; and
 - by requesting the Governments of the Contracting Parties to exchange details on plans for accommodating ships in distress.

XIII To ensure adequate response capacities at sea

- by urging the Governments of the Contracting Parties to fulfil their obligations according to adopted HELCOM Recommendations regarding national abilities to combat oil and other harmful substances;
- by requiring the Governments of the Contracting Parties to support research and development activities on response methods for high density oil and orimulsion at sea;
- by requiring the Governments of the Contracting Parties to make an inventory of available equipment applicable to recover high density oils and to further the exchange of information on such equipment and its operational use in the Baltic Sea Area; and
- by requiring the Governments of the Contracting Parties to develop further response methods in ice and other cold water conditions.

XIV To urge the Governments of the Contracting Parties to co-operate and assist each other during shoreline clean-up operations

- by requesting the Governments of the Contracting Parties to enhance their national capabilities to be able to offer assistance and co-operation to other Contracting Parties also in response actions on the shore-line;
- by requesting the Sea-based Pollution Group of the Helsinki Commission (HELCOM SEA) to submit specific proposals for extending the co-operation in response actions on the shore-line to the 23rd meeting of the Helsinki Commission in March 2002 for decision.

XV To amend Annex IV to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992

- by deciding to adopt HELCOM Recommendation 22E/5 "Amendments to Annex IV "Prevention of pollution from ships" to the Helsinki Convention" (contained in document HELCOM EXTRA 2001, No. 3).

XVI To welcome the offer of Germany to arrange a joint IMO/HELCOM/EC Workshop on "Environmental impacts due to the increased density of shipping in the Baltic Sea" with the aim to assess the status of implementation and effect of the measures agreed on during this HELCOM Extraordinary Ministerial Meeting, and with the aim to consider the following items:

- the possible need for concerted action regarding unification of rules for winter traffic/ice

classification and ice breaker services arrangements during winter time;

- the possible need for revision of HELCOM Recommendations within the combatting field.

Attachment 1

Terms of Reference for the Expert Working Group

With a view to supporting the joint European endeavours to ensure Europe-wide data exchange standard compatibility* and to use off-the-shelf technology,

acting on the principle that existing standards and the set of agreed information items specified by IMO and developed by the European Community are observed,

the task of the group would be to

- ensure that each national AIS monitoring system can be linked to the system of the other Baltic States
- establish a common approach on how to create operational/technical/software solutions to initiate statistic material, e.g. by an automatic registration when ships pass a reporting line
- agree on the information to be recorded
- agree on relevant reporting lines in order to ensure the required source material to maintain reliable statistical material of the traffic in the approaches to the Baltic Sea and within the Baltic Sea
- agree on how to supply the statistical material to the HELCOM secretariat
- ensure mutual support and exchange of experience in connection with the establishment and operation of national AIS monitoring systems
- consider and find solutions on how to exchange AIS-data between the Baltic States
- consider the legal framework and find solutions for the handling and use of AIS-data exchanged between the Baltic States

*

- Directive of the European Parliament and the Council establishing a Community vessel traffic monitoring and information system for maritime traffic
- New Memorandum of Understanding for the setting-up of a European Platform for Maritime Data Exchange (proposed by the European Commission)

Outline of national web pages

Common headings for the national “Safety of Navigation” web-pages:

- Preface – Objective(s)
- Introduction – Port State information. i.e. major routes and ports
- Navigational overview – Maximum allowed draft, air-draught, length and width of the ship, ice-classification requirement
- Navigational information – Risk areas and areas known to endanger safe navigation
- Planning information – Charts, routeing systems, common routes and ports
- Services – Pilotage, reporting systems, towing, ice-breaker services and VTS, including contact details
- Emergency procedures – Guidance and contact details, including information on places of refuge
- National regulations – Orders, recommendations, etc. relevant for the safety of navigation
- Publications – Any relevant
- Links – To relevant governmental authorities, ports, marine service providers, etc.