

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

HELSINKI COMMISSION - Baltic Marine HELCOM 16/17  
Environment Protection Commission Annex 18

16th Meeting  
Helsinki, 14-17 March 1995

---

**HELCOM RECOMMENDATION 16/2 \*)**

Adopted 14 March 1995,  
having regard to Article 13, paragraph b)  
of the Helsinki Convention

**COOPERATION IN INVESTIGATING VIOLATIONS OR SUSPECTED VIOLATIONS OF THE SEWAGE DISCHARGE  
PROVISIONS OF THE HELSINKI CONVENTION**

**THE COMMISSION,**

**RECALLING** HELCOM Recommendation 6/13 concerning cooperation in investigating violations or suspected violations of discharge and related regulations for ships and dumping regulations and HELCOM Recommendation 10/8 concerning cooperation in investigating violations or suspected violations of discharge and related regulations for ships and dumping regulations,

**RECALLING ALSO** HELCOM Recommendation 1/5 concerning the application by the Baltic Sea States of guidelines for type testing and approval of sewage treatment systems,

**RECALLING FURTHER** HELCOM Recommendation 11/8 concerning Amendments to Regulation 7 of Annex IV of the Helsinki Convention,

**BEARING IN MIND** that in accordance with HELCOM Recommendation 11/9 concerning National Regulations on the Discharge of Sewage in National Waters the Governments of the Contracting Parties to the Helsinki Convention should implement by way of appropriate national regulations the provisions of Paragraph C of Regulation 7 of Annex IV of the Helsinki Convention, relating to the discharge of sewage with respect to ships, irrespectively of nationality, sailing in their national waters,

**NOTING** that the Contracting Parties to the Helsinki Convention should ensure that investigation on compliance with the sewage discharge provisions of the Helsinki Convention on board ships flying their flags shall be aimed at assessing that

- a) the ship is equipped with a suitable sewage treatment plant or a comminuting and disinfecting system, or holding tanks and a standard discharge connection;
- b) the ship is surveyed in accordance with Paragraph F, Regulation 7;
- c) the ship is provided with a Sewage Pollution Prevention Certificate in accordance with Paragraph G, Regulation 7,

---

\*) This Recommendation supplements HELCOM Recommendations 6/13 and 10/8.

**NOTING ALSO** that HELCOM Recommendations 6/13 and 10/8 do not contain detailed guidelines for cooperation in investigating violations of sewage discharge provisions,

**RECOMMENDS** that the Governments of the Contracting Parties to the Helsinki Convention when cooperating in investigating violations or suspected violations of the sewage discharge provisions of the Helsinki Convention use the reporting format contained in Attachment 1 to this Recommendation,

**RECOMMENDS ALSO** that the Governments of the Contracting Parties to the Helsinki Convention while awaiting entry into force of Annex IV of MARPOL 73/78 should report to a flag state not being a Contracting Party to the Helsinki Convention on violations or suspected violations of Paragraph C of Regulation 7 of Annex IV of the Helsinki Convention by a ship flying its flag and sailing in the national waters of the Contracting Parties. For this purpose the reporting format contained in Attachment 2 should be used.

**ATTACHMENT 1**

HELCOM Recommendation 16/2

**Format for ships flying the flag of a Contracting Party  
to the Helsinki Convention**

**Notification of an offence against**

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

*- the Contravening Vessel -*

..... Name	..... Flag
..... Home Port	..... Call sign
..... Ship's type	..... GRT
..... Place and date of the ascertainment/ the inspection	

*- the Persons Accused -*

.....  
Surname, First name, place of birth, country, function on board

.....  
Surname, First name, place of birth, country, function on board

*- Offence -  
(tick appropriate box)*

On \_\_\_\_\_, the MV/TMV "  
" was ascertained as being the putative cause of a pollution of the sea by sewage at the position  
' N ° ' E.

On \_\_\_\_\_ in \_\_\_\_\_, the MV/TMV "  
" was checked concerning her compliance with the  
International Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki  
Convention).



**It was thereby discovered that:**

- the MV/TMV " \_\_\_\_\_ " was not fitted with the necessary
- system to comminute and disinfect sewage in accordance with Regulation 7 C Para (1) a), Annex IV of the Helsinki Convention;
- sewage holding tank in accordance with Regulation 7 C Para (1) a), Annex IV of the Helsinki Convention;
- sewage treatment plant in accordance with Regulation 7 C Para (1) b), Annex IV of the Helsinki Convention;
- the sewage treatment plant has not been certified by the Administration;
- the test results of the plant were not laid down in a document on board and the discharge produced visible floating solids in and discolouration of the surrounding water;
- during the discharge operation, the MV/TMV " \_\_\_\_\_ " was not en route/did not proceed with the minimum speed of 4 knots;
- during the discharge operation, the minimum distance of 4½ nautical miles from the nearest land was not kept.

Should this suspicion prove to be verified, the said vessel's command has committed an infringement of Regulation 7 C Para (1), Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention) which has also been ratified by .

**Brief report on the measures taken by (the Reporting State's) authorities to date:**

Proceedings/Result:

- A fine has been imposed against \_\_\_\_\_ responsible for unauthorized discharges of sewage within waters under \_\_\_\_\_ (the Reporting State's) jurisdiction;
- The proceedings against the command of the vessel in question on suspicion of illegal discharges of sewage within waters \_\_\_\_\_ (the Reporting State's) jurisdiction have been terminated as
- the perpetrator/s has/have no permanent residence in \_\_\_\_\_ (the Reporting State) and there is no access to him/them;
- there is insufficient evidence to the degree required by law.
- The proceedings against the command of the vessel in question on suspicion of illegal discharges of sewage outside waters under \_\_\_\_\_ (the Reporting State's) jurisdiction have been terminated as \_\_\_\_\_ (the Reporting State's) authorities have no jurisdiction in this area.

Security deposit:

- The security deposit/s previously imposed was/were set aside (see page \_\_\_\_\_ of the file).
- The amount/s of the security deposit/s remaining in excess was/were refunded to the person/s concerned (see page \_\_\_\_\_ of the file).

**Measures expected to be taken by the Flag State:**

Prosecution of the illegal discharge of sewage by \_\_\_\_\_  
and information about the measures taken.

Remark:

The Helsinki Commission will receive notice of the facts ascertained.

Other remarks:

Enclosure: 1 file of the preliminary proceedings

**ATTACHMENT 2**

HELCOM Recommendation 16/2

**Format for ships flying the flag of Non-Contracting Parties  
to the Helsinki Convention**

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

- \_\_\_\_\_ (Flag State), MV/TMV " \_\_\_\_\_ " \_\_\_\_\_

On \_\_\_\_\_, the MV/TMV " \_\_\_\_\_ " was ascertained as being the putative cause of a pollution of the sea by sewage at the position \_\_\_\_\_ N \_\_\_\_\_ E.

On \_\_\_\_\_ in \_\_\_\_\_ the MV/TMV " \_\_\_\_\_ " was inspected by \_\_\_\_\_. In the course of this inspection it was discovered that:

the MV/TMV " \_\_\_\_\_ " was not fitted with the necessary

system to comminute and disinfect sewage in accordance with Regulation 7 C Para (1) a), Annex IV of the Helsinki Convention;

sewage holding tank in accordance with Regulation 7 C Para (1) a), Annex IV of the Helsinki Convention;

sewage treatment plant in accordance with Regulation 7 C Para (1) b), Annex IV of the Helsinki Convention;

the sewage treatment plant has not been certified by the Administration;

the test results of the plant were not laid down in a document on board and the discharge produced visible floating solids in and discolouration of the surrounding water;

during the discharge operation, the MV/TMV " \_\_\_\_\_ " was not en route/did not proceed with the minimum speed of 4 knots;

during the discharge operation, the minimum distance of 4½ nautical miles from the nearest land was not kept.

Should this suspicion prove to be verified, the said vessel's command has committed an infringement of Regulation 7 C Para (1), Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention).

A prosecution by \_\_\_\_\_ (the Reporting State's) authorities will not take place as

the perpetrator/s \_\_\_\_\_ has/have no permanent residence in \_\_\_\_\_ (the Reporting State) and there is no access to him/them;

there is insufficient evidence to the degree required by law;

\_\_\_\_\_ (the Reporting State's) authorities have no local jurisdiction.

Although it is acknowledged that \_\_\_\_\_ (the Flag State) is not a Contracting Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, the above findings are brought to the attention of \_\_\_\_\_ (the Flag State's) authorities in the expectation that the Government of the \_\_\_\_\_ (Flag State) will not dissociate itself from the international efforts to prevent the pollution of the environment but will, instead, take appropriate steps towards achieving this objective.

The Helsinki Commission will be informed of the facts established.

I should be grateful for any information regarding action being taken in this case by the authorities of \_\_\_\_\_ (the Flag State).