

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

HELSINKI COMMISSION - Baltic Marine
Environment Protection Commission

HELCOM 22/2001
Minutes of the Meeting

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Helsinki, 20-22 March 2001

Annex 5

HELCOM RECOMMENDATION 22/3

(This Recommendation supplements HELCOM Recommendations 19/8, 19/9, 19/12, 21/2 and 22/1)

Adopted 21 March 2001
having regard to Article 20(1), b)
of the 1992 Helsinki Convention

UNIFIED INTERPRETATIONS TO ENSURE A HARMONIZED AND EFFECTIVE IMPLEMENTATION OF THE STRATEGY FOR PORT RECEPTION FACILITIES FOR SHIP- GENERATED WASTES AND ASSOCIATED ISSUES

THE COMMISSION,

RECALLING the adoption, in 1996, by the Seventeenth Meeting of the Helsinki Commission of the Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues (the Baltic Strategy) as the basic tool for substantial decrease of operational discharges and elimination of illegal discharges in the Baltic Sea area by all ships irrespective of their nationality,

RECALLING ALSO the adoption, in 1998, by the Nineteenth Meeting of the Helsinki Commission of several HELCOM Recommendations as a follow-up to the Baltic Strategy,

RECALLING FURTHER that despite the designation of the Baltic Sea area as a "special area" under, *inter alia*, Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), the Contracting Parties annually observe between 500-700 illegal oil discharges when carrying out regular aerial surveillance activities within the Baltic Sea area,

BEING AWARE that results of aerial surveillance flights carried out over busy shipping lanes give reason to believe that the number, in some areas of the Baltic Sea, is even higher,

BEING AWARE ALSO that even small scale operational spills may cause significant oiling of birds,

MINDFUL that the harmonized implementation of the Baltic Strategy, by all the Contracting Parties, is the only way to achieve the goal of the Baltic Strategy,

RECOMMENDS that the Governments of the Contracting Parties apply the attached "Unified Interpretations to Ensure the Harmonized and Effective Implementation of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues" when implementing the HELCOM Recommendations connected with the Baltic Strategy,

RECOMMENDS ALSO that the Governments of the Contracting Parties when reporting on the implementation of the HELCOM Recommendations adopted as a follow-up to the Baltic Strategy, in accordance with Article 16, Paragraph 1 of the Helsinki Convention, also report on the implementation of this Recommendation.

UNIFIED INTERPRETATIONS TO ENSURE THE HARMONIZED AND EFFECTIVE IMPLEMENTATION OF THE STRATEGY FOR PORT RECEPTION FACILITIES FOR SHIP-GENERATED WASTES AND ASSOCIATED ISSUES

A. Definition of a port

“Port” shall mean a place or geographical area made up of such improvement works and equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft.

B. The requirement of mandatory delivery - which categories of wastes are included?

In accordance with HELCOM Recommendation 21/2 “Amendments to Annex IV of the Helsinki Convention” a new regulation, 7 B. is added to Annex IV to the Helsinki Convention whereby ships are obliged, before leaving a port, to discharge all ship-generated wastes and cargo residues, which are not allowed to be discharged into the Baltic Sea Area in accordance with MARPOL 73/78 or the Helsinki Convention. A strict interpretation of this regulation in the light of the discharge regulations must lead to the conclusion that only the following categories of wastes are included under the mandatory delivery of wastes:

- Oil or oily mixtures from cargo and machinery spaces, cf. Regulation 4 of Annex IV to the Helsinki Convention and Regulation 10 of Annex I of MARPOL 73/78,
- Oily bilge water in case the ship does not have onboard an oily water separating equipment;
- Oily bilge water in case the ship has onboard an oily-water separating equipment which has not been in use, e.g., due to malfunction or prohibition in national legislation to use the oily-water separating equipment in the territorial seas.
- Category A and B cargo residues from the transport of noxious liquid substances in bulk, cf. Regulation 4 of Annex IV to the Helsinki Convention and Regulation 5 of Annex II of MARPOL 73/78, and
- Garbage, other than food wastes, cf. Regulation 4 of Annex IV to the Helsinki Convention and Regulation 5, Paragraph 2(a) of Annex V of MARPOL 73/78.

It follows that the following waste categories are not included under the mandatory delivery of wastes:

- Category C and D cargo residues from the transport of noxious liquid substances carried in bulk, cf. Regulation 4 of Annex IV to the Helsinki Convention and Regulation 5 of Annex II of MARPOL 73/78,
- Sewage, cf. Regulation 5C. of Annex IV to the Helsinki Convention,
- Food wastes, cf. Regulation 4 of Annex IV to the Helsinki Convention and Regulation 5, Paragraph 2(b) of Annex V of MARPOL 73/78, and
- Oily bilge water in case the ship has in operation an oily-water separating equipment, which can be used in a special area, according to MARPOL 73/78.

C. The requirement of mandatory delivery - and the exception “minor amounts of wastes”

Letter C. of the new regulation 7 of Annex IV to the Helsinki Convention, lists the exemptions from the requirement of mandatory delivery, No. 3. being the right of the ship to keep onboard minor amounts of wastes, which are unreasonable to discharge to port reception facilities. The following criteria are suggested to quantify “minor amounts of wastes”:

- Minor amounts in relation to delivery of cargo residues from ship’s cargo tanks are not applicable as:
 - apart from the situations described in Regulations 8 (2) (b) and 8 (6) (b) and (c) of Annex II of MARPOL 73/78, all pre-washes from category A and B noxious liquid substances, as well as
 - pumpable oil cargo residues available for delivery at the time of departure must be delivered.
- Minor amounts in relation to delivery of oil or oily mixtures from ship’s machinery space wastes oil tanks: 25% of the storage capacity, taking into account the special situation of ships with small capacities of the storage tanks.
- Minor amounts in relation to delivery of garbage, excluding food wastes: All collected garbage ready for delivery at the time of departure must be delivered.

D. The “no-special-fee” system - application

In accordance with HELCOM Recommendation 19/8 “Application of the “no-special-fee” system in the Baltic Sea Area” the harmonized “no-special-fee” system (in the following abbreviated the system) shall be applied to the delivery of oily wastes from machinery spaces of ships. An attachment to the Recommendation further outlines “Guidelines for the establishment of a “no-special-fee” system for the discharge of ship-generated oily wastes originating from machinery spaces to port reception facilities” (in the following abbreviated the Guidelines).

Thus, the Guidelines define the system and states that the charging either can be included in the harbour fee or otherwise charged to the ship, cf. No. 1.1.

The Guidelines further state that “Every sea-going ship’s obligation to pay for reception, handling and disposal of oil residues is deemed to arise with the arrival of a ship in any port of the participating countries, irrespective of whether or not that particular ship will actually make use of the reception facilities which are available there.”, cf. No. 2.

E. Exemptions granted to ships

It is proposed that the reference in Regulation 7 Paragraph C.1 of Annex IV of the Helsinki Convention to the “Administration” (who can grant exemptions from mandatory discharge of all wastes) should be understood as:

- the relevant Authority in each of the ports to be visited where the mandatory delivery of wastes will not be applied. Thus, it is necessary for the Authorities in the different countries to co-operate when issuing an exemption applying to ports located in more than one country.

As the national systems for how to grant exemptions to ships may vary, e.g., due to different national authorities being in charge, it is proposed not to adopt an exemption certificate to be used within the

Baltic Sea Area but rather to list the items to be included in such a certificate. These items could include:

- name of the ship / distinctive number or letters / IMO No.
- flag state
- route of the ship
- name of port where to discharge wastes
- specification of the exemption of the ship from the requirement of mandatory delivery, from the notification of wastes to be delivered and from the payment of the “no-special-fee” as regards oily wastes from machinery spaces in ports included under its regular traffic, apart from the port in which it has made up an arrangement to deliver its wastes.

When issuing exemptions both the language of the Contracting Party as well as English should be used.

F. The “no-special-fee” system - and the definition of environmentally sound waste management

In the Guidelines to HELCOM Recommendation 19/8 it is stated that “A high quality standard of the applied waste management procedures and waste processing equipment onboard can also be taken into account in scaling the waste management fee, having in mind the general aim of minimization of waste production, and the benefit of waste separation.”, cf. No. 4.2. It is suggested to assess the following when deciding whether a ship is applying an environmentally sound waste management:

- source reduction;
- on-board processing (e.g., garbage separation or compaction of garbage); and
- application of MARPOL 73/78 regulations, adopted by IMO, which have not yet entered into force.

G. Which guidelines to apply according to Regulation 6, B and C2 of Annex IV to the Helsinki Convention

For ships mentioned in Regulation 6 A b) the guidelines are defined in Recommendation 19/9. As long as the ISO-Standard 8099 is under revision the Draft ISO Standard of ISO 8099 shall be accepted.

