

## **Status of implementation of the HELCOM Copenhagen Declaration**

### *Introduction*

1. Below is a summary of the implementation by the Contracting Parties of the Declaration on the Safety of Navigation and Emergency Capacity in the Baltic Sea Area (HELCOM Copenhagen Declaration) and HELCOM Recommendation 22E/5 "Amendments to Annex IV "Prevention of Pollution from Ships" to the Helsinki Convention". The summary indicates the status of implementation for each of the Paragraphs in the HELCOM Copenhagen Declaration. The summary points out for which activities a full implementation has been achieved and for which activities there is still a need for further implementation measures.
2. The summary has been elaborated on the basis of information received from the Contracting Parties on actions taken to implement the HELCOM Copenhagen Declaration and HELCOM Recommendation 22E/5.

### *SUMMARY OF THE STATUS OF IMPLEMENTATION*

#### *ROUTEING MEASURES<sup>1</sup>*

##### *Deep-water route North East of Gedser (DW 17m)<sup>2</sup>*

3. All necessary actions have been taken by Denmark and Germany to ensure the *de facto* implementation by 6 January 2002 of the extension of the existing deep-water route North East of Gedser (DW 17 m) five nautical miles into the Traffic Separation Scheme "South of Gedser", i.e. new charts; nautical publications and information to mariners have been issued. Furthermore, all Contracting Parties have supported the adoption of the amendments during IMO/MSC 75. Thus, a full implementation of this activity has been obtained.

##### *Routeing measures in the Gulf of Finland<sup>3</sup>*

4. All necessary actions have been taken by Russia to ensure the *de facto* implementation by 1 November 2001 of the amendments to existing Traffic Separation Schemes off the islands of Hogland (Gogland) and Sommers and the establishment of a new deep-water route in the eastern part of the Gulf of Finland, *inter alia*, via distribution of information to mariners. Furthermore, all Contracting Parties have supported the adoption of the amendments and the new proposal during IMO/MSC 75. Thus, a full implementation of this activity has been obtained.

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<sup>1</sup> Cf. Paragraph I of the HELCOM Copenhagen Declaration. In the following unmarked references refer to the HELCOM Copenhagen Declaration.

<sup>2</sup> Cf. Paragraph Ia.

<sup>3</sup> Cf. Paragraph Ib.

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*New routeing measures in the Baltic<sup>4</sup>*

5. During IMO/MSC 75 Sweden informed about a proposal for an alternative route further south of the island of Gotland for southbound laden oil tankers with a draught of more than 13 metres. A thorough survey fulfilling the IHO standard S-44 has been finalized for this proposed route by the end of 2002. Hereby the problem with the use of the existing Traffic Separation Scheme south off the island of Gotland by ships with a draught exceeding 13 metres has been solved.

6. The risk for conflicts with traffic in the waters between the island of Bornholm and the Swedish mainland should be lessened in the future. This is due to a recommendation that northbound ships make use of the passage in the Danish EEZ and southbound ships make use of the passage in the Swedish EEZ as well as to a newly established buoy at Davis Banke. Denmark and Sweden have informed all HELCOM Contracting Parties hereon during the Fourth Meeting of HELCOM SEA. It is under consideration to ask the relevant group of the Baltic Sea Hydrographic Commission to make a document submission to IMO/NAV.

7. Furthermore, at IMO/MSC 75 a joint proposal by Estonia, Finland and Russia on enlarged traffic separation lanes and schemes and a compulsory reporting system, VTMS in the Gulf of Finland, was adopted with the implementation date 1 July 2003 and 1 July 2004, respectively.

8. Thus, a full implementation of the activities related to new routeing measures in the Baltic will be obtained.

*PILOTAGE<sup>5</sup>**Within IMO*

9. IMO/MSC 76 adopted resolution MSC.138(76) on Amendments to the Recommendation on Navigation through the entrances to the Baltic Sea, based on a joint submission by the HELCOM Contracting States. In addition to bringing IMO resolutions A.579(14) and A.620(15) up-to-date with the requirement of modern navigation, resolution MSC.138(76) also extends the recommendation to use pilots in Route T to additionally cover ships with a draught between 11 and 13 metres (extension of the coverage of IMO resolution A.620(15)).

10. Awaiting the experience gained from the implementation of HELCOM Recommendation 23/3 "Enhancing the use of pilots in Route T and the Sound by notification to departing ships and establishment of an early warning system" (see Paragraph 12 below) Denmark will consider the need to submit proposals on further steps to enhance the use of pilots in the Baltic Sea and the entrances hereto.

11. A full implementation of these activities is thus progressing.

*Within HELCOM*

12. HELCOM Recommendation 23/3 "Enhancing the use of pilots in Route T and the Sound by notification to departing ships and establishment of an early warning system", was adopted by HELCOM 23/2002. The Recommendation establishes a system whereby ships covered by IMO resolutions A.579(14) or A.620(15) (as amended by resolution MSC.138(76)), upon departure from a port in the Baltic region, are reminded that they are recommended to use a pilot. Furthermore, the corresponding Baltic port state in question

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<sup>4</sup> Cf. Paragraphs Ic and Id.

<sup>5</sup> Cf. Paragraph II.

should inform the Danish Ministry of Defence/Admiral Danish Fleet of such ships leaving a port in the Baltic region and bound for Route T or the Sound. National measures to implement this recommendation should have been taken no later than 1 January 2003.

13. According to information received by the Secretariat from Denmark, the Admiral Danish Fleet has established the necessary tools to implement the system, but has only received sparse information from the Contracting States as to

- Ships leaving a port in the Baltic region and bound for Route T or the Sound, and
- Ships covered by the recommendation in IMO resolutions A.579(14) or A.620(15) (as amended by resolution MSC.138(76)) to use a pilot.

14. Denmark has furthermore informed that 832 tankers have left the Baltic Sea area passing through Route T and the Sound, in the period 29 November 2002 to the end of April 2003. The Contracting States have been made aware of the situation, and have been urged to take the necessary measures to implement HELCOM Recommendation 23/3.

15. When the Contracting Parties have established the necessary operational procedures at the national level a full implementation of this activity will be achieved.

#### *HYDROGRAPHIC SERVICES<sup>6</sup>*

##### *Re-survey of major shipping routes and ports<sup>7</sup>*

16. The requirement for hydrographic re-surveying of major shipping routes and ports has led to a close co-operation between the Hydrographic Offices of the Baltic Sea countries. A co-ordinated survey plan has been agreed on, with all surveys to be carried out according to a standard not inferior to the latest edition of IHO S-44. The implementation of the co-ordinated survey plan will start in 2003. A full implementation will, therefore, be achieved by the set target dates, 2002/2003, respectively, and thereby also of the new Regulation 9, 1, a) of Annex IV "Prevention of pollution from ships" to the Helsinki Convention.

##### *Electronic Navigational Charts (ENC)<sup>8</sup>*

17. Both major and secondary shipping routes and ports will be covered by Electronic Navigational Charts (ENC) by the set target dates, by the end of 2002 and 2004, respectively. Thereby a full implementation of this activity will be achieved, and also of the new Regulation 9, 1, b), i) and ii) of Annex IV "Prevention of pollution from ships" to the Helsinki Convention.

##### *Electronic Chart Display and Information Systems (ECDIS)<sup>9</sup>*

18. Nearly all Contracting Parties have informed that they have or will notify IMO about their acceptance of ECDIS following the entry into force on 1 July 2002 of the new Chapter V of SOLAS.

19. Arrangements, including national information campaigns, to be made with commercial parties regarding the use of ECDIS, are anticipated to extend over a relatively long time. Whereas some Contracting Parties already have initiated actions to implement these activities, other Contracting Parties face economic problems in making arrangements with commercial parties. A full implementation of this activity has therefore not been achieved

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<sup>6</sup> Cf. Paragraph III.

<sup>7</sup> Cf. Paragraph III.

<sup>8</sup> Cf. Paragraph IIIb.

<sup>9</sup> Cf. Paragraph IIIc.

and neither a fulfilment of the international obligation under the new Regulation 9, 2, b) of Annex IV "Prevention of pollution from ships" to the Helsinki Convention.

20. An intensification of the port State control of paper charts was achieved by a joint submission to the 35th session of the Port State Control Committee (7-9 May 2002), under the 1982 Paris MoU. The joint submission led to an amendment of the Manual for Port State Control Officers requiring particular attention to be paid to charts, on deep draught vessels, tankers (oil, gas and chemicals) and INF vessels, to ensure that the charts are adequate for the intended voyage, (i.e; being the latest edition and corrected to the latest notices). A full implementation of this activity has thus been achieved by the set target date; by the end of 2002 and thereby also a fulfilment of the new Regulation 9, 2, c) of Annex IV to the Helsinki Convention.

#### *AUTOMATIC IDENTIFICATION SYSTEMS (AIS)<sup>10</sup>*

##### *National land-based AIS monitoring*

21. Except for one Contracting Party pointing to funding difficulties for the time being, a full monitoring of the Baltic Sea Area within A1 sea area will be achieved no later than 1 July 2005, and thereby a full implementation of this activity by the set target date. This also fulfils the international obligations under the new Regulation 10, a) of Annex IV "Prevention of pollution from ships" to the Helsinki Convention.

##### *Common Baltic AIS monitoring system*

22. Actions are well under way within the Expert Working Group for mutual exchange and deliveries of AIS data (HELCOM AIS EWG) in order to implement the activities regarding a common Baltic AIS monitoring system, including the elaboration of annual reports on trends in maritime traffic. This also fulfils the international obligations under the new Regulation 10, b) and c) of Annex IV "Prevention of pollution from ships" to the Helsinki Convention.

23. A demonstrator of the common Baltic AIS monitoring system is under elaboration, and it is expected that during the second half of 2003 it will be possible to display AIS data from several Contracting Parties.

#### *SUPPORT ACTIONS OF THE EUROPEAN COMMISSION<sup>11</sup>*

24. The implementation of this activity is awaiting the operationalization of the European Maritime Safety Agency, anticipated no later than during August 2003. An agreement on technical co-operation between the European Maritime Safety Agency and HELCOM will be developed in due time hereafter.

25. Likewise, the outcomes of the work within the European Community and the finalization of the European MoU for Maritime Data Exchange are to be awaited before being able to implement this activity.

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<sup>10</sup> Cf. Paragraph IV.

<sup>11</sup> Cf. Paragraph V.

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## *SINGLE-HULL OIL TANKERS*<sup>12</sup>

### *Notification to IMO*

26. The EU Regulation on accelerated phase-out of single-hull oil tankers provides for EU co-ordination on this issue. The remaining Contracting Parties are in the process of preparing a notification to IMO regarding this issue.

### *Orimulsion*

27. Only two Contracting Parties are at the moment importing orimulsion. One of these has already made arrangements ensuring that the transport is carried out in double-hull oil tankers. Despite hereof it is recommendable that all Contracting Parties take actions to implement this activity.

28. The issue of import/export of orimulsion will in the future be followed as a priority issue within HELCOM RESPONSE, and the Contracting Parties are requested to report to HELCOM RESPONSE about their import/export of orimulsion. If more Contracting Parties are starting to import/export orimulsion a special reporting system for ships carrying orimulsion shall be considered within HELCOM RESPONSE.

## *PORT STATE CONTROL*<sup>13</sup>

29. Proper steps are being taken by Estonia, Latvia and Lithuania to become, as quickly as possible, full members of the 1982 Paris MoU.

30. Only two Contracting Parties have so far taken actions to urge the maritime industry to use EQUASIS, in order to ensure that only safe tankers are being chartered for navigation in the Baltic Sea Area and thereby ensuring an effective application of the principles of the Maritime Industry Charter on Quality.

## *PARTICULARLY SENSITIVE SEA AREAS (PSSA)*<sup>14</sup>

31. An inventory of existing maritime safety measures in the Baltic Sea area has been elaborated and can be viewed at the following page on the HELCOM web-site:

<http://www.helcom.fi/manandsea/shipping/navigation.html> and  
<http://www.helcom.fi/sea/pssainventory.pdf> (pdf-file entitled "Compilation of existing pollution prevention, maritime safety and other measures applicable to ships sailing in the Baltic Sea Area".)

32. At HELCOM HOD 11/2003 it was decided in principle to proceed with an application to IMO proposing the designation of the whole Baltic Sea area as a PSSA. The HELCOM Ministers will during their meeting in June 2003 make a final decision hereon, including further work to investigate the need for inclusion of additional pollution prevention and maritime safety measures, in addition to the existing measures, in the PSSA application.

## *INFORMATION RELATED TO SAFE NAVIGATION*<sup>15</sup>

33. Actions to make on-line access to systematic and updated guidance/information related to safety of navigation in the Baltic Sea area have been completed by one Contracting State, and are under way in the remaining Contracting States. Access to the

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<sup>12</sup> Cf. Paragraph VI.

<sup>13</sup> Cf. Paragraph VII.

<sup>14</sup> Cf. Paragraph VIII.

<sup>15</sup> Cf. Paragraph IX.

information is made through the establishment of links from the HELCOM web-site to national web pages in the Contracting Parties' national web servers (cf: <http://www.helcom.fi>; <http://www.helcom.fi/atlas.html>; "5. Tools for safe navigation"; <http://www.helcom.dk/>).

#### *INVESTIGATIONS INTO MARINE CASUALTIES*<sup>16</sup>

34. Many Contracting Parties have already fully implemented the activities dealt with hereunder, viz:

- identification of non-conformities with procedures adopted under the ISM Code when investigating safety and environment related occurrences on board a ship and marine casualties;
- distribution of 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;
- exchange of data voyage recorders of involved ships under the flag of a Baltic Sea State to the extent possible;
- use of the IMO resolution A.849(20) "Code for the Investigation of Marine Casualties and Incidents" during marine casualty investigations, with a view to be able to make common use of the results hereof.

35. The remaining Contracting Parties are studying as a first step the need for legislative amendments or are in the process of amending existing legislation.

#### *Establishment of a common data base*

36. HELCOM HOD 9/2002 took note that HELCOM SEA 5/2002 had considered the possibility of establishing a common data base containing the results of maritime casualty investigations and had found that there is no need to establish such a common data base within HELCOM.

#### *ADEQUATE EMERGENCY CAPACITY*<sup>17</sup>

37. Work is ongoing/about to be initiated in several Contracting Parties in order to ascertain the readiness of existing emergency capacity and thereby to be able to prioritise this in national capacity building.

38. In two out of three identified high risk accident areas in the Baltic Sea, i.e. the South-Western part of the Baltic Sea, including the Danish Straits, and in the Gulf of Finland, sub-regional agreements have been concluded to increase the ability and readiness to respond to an accident.

39. A draft HELCOM Recommendation "Ensuring adequate emergency capacity" was endorsed by HELCOM HOD 10/2002, and has been submitted for adoption by the Ministers during HELCOM 24/2003, and the issue will be kept, as a priority issue, in the working programme of HELCOM RESPONSE.

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<sup>16</sup> Cf. Paragraph X.

<sup>17</sup> Cf. Paragraph XI.

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### *PLACES OF REFUGE<sup>18</sup>*

40. All Contracting Parties have actively supported the work within IMO, EC as well as other relevant international organisations in order to be able to make use of the outcome hereof when elaborating national plans to accommodate ships in distress, and subsequently exchange details of such plans.

41. Within EC it has been decided (cf. Paragraph 8 of the conclusions of the Council of the European Union on Ship's Safety and Pollution Prevention) that Member States no later than 1 July 2003 shall establish plans to the identification of places of refuge for ships in distress, cf. Article 20 of Directive 2002/59/EC (establishing a Community vessel traffic monitoring and information system). IMO will, at its Assembly Meeting in November 2003 adopt two Assembly Resolutions, including a set of Guidelines, on places of refuge for ships in need of assistance.

42. A full implementation of this activity, and thereby of the new Regulation 13, a) and b) of Annex IV "Prevention of pollution from ships" to the Helsinki Convention, is thus progressing.

### *RESPONSE CAPACITIES<sup>19</sup>*

#### *Implementation of HELCOM Recommendations in the response field*

43. More efforts need to be allocated to obtain a full implementation of HELCOM RESPONSE Recommendations. In order to monitor the implementation all Contracting Parties have reported on their implementation for evaluation at HELCOM RESPONSE 2/2003. Based on the evaluation a status implementation report has been submitted for the Ministerial session of the HELCOM 24/2003 meeting.

#### *Response to high-density oils/orimulsion*

44. Whereas research and development activities have been undertaken/are about to be undertaken for response to high-density oils, no such activities have been/are about to be carried out for response to orimulsion. Work is, however, ongoing within IMO and EU within both fields. The issue will be kept, as a priority issue, in the working programme of HELCOM RESPONSE.

#### *Inventory of available equipment*

45. While it is of importance to conduct research and development activities for response to high-density oils/orimulsion, it is also a matter of using properly/innovatively the existing equipment. This matter will be further discussed within a correspondence group, under the leadership of Sweden, with the aim to establish a common inventory of available equipment for response to high-density oils/orimulsion, for insertion in Volume I of the HELCOM Combatting Manual.

#### *Response methods for ice*

46. Some specific response methods exist for ice/cold water conditions. A seminar "Combatting Marine Oil Spills in Ice and Cold/Arctic Conditions", held in Helsinki, Finland, on 20-22 November 2001, addressed scientific and practical aspects, including mechanical recovery methods, oil behaviour in ice and detection of oil under ice. The European Commission has decided that response methods for ice/cold water conditions are considered as a priority field of actions for the next call for proposal under DG Environment in the field of marine pollution. A full-scale oil-in-ice experiment in the Arctic zone, jointly proposed by

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<sup>18</sup> Cf. Paragraph XII.

<sup>19</sup> Cf. Paragraph XIII.

Norway and the USA, and to be financially supported by HELCOM, has been postponed for the time being.

#### *SHORELINE CLEAN-UP OPERATIONS*<sup>20</sup>

47. As part of their national response arrangements all Contracting Parties have, to some extent, national capability to deal with shoreline clean-up operations. Therefore, all Contracting Parties are also able to a lesser or greater extent to offer assistance and co-operation to others during shoreline clean-up operations.

48. HELCOM HOD 9/2002 took note that it was not possible for HELCOM SEA to fulfill the task given in the HELCOM Copenhagen Declaration to come up with specific proposals for extending the co-operation in response actions to include also shoreline clean-up operations. It was, however, stressed by HELCOM SEA that the use of the established operational network, also in case of beach cleaning operations, was to be recognized and encouraged.

49. A compilation on the response organization of the Baltic Sea States as regards shoreline clean-up operations has been elaborated. The compilation gives information about

- Organisation for dealing with spillages on the shoreline of oil and other harmful substances;
- Regulations and other matters which have a direct bearing on preparedness and response to pollution on the shore by oil and other harmful substances; and
- Competent authority responsible for receiving and dispatching reports concerning pollution on the shore by oil and other harmful substances.

50. The issue of possible co-operation in response actions during shoreline clean-up operations is furthermore included, as a priority issue, to the work programme of HELCOM RESPONSE.

#### *AMENDMENTS TO ANNEX IV TO THE HELSINKI CONVENTION*<sup>21</sup>

51. HELCOM Recommendation 22E/5 "Amendments to Annex IV "Prevention of pollution from ships" to the Helsinki Convention" entered into force on 1 December 2002, after a tacit acceptance procedure (acceptance 1 September 2002). The following new regulations have been inserted to Annex IV "Prevention of pollution from ships" to the Helsinki Convention:

- Regulation 4: Application of the Annexes of MARPOL 73/78;
- Regulation 9: Improved hydrographic services and promotion of the use of Electronic Navigational Charts (ENC);
- Regulation 10: Use of Automatic Identification Systems (AIS);
- Regulation 11: Port State control;
- Regulation 12: Promotion of a safety and environmental culture through the establishment of a common procedure for the investigations into marine casualties; and
- Regulation 13: Places of refuge.

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<sup>20</sup> Cf. Paragraph XIV.

<sup>21</sup> Cf. Paragraph XV.

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*JOINT IMO/HELCOM/EU WORKSHOP*<sup>22</sup>

52. A joint IMO/HELCOM/EU workshop was arranged by Germany on 11-12 March 2003, in Rostock-Warnemünde. In addition to the already identified issues (the assessment of the status of implementation of HELCOM EXTRA measures; the need for unification of rules for winter traffic/ice classification/ice breaker services; and the possible need for revision of HELCOM Recommendations in the response field) several other issues related to further aspects of maritime safety and emergency capacity were identified during the joint workshop. These additional issues will be dealt with in the relevant subsidiary bodies of HELCOM as well as in three established *ad hoc* expert working groups looking into the need and possibility of establishing 1) mandatory pilotage; 2) a deep water transit route throughout the Baltic and 3) unification of rules for winter traffic.

*CONCLUSION*

53. On the basis of the above it can generally be concluded that the implementation of the HELCOM Copenhagen Declaration and HELCOM Recommendation 22E/5 is well under way and that for those activities with a set target date the implementation will be reached in time.

54. More specifically the following issues can be mentioned for which a full implementation of the HELCOM Copenhagen Declaration has not yet been achieved:

- National measures to implement HELCOM Recommendation 23/3 “Enhancing the use of pilots in Route T and the Sound by notification to departing ships and establishment of an early warning system”; cf. Paragraph II of the HELCOM Copenhagen Declaration;
- National arrangements with commercial parties to ensure the use of Electronic Chart Display and Information Systems (ECDIS) on board ships posing a specific threat to the marine environment; cf. Paragraph IIIc of the HELCOM Copenhagen Declaration as well as the new regulation 9, 2, b) of Annex IV “Prevention of pollution from ships” to the Helsinki Convention;
- National measures to ensure quality shipping, through national arrangements with the maritime industry to ensure the use of the EQUASIS database; cf. Paragraph VII of the HELCOM Copenhagen Declaration; and
- Creation of national web-sites with systematic and updated information related to safety of navigation in the Baltic Sea area; cf. Paragraph IX of the HELCOM Copenhagen Declaration.

55. As an overall conclusion there is a need to stress the importance of a continued commitment on a broad regional level, ensuring a joint commitment of all involved stakeholders.

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<sup>22</sup> Cf. Paragraph XVI.