



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.03.1999
COM(1999) 128 final

99/0077 (CNS)

Proposal for a

COUNCIL DECISION

**concerning the approval, on behalf of the Community, of the amendments to 1
Annexes to the Convention on the protection of the Marine
Environment of the Baltic Sea
Area (Helsinki Convention)**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The objective of the attached proposal is to allow the European Community to adopt the amendments to Annex III of the Helsinki Convention concerning regulations on prevention of pollution from agriculture and to Annex IV concerning the prevention of pollution from ships, which were adopted by the Helsinki Commission on 26 March 1998.

The European Community is a full Party to the 1974 Helsinki Convention and to the Helsinki Convention as revised in 1992 (1992 Helsinki Convention); the latter one has not yet entered into force.

The 1974 Helsinki Convention is attached to Council Decision 94/156/EC on the accession of the Community to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, whereas the 1992 Helsinki Convention is attached to Council Decision 94/157/EC on the conclusion, on behalf of the Community, of the Convention on the Protection of the Marine Environment of the Baltic Sea Area.

On 26 March 1998, the Helsinki Commission (Ministers of the Environment of the Baltic Sea States and the Commissioner of the Environment and Nuclear Safety of the European Commission) adopted by unanimity the HELCOM Recommendation 19/6 to amend Annex III of the Helsinki Convention concerning the prevention of pollution from land-based sources and the HELCOM Recommendation 19/7 to amend Annex IV of the Helsinki Convention concerning the prevention of pollution from ships.

The amendments to Annex III to the Helsinki Convention establish new regulations for the prevention of pollution from agriculture in particular with respect to the plant nutrients, plant protection products, and environmental permits.

The amendments to Annex IV to the Helsinki Convention establish a mandatory system for ships to deliver all wastes to a port reception facility and sets stricter standards and equipment provisions for certain categories of ships in relation to sewage.

Amendments to the Annexes to the 1974 Helsinki Convention or to the 1992 Helsinki Convention, which have been adopted by the Helsinki Commission, are 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 (tacit acceptance). The accepted amendment shall enter into force on a date determined by the Commission.

PROPOSAL FOR A COUNCIL DECISION OF
concerning the approval, on behalf of the Community, of the amendments to the
Annexes to the Convention on the protection of the Marine
Environment of the Baltic Sea
Area (Helsinki Convention)

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community and in particular Article 130r, paragraph 4 in conjunction with article 228, paragraph 2, first sentence and paragraph 3, first subparagraph

Having regard to the proposal of the Commission ¹

Having regard to the opinion of the European Parliament

Whereas, by Council Decision 94/156/EC², the European Community has approved the Convention on the protection of the Marine Environment of the Baltic Sea Area 1974 (Helsinki Convention) and became party to the Convention on ...

Whereas, by Council Decision 94/157/EC³, the European Community has approved the Convention on the protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention as revised in 1992) and became party to the Convention on ...

Whereas on 26 March 1998, the Helsinki Commission has adopted amendments to Annexes III and IV to the 1974 and the 1992 Helsinki Convention, has communicated the amendments to Contracting Parties and has recommended the Contracting Parties to accept such amendments.

Whereas, according to Article 24.2 of the 1974 Helsinki Convention and Article 32.3 of the 1992 Helsinki Convention, any amendment shall be deemed to have been accepted at the end of a period determined by the Helsinki Commission unless within that period any one of the Contracting Parties has, by written notification to the depositary, objected to the amendment.

Whereas amendments to Annexes III and IV of the 1974 and the 1992 Helsinki Convention shall be deemed to have been accepted by 1st January 1999 unless within that period any one of the Contracting Parties has objected to the amendments.

HAS DECIDED AS FOLLOWS:

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² OJ No L73, 16, 3, 1994, p.1

³ OJ No L73, 16, 3, 1994, p.19

Article 1

The amendments to Annexes III and IV to the 1974 Helsinki Convention and to the 1992 Helsinki Convention that have been recommended for acceptance by the Helsinki Commission on 26 March 1998, are hereby accepted on behalf of the European Community.

The text of the amendment is attached to this Decision.

HELCOM RECOMMENDATION 19/6

Adopted 26 March 1998, having regard to Article 13, Paragraph b) of the Helsinki Convention

AMENDMENTS TO ANNEX III OF THE HELSINKI CONVENTION CONCERNING REGULATIONS ON PREVENTION OF POLLUTION FROM AGRICULTURE

THE COMMISSION,

RECALLING Article 2, paragraphs 1, 2, 6 and 7, Article 3, paragraph 1, Article 5 and Article 6, paragraphs 1, 2, 6, 7 and 8 of the 1974 Helsinki Convention,

RECALLING ALSO Article 2, paragraphs 1, 2, 7 and 8, Article 3, paragraphs 1, 2, 3, 5 and 6, Article 5 and Article 6, paragraphs 1, 2, 4 and Article 15 of the 1992 Helsinki Convention,

RECALLING FURTHER the Presidency Declaration of the Baltic Sea Summit, 1996, and the Action Programme for the Baltic Sea States Co-operation calling for urgent elaboration and adoption of the agricultural annex to the Helsinki Convention,

CONSCIOUS that agricultural activities within the Baltic Sea catchment are responsible, inter alia, for pollution of water and air by nitrogen, phosphorus and plant protection products, causing negative effects on the Baltic Sea ecosystem including eutrophication, oxygen depletion and reduced biological diversity,

TAKING INTO CONSIDERATION the amendment procedure for the annexes of the Helsinki Convention as contained in Article 24 of the 1974 Helsinki Convention and Article 32 of the 1992 Helsinki Convention,

NOTING Article 19, paragraph 2 of the 1992 Helsinki Convention according to which the Baltic Marine Environment Commission established pursuant to the 1974 Helsinki Convention is the Commission under the 1992 Helsinki Convention,

TAKING ALSO INTO CONSIDERATION Article 36, paragraph 1 of the 1992 Helsinki Convention,

RESOLVES:

- a) to adopt amendments to Annex III of the Helsinki Convention appearing in the Attachment to this Recommendation,
- b) to ask the Depositary Government to communicate amendments to the Contracting Parties with the Commission's recommendation for acceptance,

- c) to determine that amendments shall be deemed to have been accepted unless prior to 1 January 1999 any of the Contracting Parties has objected to the amendments, and
- d) to determine that the accepted amendments shall enter into force on 1 January 2000,

RESOLVES also to amend accordingly Annex III to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 at the date of entry into force of the accepted amendments, if this Convention entered into force prior to these amendments, **URGES** that:

- a) the Governments of Denmark, Finland, Germany and Sweden shall develop a programme for the implementation of measures referred to in Part II of Annex III by 1 January 2000 and implement them by 1 January 2002,
- b) the Governments of Estonia, Latvia, Lithuania, Poland and Russia shall develop programmes for the implementation of measures referred to in Part II of Annex III and implement them as soon as possible but not later than 1 January 2002 and 1 January 2001, respectively,

REQUESTS the Governments of the Contracting Parties to report on the progress of implementation in accordance with the agreed deadlines.

Attachment to HELCOM Recommendation 19/6 concerning Amendments to Annex III

After the general title of Annex III the words "Part I; Prevention of Pollution from Industry and Municipalities" are inserted.

After Part I new regulations are inserted as follows:

Part II; Prevention of Pollution from Agriculture

Regulation 1; General provisions

In accordance with the relevant parts of this Convention the Contracting Parties shall apply the measures described below and take into account Best Environment Practice (BEP) and Best Available Technology (BAT) to reduce the pollution from agricultural activities. The Contracting Parties shall elaborate Guidelines containing elements specified below and report to the Commission.

Regulation 2; Plant nutrients

The Contracting Parties shall integrate the following basic principles into national legislation or guidelines and adapt to the prevailing conditions within the country to reduce the adverse environmental effects of agriculture. Specified requirements levels shall be considered to be a minimum base for national legislation.

1. Animal density

To ensure that manure is not produced in excess in comparison to the amount of arable land, there must be a balance between the amount of animals on the farm and the amount of land available for spreading manure, expressed as animal density. The maximum amount of animals should be precised with consideration taken to the amount of phosphorus and nitrogen in manure and the crops requirements of plant nutrients.

2. Manure storage

Manure storage must be of such a quality that prevents losses. The storage capacity shall be sufficiently large, to ensure that manure only will be spread when the plants can utilize nutrients. The minimum level to be required should be 6 months storage capacity. Urine and slurry stores should be covered or handled by a method that efficiently reduces ammonia emissions.

3. Agricultural waste water and silage effluents

Waste water from animal housings should either be stored in urine or slurry stores or else be treated in some suitable manner to prevent pollution. Effluents from the preparation and storage of silage should be collected and directed to storages for urine or liquid manure.

4. Application of organic manures

Organic manures (slurry, solid manure, urine, sewage sludge, composts, etc) shall be spread in a way that minimizes the risk for loss of plant nutrients and should not be spread on soils that are frozen*, water saturated or are covered with snow. Organic manures should be incorporated as soon as possible after application on bare soils. Periods shall be defined when no application is accepted.

5. Application rates for nutrients

Application rates for nutrients should not exceed the crops nutrient requirements. National guidelines should be developed with fertilizing recommendations and they should take reference to:

a) soil conditions, soil nutrient content, soil type and slope; b) climatic conditions and irrigation; c) land use and agricultural practices, including crop rotation systems; d) all external potential nutrient sources.

6. Winter crop cover

In relevant regions the cultivated area should be sufficiently covered by crops in winter and autumn to effectively reduce the loss of plant nutrients

7. Water protection measures and nutrient reduction areas

a) Surface water

Buffer zones, riparian zones or sedimentation ponds should be established, if necessary.

b) Ground water

Ground water protection zones should be established if necessary. Appropriate measures such as reduced fertilization rates, zones where manure spreading is prohibited and permanent grass land areas should be established.

c) Nutrient reduction areas

Wetland areas should be retained and where possible restored, to be able to reduce plant nutrient losses and to retain biological diversity.

Regulation 3; Plant protection products

Plant protection products shall only be handled and used according to a national risk reduction strategy which shall be based on Best Environmental Practice (BEP). The strategy should be based on an inventory of the existing problems and define suitable goals. It shall include measures such as:

1. Registration and approval

Plant protection products shall not be sold, imported or applied until registration and approval for such purposes has been granted by the national authorities.

2. Storage and handling

Storage and handling of plant protection products shall be carried out so that the risks of spillage or leakage are prevented. Some crucial areas are transportation and filling and clearing of equipment. Other dispersal of plant protection products outside the treated agricultural land area shall be prevented. Waste of plant protection products shall be disposed of according to national legislation.

3. Licence

A licence shall be required for commercial use of plant protection products. To obtain a licence suitable education and training on how to handle plant protection products with a minimum of impact on health and the environment shall be required. The users' knowledge regarding the handling and usage of plant protection products shall be updated regularly.

4. Application technology

Application technology and practice should be designed to prevent unintentional drift or run-off of plant protection products. Establishment of protection zones along surface waters should be encouraged. Application by aircraft shall be forbidden; exceptional cases require authorization.

5. Testing of spraying equipment

Testing of spraying equipment at regular intervals shall be promoted to ensure a reliable result when spraying with plant protection products.

6. Alternative methods of control

Development of alternative methods for plant protection control should be encouraged.

Regulation 4; Environmental permits

Farms with livestock production above certain size should require approval with regard to environmental aspects and impacts of the farms.

Regulation 5; Environmental monitoring

The Contracting Parties shall develop projects to assess the effects of measures and the impacts of the agricultural sector on the environment.

Regulation 6; Education, information and extension service

The Contracting parties shall promote systems for education, information and extension (advisory service) on environmental issues in the agricultural sector.

HELCOM RECOMMENDATION 19/7

Adopted 26 March 1998 having regard to
Article 13, Paragraph c) of the Helsinki Convention

AMENDMENTS TO ANNEX IV OF THE HELSINKI CONVENTION

THE COMMISSION,

RECALLING the goals of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues,

RECALLING ALSO HELCOM Recommendation 17/11 concerning reception facilities which calls for the development and application of harmonized, mandatory rules for fishing vessels, working vessels and pleasure craft which are not covered by the existing regulations in respect to toilet retention systems and holding tanks for sewage,

RECALLING FURTHER that HELCOM Recommendation 17/11 concerning reception facilities stipulates the need for the development of mandatory regulations for ships to deliver all garbage to a port reception facility before leaving port, taking into account special arrangements for e.g. passenger ferries and ships engaged in short voyages,

BEING AWARE that the implementation of the strategy is one of the prerequisites for substantial decrease in the number of operational and illegal discharges and thus for the protection of the marine environment of the Baltic Sea Area from pollution by ships,

NOTING that Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) only covers those small vessels which are certified to carry more than 10 persons on board,

BEARING IN MIND Regulations 5 and 7 of Annex V of MARPOL 73/78 and Regulation 7 of Annex IV of the 1974 Helsinki Convention and Regulation 5 of Annex IV of the 1992 Helsinki Convention, in which the Contracting Parties undertake to ensure the provision of facilities at their ports and terminals of the Baltic Sea Area for the reception of garbage and sewage, without causing undue delay to ships, adequate to meet the needs of ships using them,

NOTING ALSO Article 19, Paragraph 2 of the 1992 Helsinki Convention according to which the Baltic Marine Environment Protection Commission, established pursuant to the 1974 Helsinki Convention, is the Commission under the 1992 Helsinki Convention,

TAKING INTO CONSIDERATION the amendment procedure for the Annexes of the Helsinki Convention as contained in article 24 of the Convention,

RESOLVES:

- a) to adopt new Regulations 7 bis and 8 bis to Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974, appearing in the Attachment to this Recommendation;
- b) to ask the Depositary Government to Communicate amendments to the Contracting Parties with the Commission's Recommendation for acceptance;
- c) to determine that amendments shall be deemed to have been accepted unless prior to 1 January 1999 any of the Contracting Parties has objected to the amendments; and
- d) to determine that accepted amendments shall enter into force on 1 January 2000,

RESOLVES ALSO to amend accordingly Annex IV of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, at the date of entry into force of the accepted amendments, if this Convention entered into force prior to these amendments,

REQUESTS the Governments of those Contracting Parties being Member States of the European Union to strive for corresponding regulations as part of a European Council directive on port reception facilities for waste and residues from ships,

REQUESTS FURTHER the Governments of the Contracting Parties to report on the implementation of this Recommendation in accordance with the reporting format on the implementation of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues.

A new Regulation 7 bis in Annex I V of the Helsinki Convention is inserted:

Regulation 7 bis; Discharge of sewage by other ships

A. Compliance

All other ships including pleasure craft not referred to in paragraph B of Regulation 7 fitted with toilets shall comply with the provisions of paragraphs A, C and D of Regulation 7 as follows:

a) on 1 January 2005 for ships built before 1 January 2000, and b) upon the entry into force of this Regulation for ships built on or after 1 January 2000.

B. Toilet retention systems

Ships referred to in paragraph A shall be fitted with toilet retention systems for sewage in accordance with guidelines approved by the Helsinki Commission.

C. Reception facilities

1. Paragraph E 1 of Regulation 7 shall apply, as appropriate, to ships referred to in Paragraph A.
2. To enable pipes of reception facilities to be connected with the discharge pipeline of ships referred to in Paragraph A, both lines shall be fitted with a standard discharge connection in accordance with guidelines approved by the Helsinki Commission.

A new Regulation 8 bis in Annex IV of the Helsinki Convention is inserted:

Regulation 8 bis; Mandatory discharge of all wastes to a port reception facility

A. Definitions

For the purpose of this Regulation:

1. "Ship-generated wastes" means all residues generated during the service of the ship, including oily residues from engine room spaces, sewage, and garbage as defined in Annex V of MARPOL 73/78, cargo associated waste including but not limited to loading/unloading excess and spillage, dunnage, shoring, pellets, rining and packing materials, plywood, paper, cardboard, wire and steel strapping;
2. "Cargo residues" means the remnants of any cargo material on board in cargo holds which remain for disposal after unloading procedures are completed.

B. Discharge of wastes to a port reception facility

Before leaving port ships shall discharge all ship-generated wastes, which are not allowed to be discharged into the sea in the Baltic Sea Area in accordance with MARPOL 73/78 and this Convention, to a port reception facility. Before leaving port all cargo residues shall be discharged to a port reception facility in accordance with the requirements of MARPOL 73/78.

C. Exemptions

1. Exemptions may be granted by the Administration from mandatory discharge of all wastes to a port reception facility taking into account the need for special arrangements for, e.g., passenger ferries engaged in short voyages. The Administration shall inform the Helsinki Commission on the issued exemptions.
2. In case of inadequate reception facilities ships shall have the right to properly stow and keep wastes on board for delivery to next adequate port reception facility. The Port Authority or the Operator shall provide a ship with a document informing on inadequacy of reception facilities.
3. A ship should be allowed to keep on board minor amounts of wastes which are unreasonable to discharge to port reception facilities.

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