

### **HELCOM RECOMMENDATION 19/16 \*)**

Adopted 24 March 1998 having regard to  
Article 13, Paragraph b) and Regulation 2 of Annex IV  
of the Helsinki Convention

### **CO-OPERATION IN INVESTIGATING VIOLATIONS OR SUSPECTED VIOLATIONS OF DISCHARGE AND RELATED REGULATIONS FOR SHIPS, DUMPING AND INCINERATION\*\*) REGULATIONS**

#### **THE COMMISSION,**

**RECALLING** Regulation 2 of Annex IV of the Helsinki Convention stipulating that the Contracting Parties shall assist each other in investigating violations of the existing legislation on anti-pollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area by, inter alia, inspecting oil record books, cargo record books, log books, and engine log books and taking samples for analytical identification purposes,

**RECALLING ALSO** Article 6 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) concerning co-operation and enforcement of that Convention,

**RECALLING FURTHER** IMO's Assembly Resolution A.787(19), Procedures for port State control, which resolves Resolutions A.466(XII) as amended, A.597(19) and A.742(18) as well as Resolution MEPC.26(23),

**TAKING INTO ACCOUNT** Regulation 3 of Annex VI of the 1974 Helsinki Convention (Regulation 3 of Annex VII of the 1992 Helsinki Convention) concerning surveillance activities and HELCOM Recommendation 12/8 concerning airborne surveillance with remote sensing equipment in the Baltic Sea Area,

**TAKING ALSO INTO ACCOUNT** HELCOM Recommendation 17/13 concerning the use by the Baltic Sea States of the Manual on Co-operation in Combatting Marine Pollution within the framework of the Helsinki Convention,

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\*) *This Recommendation supersedes HELCOM Recommendations 6/13, 10/8, 16/1 (except for elaboration of the Manual on the legal systems of the Contracting Parties) and 16/2.*

\*\*) *Incineration is prohibited under Article 10 of the 1992 Helsinki Convention.*

**STRESSING** that the goals of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues could be, inter alia, achieved by the introduction of a harmonized system of fines in case a ship violates anti-pollution regulations as developed in HELCOM Recommendation 19/14

**STRESSING ALSO** that effective implementation of the system in the entire Baltic Sea Area requires intensified co-operation and assistance in conducting investigations, exchanging and recognition of evidence in accordance with the national laws of the Contracting Parties,

**STRESSING FURTHER** that according to Article 218 of the UN Convention on the Law of the Sea such co-operation cannot be limited only to the Contracting Parties to the Helsinki Convention but should concern also other states and in particular the flag state of the investigated ship,

**RECOGNIZING** the role of the 1992 Paris Memorandum of Understanding on Port State Control as an essential tool for the control of ships' compliance with the requirements laid down in the IMO and ILO instruments,

**CONVINCED** that necessary emphasis should be put on controls under MARPOL 73/78, on the quality of controls of the ship's technical aspects, on the control of ship's documents, such as the Oil, Cargo and Garbage Record Books, and on prosecuting infringements of the duty to keep these books properly,

**RECOMMENDS** that the Governments of the Contracting Parties to the Helsinki Convention shall apply the attached Guidelines when co-operating in investigating violations or suspected violations of discharge and related regulations for ships and dumping regulations,

**RECOMMENDS ALSO** that in addition to the procedures established in the attached Guidelines, the Governments of the Contracting Parties shall apply IMO's Resolution A.787(19) on Procedures for port State control,

**REQUESTS** the Governments of the Contracting Parties to report on the implementation of this Recommendation in accordance with Article 16, Paragraph 1 of the 1992 Helsinki Convention.

**GUIDELINES FOR CO-OPERATION IN INVESTIGATING VIOLATIONS OR  
SUSPECTED VIOLATIONS OF DISCHARGE AND RELATED REGULATIONS FOR SHIPS,  
DUMPING AND INCINERATION REGULATIONS**

**I INTRODUCTION**

1. According to Regulation 2 of Annex IV of the Helsinki Convention the Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the Convention, as appropriate, assist each other in investigating violations of the existing legislation on anti-pollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include, but is not limited to, inspection by the competent authorities of Oil Record Books, Cargo Record Books, Garbage Record Books, logbooks and engine logbooks, and taking oil samples for analytical identification purposes.
2. The assistance envisaged under Regulation 2 of Annex IV of the Helsinki Convention relates to violations of the provisions of this Annex (oil, noxious liquid substances in bulk, harmful substances in packaged forms, sewage and garbage, prohibition of incineration of ship-generated wastes on board ships).
3. It should be noted that the Guidelines make a distinction between general requirements laid down in anti-pollution regulations of the Helsinki Convention and MARPOL 73/78 and the prohibition of discharges under both instruments.
  - 3.1 The Guidelines, as described in the following paragraphs, are applicable to ships flying the flags of the Contracting Parties to the Helsinki Convention.
  - 3.2 The Guidelines are also applicable to ships flying the flags of states being parties to MARPOL 73/78 (except for Annex IV of MARPOL 73/78). As far as the discharge provisions are concerned the Guidelines are applicable to such ships, if the violation has occurred or is believed to occur in internal waters, territorial seas or exclusive economic zones of the Contracting Parties (except for sewage discharge provisions of Annex IV to the Helsinki Convention, which could be enforced in accordance with HELCOM Recommendation 11/9 in the internal waters and territorial seas and violation of Regulation 9 B. of Annex IV of the 1974 Helsinki Convention concerning prohibition of incineration of ship-generated wastes on board ships which concerns territorial seas <sup>\*)</sup> ).
  - 3.3 Furthermore, the Guidelines are applicable to ships flying the flags of states not being parties to MARPOL 73/78 violating or believed to have violated the discharge provisions of Annexes I, II and V to MARPOL 73/78 in the internal waters, territorial seas and exclusive economic zones of the Contracting Parties, as well as the sewage discharge provisions and prohibition of incineration of ship-generated wastes on board ships stipulated in Regulation 9 B. of Annex IV of the 1974 Helsinki Convention in the internal waters and territorial seas of the Contracting Parties <sup>\*)</sup> .

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<sup>\*)</sup> *NOTE: Annex IV of the 1992 Helsinki Convention will be amended by inclusion of a Regulation on prohibition of incineration of ship-generated wastes on board ships after the entry into force of that Convention.*

3.4 Moreover, on the conditions stipulated in Article 218 of the UN Convention on the Law of the Sea, the Guidelines are applicable to any ship being voluntarily within a port or at an offshore terminal of a Contracting Party in case of any discharge from that ship made in

contravention of Annexes I, II and V to MARPOL 73/78 in waters beyond the jurisdiction of the Contracting Parties (high sea, waters under jurisdiction of other States).

4. Paragraph 6 of Article 9 of the 1974 Helsinki Convention (Paragraph 6 of Article 11 of the 1992 Helsinki Convention) on the prohibition of dumping and Paragraph 3 of Article 10 of the 1992 Helsinki Convention on the prohibition of incineration stipulate that in case of dumping or incineration is suspected to be in contravention of the provisions of these Articles, the Contracting Parties shall co-operate in investigating the matter in accordance with Regulation 2 of Annex IV of the Convention.
5. However, in case of violations of the dumping or incineration provisions which have occurred or are suspected to have occurred in the Baltic Sea Area, the Guidelines are also applicable to ships (or in case of dumping also to aircraft) not flying the flags of the Contracting Parties to the Helsinki Convention:
  - 5.1 when loading, within the territories or territorial seas of the Contracting Parties, matter which is to be dumped or incinerated, or
  - 5.2 believed to be engaged in dumping or incineration within internal waters, territorial seas, exclusive economic zones of the Contracting Parties.

## **II GENERAL**

1. For the purpose of these Guidelines:
  - 1.1 “Discharge” in relation to harmful substance or effluents containing such substances (Regulation 3.3 a) and b) of Annex IV of the 1974 Helsinki Convention and Regulation 3.2 a) and b) of Annex IV of the 1992 Helsinki Convention), means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. Discharge does not include dumping (within the meaning of the London Dumping Convention), or release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources, or release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.
  - 1.2 “Incineration of ship-generated wastes on board ships” means the deliberate combustion of ship-generated wastes, incidental to the normal operation of ships, for the purpose of thermal destruction of such wastes (Regulation 9 A. of Annex IV of the 1974 Helsinki Convention).

- 1.3 “Dumping” means any deliberate disposal at sea of waste or other matter from vessels, aircraft, platforms or other man-made structures at sea. Dumping does not include the disposal at sea of waste or other matter incidental to or derived from normal operation of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or other structures. Nor does dumping include placement of matter for the purpose other than mere disposal thereof, provided that such placement is not contrary to the aims of the Helsinki Convention (see: Article 2 Paragraph 3 of the 1974 Helsinki Convention and Article 2, Paragraph 4 of the 1992 Helsinki Convention).
- 1.4 “Incineration” means any deliberate combustion of wastes or other matter at sea for the purpose of their thermal destruction. Activities incidental to the normal operation of ships or other man-made structures are excluded from the scope of this definition (Article 2, Paragraph 5 of the 1992 Helsinki Convention).
2. When a Contracting Party receives a report that a discharge, dumping or incineration other than permitted under the Helsinki Convention or a discharge other than permitted under Annexes I, II or V to MARPOL 73/78, has occurred or is suspected to have occurred within the Baltic Sea Area, that Contracting Party should take the necessary steps to investigate the matter. In accordance with Article 218 of the UN Convention on the Law of the Sea such steps shall also be undertaken in cases of violations of the discharge provisions of Annexes I, II and V to MARPOL 73//8 in waters beyond the jurisdiction of the Contracting Parties (cf. paragraph I/3.4).
3. Such reports can be received from several sources including:
- reports on incidents involving harmful substances and on significant spillages of oil or other harmful substances submitted according to Paragraph 1 of Regulation 5 of Annex VI of the 1974 Helsinki Convention (Regulation 5. 1 a) and b) of Annex VII of the 1992 Helsinki Convention);
  - reports from masters of ships and pilots of aircraft according to Paragraph 2 of Regulation 5 of Annex VI of the 1974 Helsinki Convention (Regulation 5. 1 c) of Annex VII of the 1992 Helsinki Convention);
  - reports resulting from surveillance activities according to Regulation 3 of Annex VI of the 1974 Helsinki Convention (Regulation 3 of Annex VII of the 1992 Helsinki Convention);
  - reports from other sources.
4. Reports on discharges, dumping or incineration, other than permitted under the Helsinki Convention and Annexes I, II and V of MARPOL 73/78, submitted according to Regulation 5 of Annex VI of the 1974 Helsinki Convention or Regulation 5 of Annex VII of the 1992 Helsinki Convention should, as far as possible, be drawn up and transmitted according to HELCOM Recommendation 19/18 concerning reporting on incidents involving harmful substances and emergency dumping.
5. For the purpose of reporting procedures also Contact Points for aerial surveillance and pollution observation reports can be used (see: Chapter 8 of Part I of Volume I of HELCOM Manual on Co-operation in Combatting Marine Pollution).
6. \*) 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:

- the ship is equipped with a suitable sewage treatment plant or a comminuting and disinfecting system, or holding tanks and a standard discharge connection;
  - the ship is surveyed in accordance with Paragraph F, Regulation 7 of Annex IV of the 1974 Helsinki Convention (paragraph F of Regulation 5 of Annex IV of the 1992 Helsinki Convention);
  - the ship is provided with a Sewage Pollution Prevention Certificate in accordance with paragraph G, Regulation 7 of Annex IV of the 1974 Helsinki Convention (Paragraph G of Regulation 5 Annex IV of the 1992 Helsinki Convention).
- 6.1 For the purpose of co-operating in investigations of violations or suspected violations of Regulation 7 on sewage of Annex IV of the 1974 Helsinki Convention (Regulation 5 of Annex IV of the 1992 Helsinki Convention) by ships flying the flags of the Contracting Parties to the Helsinki Convention the reporting format contained in Annex 1 to these Guidelines shall be used.
- 6.2 Since Annex IV to MARPOL 73/78 is not yet in force, violations or suspected violations of Paragraph C of Regulation 7 of Annex IV of the 1974 Helsinki Convention (Paragraph C of Regulation 5 of Annex IV of the 1992 Helsinki Convention) by a ship flying the flag of a state not being a party to that Convention should be reported to the flag state in accordance with the reporting format contained in Annex 2 to these Guidelines.

### III SCHEME OF CO-OPERATION

1. During a Contracting Party's investigation of an incident reported in accordance with the preceding Chapter, situations may arise when necessary information/evidence cannot be obtained by that Contracting Party itself.  
  
In such a case a Contracting Party conducting the investigation can request other Contracting Parties to assist in obtaining necessary information and/or evidence.
2. When a Contracting Party receives a request for assistance that Contracting Party (assisting Contracting Party) shall, in accordance with its national law, render legal or administrative assistance in order to produce the requested information/evidence to the extent possible and submit it to the requesting Contracting Party.
3. Requests for such legal or administrative assistance could include but are not limited to following actions:
  - search for a suspected ship, identification of the master and/or other responsible persons;
  - reporting of possible discharge;
  - taking of samples from ships and/or spillages;

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\*) *NOTE: This section needs to be revised after the entry into force of Annex IV to MARPOL 73/78.*

- analyses of samples (if possible, the gas chromatography/mass spectrometry (GC/MS) method should be used; the Guidelines on Oil Sampling (the Nordtest Method for Oil Spill Identification) are contained in Chapter 8 of Part II of Volume I of the HELCOM Manual on Co-operation in Combatting Marine Pollution);
  - inspection and/or copying of ship's documents (Oil, Cargo, Garbage Record Books, log books, engine log books etc.);-obtaining of statements from ship's personnel;
  - inspection of certain equipment on board ships;
  - inspection of slop and oily-water collecting tanks;
  - inspection of cargo (dumping, incineration);
  - verification of registration, owner of a ship, insurance, etc.;
  - collection of other evidence.
4. The legal or administrative assistance should be directed towards the gathering of sufficient evidence to ascertain whether a ship has violated discharge requirements and/or, as the case under I 3. may be, anti-pollution regulations. Guidelines for the optimal collection of evidence relating to contravention of MARPOL 73/78 Annexes I and II discharge provisions can be found in Part 3 of Appendix 2 and Part 3 of Appendix 3 to IMO Assembly Resolution A.787.(19) which are attached as Annexes 3 and 4 to these Guidelines.
  5. Nevertheless, priority should be given to the Manual "Oil Pollution at Sea - Securing Evidence on Discharges from Ships" developed within the Bonn Agreement, explaining the gathering of evidence in cases of violations of anti-pollution regulations.
  6. Even if the annexed IMO guidelines are related only to possible evidence on alleged contravention to the discharge provisions under Annexes I and II to MARPOL 73/78, parts of these guidelines will also be of value when collecting evidence under Annex V to MARPOL 73/78 and prohibition of dumping and incineration under the Helsinki Convention.
  7. When communicating results of actions requested by another Contracting Party it should be born in mind that the evidence provided should be presented in such a way as to facilitate legal proceedings against the offender by the flag state and/or by the Contracting Party under whose jurisdiction the offence has taken place.
  8. All the evidence collected by aerial surveillance, such as pollution observation log, pollution observation report, photographs, video tapes, should be submitted to the state conducting an investigation.
  9. The list of national authorities co-operating in conducting investigations is attached as Annex 5 to these Guidelines.

**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

**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).

**PART 3 OF APPENDIX 2 TO IMO ASSEMBLY RESOLUTION A.787(19)**

**ITEMIZED LIST OF POSSIBLE EVIDENCE ON ALLEGED CONTRAVENTION OF  
THE MARPOL 73/78 ANNEX I DISCHARGE PROVISIONS**

1. ACTION ON SIGHTING OIL POLLUTION
  - 1.1 Particulars of ship or ships suspected of contravention
    - 1.1.1 Name of ship
    - 1.1.2 Reasons for suspecting the ship
    - 1.1.3 Date and time (GMT) of observation or identification
    - 1.1.4 Position of ship
    - 1.1.5 Flag and port of registry
    - 1.1.6 Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure, colour and funnel mark)
    - 1.1.7 Draught condition (loaded or in ballast)
    - 1.1.8 Approximate course and speed
    - 1.1.9 Position of slick in relation to ship (e.g. astern, port, starboard)
    - 1.1.10 Part of the ship from which discharge was seen emanating
    - 1.1.11 Whether discharge ceased when ship was observed or contacted by radio
  - 1.2 Particulars of slick
    - 1.2.1 Date and time (GMT) of observation if different from 1.1.3
    - 1.2.2 Position of oil slick in longitude and latitude if different from 1.1.4
    - 1.2.3 Appropriate distance in nautical miles from the nearest landmark
    - 1.2.4 Approximate overall dimension of oil slick (length, width, and percentage thereof covered by oil)
    - 1.2.5. Physical description of oil slick (direction and form, e.g. continuous, in patches or in windrows)
    - 1.2.6 Appearance of oil slick (indicate categories)
      - Category A: Barely visible under most favourable light condition
      - Category B: Visible as silvery sheen on water surface
      - Category C: First trace of colour may be observed
      - Category D: Bright band of colour
      - Category E: Colours begin to turn dull
      - Category F: Colours are much darker
    - 1.2.7 Sky conditions (bright sunshine, overcast, etc.), light fall and visibility (kilometres) at the time of observation
    - 1.2.8 Sea state
    - 1.2.9 Direction and speed of surface wind
    - 1.2.10 Direction and speed of current
- 1.3 Identification of the observer(s)
  - 1.3.1 Name of the observer
  - 1.3.2 Organization with which observer is affiliated (if any)

- 1.3.3 Observer's status within the organization
- 1.3.4 Observation made from aircraft/ship/shore/otherwise
- 1.3.5 Name or identity of ship or aircraft from which the observation was made
- 1.3.6 Specific location of ship, aircraft, place on shore or otherwise from which observation was made
- 1.3.7 Activity engaged in by observer when observation was made, for example: patrol, voyage, flight (en route from ... to ... ), etc.
- 1.4 Method of observation and documentation
  - 1.4.1 Visual
  - 1.4.2 Conventional photographs
  - 1.4.3 Remote sensing records and/or remote sensing photographs
  - 1.4.4 Samples taken from slick
  - 1.4.5 Any other form of observation (specify)

Note: A photograph of the discharge should preferably be in colour. Photographs can provide the following information: that the material on the sea surface is oil, that the quantity of oil discharged does constitute a violation of the Convention, that the oil is being, or has been discharged from a particular ship, the identity of the ship.

Experience has shown that the aforementioned can be obtained with the following three photographs:

- .1 Details of the slick taken almost vertically down from an altitude of less than 300 m with the sun behind the photographer.
- .2 An overall view of the ship and "slick" showing oil emanating from a particular ship.
- .3 Details of the ship for the purposes of identification.

1.5 Other information if radio contact can be established

- 1.5.1 Master informed of pollution
- 1.5.2 Explanation of master
- 1.5.3 Ship's last port of call
- 1.5.4 Ship's next port of call
- 1.5.5 Name of ship's master and owner
- 1.5.6 Ship's call sign

2. INVESTIGATION ON BOARD

2.1 Inspection of the IOPP Certificate

- 2.1.1 Name of ship
- 2.1.2 Distinctive number or letters
- 2.1.3 Port of registry
- 2.1.4 Type of ship
- 2.1.5 Date and place of issue
- 2.1.6 Date and place of endorsement

Note: If the ship is not issued with an IOPP Certificate as much as possible of the requested information should be given.

## 2.2 Inspection of supplement of the IOPP Certificate

2.2.1 Applicable paragraphs of section 2, 3, 4, 5 and 6 of the supplement (non-oil tankers)

2.2.2 Applicable paragraphs of sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the supplement (oil tankers)

Note: If the ship does not have an IOPP Certificate, a description should be given of the equipment and arrangements on board, designed to prevent marine pollution.

## 2.3 Inspection of Oil Record Book (O.R.B.)

2.3.1 Copy sufficient pages of the O.R.B. - Part I to cover a period of 30 days prior to the reported incident.

2.3.2 Copy sufficient pages of the O.R.B.- Part II (if on board) to cover a full loading/unloading/ballasting and tank cleaning cycle of the ship. Also copy the tank diagram.

## 2.4 Inspection of logbook

2.4.1 Last port, date of departure, draught forward and aft

2.4.2 Current port, date of arrival, draught forward and aft

2.4.3 Ship's position at or near the time the incident was reported

2.4.4 Spot check if positions mentioned in the logbook agree with positions noted in the O.R.B

## 2.5 Inspection of other documentation on board

2.5.1 Other documentation relevant for evidence (if necessary make copies) such as:

- recent ullage sheets
- records of monitoring and control equipment

## 2.6 Inspection of ship

2.6.1 Ship's equipment in accordance with the supplement of the IOPP Certificate

2.6.2 Samples taken. State location on board

2.6.3 Traces of oil in vicinity of overboard discharge outlets

2.6.4 Condition of engine room and contents of bilges

2.6.5 Condition of oily water separator, filtering equipment and alarm, stopping or monitoring arrangements

2.6.6 Contents of sludge and/or holding tanks

2.6.7 Sources of considerable leakage

On oil tankers the following additional evidence may be pertinent:

2.6.8 Oil on surface of segregated or dedicated clean ballast

2.6.9 Condition of pump-room bilges

2.6.10 Condition of COW system

2.6.11 Condition of IG system

2.6.12 Condition of monitoring and control system

2.6.13 Slop tank contents (estimate quantity of water and of oil)

## 2.7 Statements of persons concerned

If the O.R.B. - Part I has not been properly completed information on the following questions may be pertinent:

- 2.7.1 Was there a discharge (accidental or intentional) at the time indicated on the incident report?
- 2.7.2 Is the bilge discharge controlled automatically?
- 2.7.3 If so, at what time was the system last put into operation and at what time was the system last put on manual mode?
- 2.7.4 If not, what were date and time of the last bilge discharge?
- 2.7.5 What was the date of the last disposal of residue and how was the disposal effected?
- 2.7.6 Is it usual to effect discharge of bilge water directly to the sea or to store bilge water first in a collecting tank? Identify the collecting tank.
- 2.7.7 Have oil fuel tanks recently been used as ballast tanks?

If the O.R.B. - Part II has not been properly completed information on the following questions may be pertinent:

- 2.7.8 What was the cargo/ballast distribution in the ship on departure from the last port?
- 2.7.9 What was the cargo/ballast distribution in the ship on arrival in the current port?
- 2.7.10 When and where was the last loading effected?
- 2.7.11 When and where was the last unloading effected?
- 2.7.12 When and where was the last discharge of dirty ballast?
- 2.7.13 When and where was the last cleaning of cargo tanks?
- 2.7.14 When and where was the last COW operation and which tanks were washed?
- 2.7.15 When and where was the last decanting of slop tanks?
- 2.7.16 What is the ullage in the slop tanks and the corresponding height of interface?
- 2.7.17 Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?
- 2.7.18 Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?

In addition, the following information may be pertinent:

- 2.7.19 Details of the present voyage of the ship (previous ports, next ports, trade)
- 2.7.20 Contents of oil fuel and ballast tanks
- 2.7.21 Previous and next bunkering, type of oil fuel
- 2.7.22 Availability or non-availability of reception facilities for oily wastes during the present voyage
- 2.7.23 Internal transfer of oil fuel during the present voyage

In the case of oil tankers the following additional information may be pertinent:

- 2.7.24 The trade the ship is engaged in such as short/long distance, crude or product or alternating crude/product, lightening service, oil/dry bulk
- 2.7.25 Which tanks clean and dirty
- 2.7.26 Repairs carried out or envisaged in cargo tanks

Miscellaneous information:

- 2.7.27 Comments in respect to condition of ship's equipment
- 2.7.28 Comments in respect to pollution report
- 2.7.29 Other comments

### 3. INVESTIGATION ASHORE

#### 3.1 Analyses of oil samples

3.1.1 Indicate method and results of the sample analyses

#### 3.2 Further information

3.2.1 Additional information on the ship, obtained from oil terminal staff, tank cleaning contractors or shore reception facilities may be pertinent

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc.

### 4. INFORMATION NOT COVERED BY THE FOREGOING

### 5. CONCLUSION

5.1.1 Summing up of the investigator's conclusions

5.1.2 Indication of applicable provisions of Annex I of MARPOL 73/78 which the ship is suspected of having contravened

5.1.3 Did the results of the investigation warrant the filing of a deficiency report?

**PART 3 OF APPENDIX 3 TO IMO ASSEMBLY RESOLUTION A.787(19)**

**ITEMIZED LIST OF POSSIBLE EVIDENCE ON ALLEGED CONTRAVENTION  
OF THE MARPOL 73/78 ANNEX II DISCHARGE PROVISIONS**

1. ACTION ON SIGHTING POLLUTION

1.1 Particulars of ship or ships suspected of contravention

1.1.1 Name of ship

1.1.2 Reasons for suspecting the ship

1.1.3 Date and time (UTC) of observation or identification

1.1.4 Position of ship

1.1.5 Flag and port of registry

1.1.6 Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure colour and funnel mark)

1.1.7 Draught condition (loaded or in ballast)

1.1.8 Approximate course and speed

1.1.9 Position of slick in relating to ship (e.g. astern, port, starboard)

1.1.10 Part of the ship from which discharge was seen emanating

1.1.11 Whether discharge ceased when ship was observed or contacted by radio

1.2 Particulars of slick

1.2.1 Date and time (UTC) of observation if different from 1.1.3

1.2.2 Position of slick in longitude and latitude if different from 1.1.4

1.2.3 Approximate distance in nautical miles from the nearest land

1.2.4 Depth of water according to sea chart

1.2.5 Approximate overall dimension of slick (length, width and percentage thereof covered)

1.2.6 Physical description of slick (direction and form, e.g. continuous, in patches or in windows)

1.2.7 Colour of slick

1.2.8 Sky conditions (bright sunshine, overcast, etc.), lightfall and visibility (kms) at the time of observation

1.2.9 Sea state

1.2.10 Direction and speed of surface wind

1.2.11 Direction and speed of current

1.3 Identification of the observer(s)

1.3.1 Name of the observer

1.3.2 Organization with which observer is affiliated (if any)

1.3.3 Observer's status within the organization

1.3.4 Observation made from aircraft/ship/shore/otherwise

1.3.5 Name or identity of ship or aircraft from which the observation was made

1.3.6 Specific location of ship, aircraft, place on shore or otherwise from which observation was made

- 1.3.7 Activity engaged in by observer when observation was made, for example: patrol, voyage (flight en route from... to... ) etc.
- 1.4 Method of observation and documentation
  - 1.4.1 Visual
  - 1.4.2 Conventional photographs
  - 1.4.3 Remote sensing records and/or remote sensing photographs
  - 1.4.4 Samples taken from slick
  - 1.4.5 Any other form of observation (specify)

Note: A photograph of the discharge should preferably be in colour. The best results may be obtained with the following three photographs:

- .1 details of the slick taken almost vertically down from an altitude of less than 300 metres with the sun behind the photographer;
- .2 an overall view of the ship and "slick" showing a substance emanating from particular ship; and
- .3 details of the ship for the purposes of identification.

1.5 Other information if radio contact can be established

- 1.5.1 Master informed of pollution
- 1.5.2 Explanation of master
- 1.5.3 Ship's last port of call
- 1.5.4 Ship's next port of call
- 1.5.5 Name of ship's master and owner
- 1.5.6 Ship's call sign

2. INVESTIGATION ON BOARD

2.1 Inspection of the Certificate (COF or NLS Certificate)

- 2.1.1 Name of ship
- 2.1.2 Distinctive number or letters
- 2.1.3 Port of registry
- 2.1.4 Type of ship
- 2.1.5 Date and place of issue
- 2.1.6 Date and place of endorsement

2.2 Inspection of P and A Manual

- 2.2.1 List of Annex II substances the ship is permitted to carry
- 2.2.2 Limitations as to tanks in which these substances may be carried
- 2.2.3 Ship equipped with an efficient stripping system
- 2.2.4 Residue quantities established at survey

2.3 Inspection of Cargo Record Book (CRB)

- 2.3.1 Copy sufficient pages of the CRB to cover a full loading/ unloading/ballasting and tank cleaning cycle of the ship. Also copy the tank diagram

- 2.4 Inspection of logbook
  - 2.4.1 Last port, date of departure, draught forward and aft
  - 2.4.2 Current port, date of arrival, draught forward and aft
  - 2.4.3 Ship's position at or near the time the incident was reported
  - 2.4.4 Spot check if times entered in the Cargo Record Book in respect of discharges correspond with sufficient distance from the nearest land, the required ship's speed and with sufficient water depth
- 2.5 Inspection of other documentation on board
  - 2.5.1 Other documentation relevant for evidence (if necessary make copies) such as:
    - cargo documents of cargo presently or recently carried, together with relevant information on required unloading temperature, viscosity and/or melting point
    - records of temperature of substances during unloading
    - records of monitoring equipment if fitted
- 2.6 Inspection of ship
  - 2.6.1 Ship's equipment in accordance with the P and A Manual
  - 2.6.2 Samples taken; state location on board
  - 2.6.3 Sources of considerable leakage
  - 2.6.4 Cargo residues on surface of segregated or dedicated clean ballast
  - 2.6.5 Condition of pumproom bilges
  - 2.6.6 Condition of monitoring system
  - 2.6.7 Slop tank contents (estimate quantity of water and residue)
- 2.7 Statements of persons concerned

If the CRB has not been properly completed, information on the following questions may be pertinent:

- 2.7.1 Was there a discharge (accidental or intentional) at the time indicated on the incident report?
- 2.7.2 Which tanks are going to be loaded in the port?
- 2.7.3 Which tanks needed cleaning at sea? Had the tanks been prewashed?
- 2.7.4 When and where were these cleaned?
- 2.7.5 Residues of which substances were involved?
- 2.7.6 What was done with the tankwashing slops?
- 2.7.7 Was the slop tank, or cargo tank used as a slop tank, discharged at sea?
- 2.7.8 When and where was the discharge effected?
- 2.7.9 What are the contents of the slop tank or cargo tank used as slop tank?
- 2.7.10 Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?
- 2.7.11 Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?
- 2.7.12 Details of the present voyage of the ship (previous ports, next ports, trade)
- 2.7.13 Difficulties experienced with discharge to shore reception facilities
- 2.7.14 Difficulties experienced with efficient stripping operations
- 2.7.15 Which tanks are clean or dirty on arrival?
- 2.7.16 Repairs carried out or envisaged in cargo tanks

Miscellaneous information

- 2.7.17 Comments in respect of condition of ship's equipment

- 2.7.18 Comments in respect of pollution report
- 2.7.19 Other comments

3. INVESTIGATION ASHORE

3.1 Analyses of samples

3.1.1 Indicate method and results of the samples' analyses

3.2 Further information

3.2.1 Additional information on the ship, obtained from terminal staff, tank cleaning contractors or shore reception facilities may be pertinent

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc.

3.3 Information from previous unloading port terminal

3.3.1 Confirmation that the ship unloaded, stripped or prewashed in accordance with its P and A Manual

3.3.2 The nature of difficulties if any

3.3.3 Restrictions by authorities under which the ship was permitted to sail

3.3.4 Restrictions in respect of shore reception facilities

4. INFORMATION NOT COVERED BY THE FOREGOING

5. CONCLUSION

5.1 Summing up of the investigator's conclusions

5.2 Indication of applicable provisions of Annex II to MARPOL 73/78 which the ship is suspected of having contravened

5.3 Did the results of the investigation warrant the filing of a deficiency report?

**NATIONAL AUTHORITIES CO-OPERATING WITHIN THE GUIDELINES**

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