Joint Final Report
on
II Audit of Implementation of Provisions of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (The Helsinki Convention)

Pollution from ships in the Baltic Sea

CO-ORDINATED/PARALLEL AUDIT

Conducted by:

The National Audit Office of Denmark
The State Audit Office of Estonia
The State Audit Office of Finland
The German Federal Court of Audit
The State Audit Office of Latvia
The State Control of the Republic of Lithuania
The Supreme Chamber of Control of the Republic of Poland
The Accounts Chamber of the Russian Federation

January 2005

Table of contents

Joint Final Report on II Audit of Implementation of Provisions of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (The Helsinki Convention)

I. Introduction and background information

A. Introduction

1. In 2004 the Supreme Audit Institutions in Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Russia conducted an audit on preparedness to combat pollution from ships in the Baltic Sea. The audit was performed as a performance and compliance audit of the implementation of the articles concerning pollution from ships in the Convention on the Protection of the Marine Environment of the Baltic Sea Area (the Helsinki Convention), including relevant annexes and recommendations. The relevant articles in the Helsinki Convention are:

- Article 8 – Prevention of pollution from ships (including annex IV and the HELCOM Copenhagen Declaration)
- Article 13 – Notification and consultation on pollution incidents
- Article 14 – Cooperation in combating marine pollution (including annex VII)
- Article 16 – Reporting and exchange of information.

The objectives of the audit were to assess whether the national authorities in the respective countries comply with the provisions of these articles, including relevant annexes and recommendations.

2. The audit was planned and conducted as a parallel audit. A parallel audit means that the participating audit institutions audit the same objectives in their respective countries and together identify relevant audit criteria and audit methods. However, it is up to the individual Supreme Audit Institution to decide how to conduct the audit and which

audit criteria and audit methods to use in the audit. The Supreme Audit Institutions have prepared national audit reports and have on the basis of summaries of these national audit reports, identified comparative data and some cases prepared to this report.

The National Audit Office of Denmark has been coordinator of the parallel audit, but data from the individual countries have been provided and validated by the participating Supreme Audit Institutions. The parallel audit covers the period 2000-2003.

The national reports have been forwarded to the national authorities and partially to the parliaments and this Joint Final Report has been forwarded for information to the Helsinki Convention Commission and to the national authorities. However, because of delay in the audit conducted by the Accounts Chamber of the Russian Federation this Joint Final Report does not include the implementation of the provisions in Russia, however the relevant audit results from Russia are planned to be included in the joint final report as an annex later on.

Sweden has also acceded the Helsinki Convention, but the Swedish National Audit Office did not participate in the parallel audit, because of reorganization.

In 2000, the Supreme Audit Institutions of Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Russia and Sweden conducted a parallel audit of implementation of article 6 of the Helsinki Convention concerning pollution from land-based sources. Thus, this parallel audit concerning pollution from ships is the second parallel audit on implementation of the provisions of the Helsinki Convention.

The international co-operation in environmental audit in Europe has been promoted by EUROSAI (European Organisation of Supreme Audit Institutions) Working Group on Environmental Auditing. The report is available on the webpage of the EUROSAI Working Group on Environmental Auditing: http://www.nik.gov.pl/grupa_eurosai/str0_an.html.

3. The reasons for undertaking this parallel audit were the increasing volume of oil and other goods transported through the Baltic Sea and the estimated high risk of marine pollution by hazardous substances from ship accidents or from emissions. There is a heightened risk of pollution from heavy oils as the shipping of crude oil in the Baltic

Sea is increasing dramatically. The general growth of traffic implies a significant risk of collisions involving tankers. For example oil transports through Estonian ports have increased almost 20 times from 1993 to 2002 and the growth trend is expected to continue. A risk analysis conducted by Estonian national authorities indicates that as much as 3 to 5 oil tanker accidents with extensive consequences might occur in Estonian territorial waters within a period of 10 years. Therefore, government measures for preventing pollution from ships, detecting marine pollution incidents and eliminating their consequences should be effective. Good environmental protection depends on thorough coordination of preventive, contingency and combating measures, and requires fast and effective action of the responsible national authorities and international cooperation.

4. Since pollution at sea could affect all the countries at the Baltic Sea, the rules for common protection of the sea are laid down in the Helsinki Convention. One of the fundamental principles of the Helsinki Convention is that the states shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea.

According to the Helsinki Convention, the states are required to prevent pollution from ships and respond to pollution incidents threatening the marine environment of the Baltic Sea. The ability to respond should include adequate equipment and manpower prepared for operations in coastal waters as well as on the high sea.

5. International cooperation in the marine environmental area is well developed and anchored in several sets of agreements on a bilateral and multilateral basis. As a main rule, the Helsinki Convention corresponds to regulations issued by the International Maritime Organisation (IMO), although the Helsinki Convention often sets more strict requirements in recommendations.

The main objective of the Helsinki Convention is protection of the Baltic Sea against pollution and comprises all states bordering the Baltic Sea. The Helsinki Convention was drawn up in 1974 and revised in 1992. All coun-

tries around the Baltic Sea have acceded to the Convention, which cover the Baltic Sea, The Sound, the Belts and part of Skagerak.

The Helsinki Convention consists of 38 articles and 7 annexes. In addition, the states have agreed on more than 100 recommendations functioning as guidelines to the Helsinki Convention. The objectives of the Helsinki Convention are pursued on the basis of jointly made decisions and agreements, joint declarations, recommendations and broad co-operation in the area of environmental protection. To become legally valid, the recommendations have to be implemented by the contracting states in national legislation. This leaves room for the contracting states in what ways they incorporate recommendations into their respective national laws. Therefore uniform and binding provisions covering several nations are an exception. The HELCOM (the Baltic Marine Environmental Protection Commission) has no legal means of enforcing the implementation of its recommendations vis-à-vis the contracting states. Unlike the HELCOM recommendations, the EU directives are legally binding and may lead to EU sanctions if the Member States do not transpose them into national law on a timely basis. The EU plays an increasingly greater role in the protection of the marine environment.

Every 3 to 5 years, the HELCOM conducts an assessment of implementation of the provisions of the Helsinki Convention by the states. However, this is in reality a self-assessment carried out by the national authorities in the individual states.

6. At the national level, responsibility for the marine environment of the Baltic Sea often is divided between local authorities, regional authorities and central and/or federal government. Therefore, the protection of the Baltic Sea marine environment involves many authorities and it is an important task to clearly define the individual authorities' tasks and responsibilities.

B. Background information

7. In global terms the Baltic Sea is a small sea, but as one of the world's largest bodies of brackish water it is ecologically unique. Due to its special geographical, climatologically and oceanographic characteristics, the Baltic Sea is highly sensitive to the environmental impact of human activity.

The Baltic Sea is connected to the world's oceans only by narrow and shallow waters of the Sound and the Great Belt. This limits the exchange of Baltic water with well aerated and rich in salt waters of the North Sea. The water exchange process is irregular and depends on meteorological conditions. In the past years, water inflows from the North Sea into the Baltic Sea occurred – on an average – every 11 years. It is estimated that full exchange of the Baltic Sea waters can take place over a period of 25-30 years.

8. Oil spills contaminate the water by creating an oily layer on the surface or by mixing and dissolving into the water – depending on the quality of the oil. The most visible effects of oil-spills are caused by the oil on the surface: birds and seals are smothered and their chances of survival are hampered by problems with their mobility or the insulating properties of their feathers or skin. Oil pollution also destroys habitats for many plants and animals, as well spawning areas of fish. Moreover, many of the chemicals in oil-spills are toxic and can have serious effects on plankton, fish and animals living on the sea floor. Coastal areas contaminated by oil-spills need to be actively cleaned up, which is a very laborious and expensive task and which may take a long time. Oil-spills can also have serious repercussions for tourism and commercial fisheries.

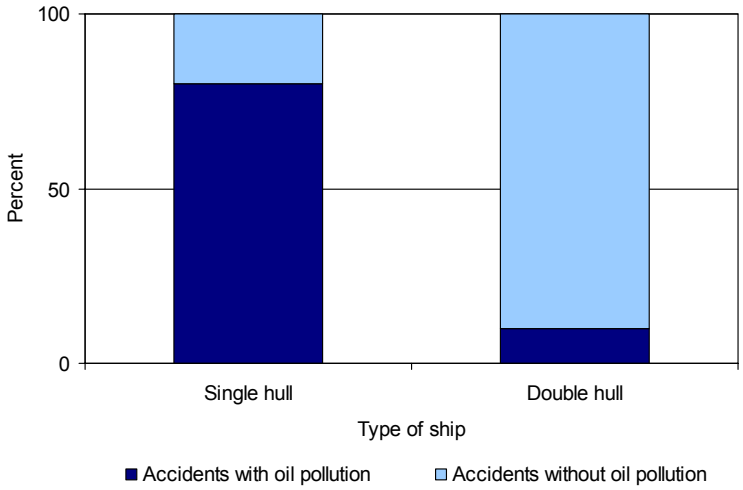
About 10 percent of all oil hydrocarbons in the Baltic Sea originate from deliberate, illegal discharges from the machinery spaces in cargo tanks of vessels sailing in the Baltic Sea. Surveillance aircrafts detect about 400 illegal oil discharges a year in the Baltic Sea.

Oil-spills originate also from collisions at the sea. Over the last 11 years, 251 shipping accidents occurred in the Baltic Sea, with about one in five resulting in oil pollution. In 2000 and 2001, the total amount of oil spilled into the Baltic was 2,756 m^3, of which around 2,500 m^3 was spilled in a single accident.

Intense shipping in the Baltic Sea accounts for approximately 15 percent of all maritime traffic around the world. In 2000, 80 million tons of oil were transported in the Baltic Sea. Forecasts indicate that by 2015 the total amount of oil transported in the Baltic Sea will have amounted to more than 130 million tons a year. It may come for increasing of oil-spill risk.

Single-bottomed tankers are much more likely to spill oil in an accident than modern double-bottoms tankers. Many of the oil tankers operating in the Baltic Sea are still only single-bottomed tankers. **Figure 1** illustrates the risk for oil pollution for single hull and double hull tankers:

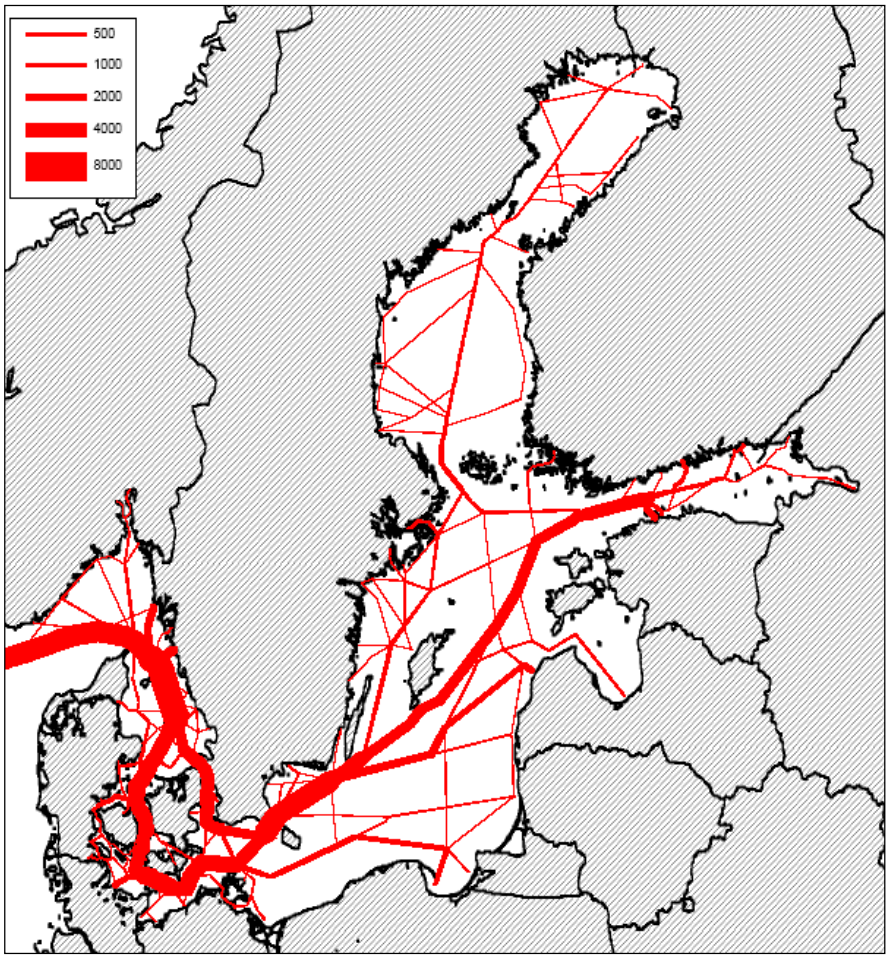
Figure 1. Tanker accidents with and without oil pollution



Source: The Baltic Marine Environmental Protection Commission (the HELCOM).

Figure 2 illustrates the distribution of oil tanker movements in the Baltic Sea:

Figure 2. Estimated distribution of 1998 annual ship traffic (number of movements) in the Baltic Sea, oil tankers



Source: COWI.

II. Prevention of pollution from ships (article 8 of the Helsinki Convention)

A. Waste reception facilities in the ports

9. According to article 8, paragraph 2, of the Helsinki Convention, the states have to develop and apply uniform requirements for the provision of reception facilities for ship-generated wastes. This general obligation has been specified further in several regulations. Annex IV, regulation 5 E, requires that the port reception facilities do not cause undue delay and meet the needs of ships using them. The parallel audit assessed the implementation of this pro-

vision by legal, administrative or other measures taken by the national authorities:

Table 1. Waste reception facilities in ports

Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland
☺	☺	☺	☺	☺	☺	☺

Smiling man: The provisions are implemented.
Not very pleased man: The provisions are partly implemented.
Displeased man: The provisions are not implemented.

Waste reception facilities in ports are established in all 7 countries.

Bütingé Oil Terminal in ***Lithuania*** (about 7 km from the coast line) does not have ship waste and ship cargo residues reception facilities. Therefore, prior to heading to Bütingé Oil Terminal tankers have to confirm that wastes and ship cargo residues are disposed at the last port of call and/or that ship waste and ship cargo residues reservoirs are filled to not more than 25 percent of total capacity.

In several of the 7 countries, the national authorities do not registrate the amount of received waste and do not inspect the waste reception facilities. Hence, the national authorities do not have an overview over the need for and the capacity for the reception of ship-generated waste and thus it is difficult to plan for waste handling. If the national authorities do not have information on the quantities of waste received by the different ports, it is difficult to envisage measures for the waste treatment and for further increasing the efficiency of waste management.

10. According to annex IV, regulation 7, all ships entering the Baltic Sea are obliged to discharge all ship-generated wastes to port reception facilities unless it is allowed to discharge waste into the Baltic Sea. The purpose of this provision is for ships to have the least possible waste on board and to distribute the waste load as evenly as possible among the states in the Baltic Sea. The national authorities have to inform ship owners about the procedures for the reception of waste generated on ships. The parallel audit assessed the implementation of this provision by legal, administrative or other measures taken by the national authorities:

Table 2. Mandatory discharge of waste

Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland
						

Smiling man: The provisions are implemented.
Not very pleased man: The provisions are partly implemented.
Displeased man: The provisions are not implemented.

Mandatory discharge of waste is fully implemented in 2 of the 7 countries.

In ***Denmark*** the provision is implemented in a legal act, but most ships do not fulfil the obligation to notify the wastes to deliver, because foreign crew and foreign shipping companies apparently are not aware of the provisions of mandatory discharge of all wastes.

In ***Estonia*** the Estonian authorities have not been successful in ensuring the availability of correct information on waste in the ports. The rules do not give a clear indication of the terms and conditions of waste reception or the rates of charge. The Estonian State Audit Office estimated that 82 percent of port rules deal with ship waste reception only superficially and without giving substantive information. In most cases, there is no information on other types of waste, except the bilge water of the engine room. Furthermore, the information on the reception of engine room bilge water is neither complete nor correct.

Several ships sailing between Helsinki and Tallinn have been granted exemptions by the Finnish authorities and are not obligated to discharge wastes at the port of Helsinki. The Estonian State Audit Office stresses that it is essential for the port authorities to hold such kind of information, because ships exempted by Finland are expected to deliver their waste in Estonia. Therefore, the Estonian State Audit Office suggests that paragraph C of regulation 7 and annex IV to the Helsinki Convention should be modified so as to ensure the availability of information to the national authorities about the exemptions granted to the ships calling at their ports.

In ***Finland*** the legislation complies with the provision in principle. However, as a result of loose interpretation of exemption conditions the mandatory discharge of all wastes is only applied in about 25-30 percent of all port visits in practice. The Finnish authorities grant exemptions to the

mandatory discharge of all wastes and cargo residues to ships which are a) in regular traffic and b) have a waste management agreement with a competent waste management company or port. The term "regular traffic" is not clearly defined. In Finland, traffic that operates a few times a month has in practice been considered regular traffic. The other condition for an exemption is that a ship has a waste management agreement. In practice, no one has monitored whether such an agreement has actually been used. The Finnish authorities say that comprehensive monitoring, which would cover all waste management for ships with exemptions, is impossible with the present resources.

In ***Germany*** ships entering a German Baltic Sea port must dispose of their wastes in that port if and when the on-board storage capacity is exceeded. 24 hours before their arrival they have to inform the responsible port authorities whether and to what extent ship-generated waste and cargo residues are to be disposed of. Where the ship's storage capacity is sufficient to omit waste disposal in the port entered, it is required to indicate the name of the port in which the waste remaining on board is to be disposed later. If the ship entering the port does not notify its intention to dispose wastes, the port authority checks whether the omission of disposal appears plausible on the background of the information provided. Where waste disposal is to take place in the next port, the German authorities have discretionary powers to communicate the information provided to the port authority of the port in which the disposal is to take place. The Bundesrechnungshof in Germany holds that the checks carried out in the German Baltic Sea ports for compliance with the waste disposal obligation are adequate but also necessary. Effective checks are the only means by which port authorities can ensure that ships comply with their obligation of disposing wastes in port reception facilities. Concerning cases where the disposal in the port entered is omitted on grounds of sufficient remaining storage capacity, the Bundesrechnungshof has suggested that these cases should always be communicated to the next port authority for purposes of verification.

In ***Latvia*** the provision of mandatory discharge of all wastes is implemented in legislation. However, Latvian State Audit Office estimated that, in practice, many foreign

ships decide themselves whether to deliver waste in the port they enter or in the next port.

The audit of ports in ***Poland*** conducted by the Supreme Chamber of Control of the Republic of Poland showed that not all seaports were receiving information from the ship master about waste on the ship.

B. Implementation of the "no-special-fee-system"

11. A major reason for the practice of illegally dumping especially of fuel residues at sea is that considerable cost is incurred by disposal in port and that such cost has to be borne by the ships operators. To create an incentive for disposing of the wastes in the port reception facilities in spite of the costs incurred, the costs of disposal are not charged to any single ship but apportioned to all ships entering the port. Recommendation 19/8 of the Helsinki Convention therefore provides that the costs of waste disposal in ports are to be charged in accordance with a "no-special-fee-system". The aggregated cost of disposal is calculated by the port authority and is charged to each ship as a lump sum as part of the ship station fees independent of whether the ship uses the disposal facilities. Therefore, the ships must always pay a waste charge regardless of whether ship-generated wastes are delivered or not. The parallel audit assessed the implementation of this provision by legal, administrative or other measures taken by the national authorities:

Table 3. The "no-special-fee-system"

Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland
☺	😐	☺	☺	😐	😐	😐

Smiling man: The provisions are implemented.
Not very pleased man: The provisions are partly implemented.
Displeased man: The provisions are not implemented.

The "no-special-fee-system" is fully implemented in 3 of the 7 countries. There are different practices in the countries concerning inclusion of all wastes in the "no-special-fee-system" and limits of the amount of received wastes without a special fee.

In ***Estonia*** the principle of "no-special-fee-system" is only partly carried into the legislation. Specific regulation gives the port authorities only the responsibility of recep-

tion engine room bilge water without separate charge. The number of ports where waste reception facilities must be provided is 21, but the "no-special-fee-system" is only implemented in 10 ports and only concerning bilge water. In Estonia the reception of all ship waste is not included in the port dues, therefore it is likely that the ships prefer to deliver waste to other ports at the Baltic Sea. In addition, some ports impose restrictions on the amounts to be delivered on the account of port dues.

The "no-special-fee-system" is implemented in ***Latvia's*** ports, but it does not cover all waste categories. For example, if ships deliver harmful liquid substances, cargo residues, dirty ballast or tank washings additional charge which depends on delivered amount is applied.

At Klaipéda Seaport in ***Lithuania*** ballast water, rinse water, chemically polluted water, residues of paint and quarantine (infected) waste is managed under ships' agreements with appropriate stevedoring companies with "no-special-fee-system" not applied. Part of this waste is classified as hazardous waste and, therefore, there is a risk that such waste can be left in the territory of the port illegally.

Picture 1. Stationary facilities for bilge water reception at the Ostrów Grabowski in Szczecin (Poland)

The audit conducted by the Supreme Chamber of Control of the Republic of ***Poland*** showed that the managements of seaports in Gdańsk, Gdynia, Szczecin and Świnoujście tolerated reception of waste and cargo residues from ships paid by ship master to the account of the company collecting waste, in a form of a special fee independent from the tonnage fee paid to the port management.

Box 1
Illegal discharge of bilge water in the Kołobrzeg Port

On 26 June, 2003, between the hours of 6.45 and 19.00, an action of removing approx. 1 m³ of bilge water from port water surface was carried out at the Kołobrzeg Port. The perpetrator was never identified – probably it was a fish-cutter.

The Kołobrzeg Coast Rescue Station, Kołobrzeg National Fire Brigade, Ekojawa Co Ltd. from Czernin, Kołobrzeg Sea Port Manager's Office and the Maritime Office at Słupsk took part in the action.

The KOMAR type skimmer, an oil waste tank, a tank truck, sorbing powder and agents neutralizing oil residues on the coast were used, along with a vehicle to carry the equipment.

A formal note by an inspector from the Słupsk Maritime Office dealing with the action taken, contained information about the action of combating pollution initiated 6 hours after the respective decision was taken. The delay was caused by lack of plan to combat threats and pollution in port waters, unavailability of quick telecommunications facilities (a fax machine, and later a private cell phone were used), and dispersion of equipment among a number of units, which required their involvement with a high degree of cooperation and coordination.

The audit performed by the Supreme Chamber of Control of the Republic of Poland (at the Management Office of the Kołobrzeg Sea Port Co Ltd., and at the Polish Maritime Search and Rescue Service to which the Kołobrzeg Coast Rescue Station reports) disclosed inadequate preparation of the said units to combat sea water pollution. It was stated that until the closing day of the audit (i.e., until 5 February, 2004) the Port Management Office failed to set up a system of quick notification of pollution cases, and the plan for combating threat and pollution in sea waters remained at development stage. The equipment in possession of the Kołobrzeg Coast Rescue Station did not permit them to take actions on their own towards combating pollution of seawaters by ships, which made the unit incapable of performing their primary tasks. The Polish Maritime Search and Rescue Service took steps towards furnishing the unit completely with the equipment and devices necessary for combating threat and pollution at sea.

C. Conclusions

12. The provisions – concerning waste management in article 8 of the Helsinki Convention, annex IV and associated recommendations – are only partly implemented in the 7 countries included in this parallel audit. In general, the national authorities have not sufficiently supervised and controlled the implementation of the Helsinki Convention provisions concerning waste management.

In some of the Baltic seaports it is necessary to improve the awareness of the provisions of mandatory discharge of all wastes.

In most of the participating countries it is possible to improve mandatory discharge of waste from ships and organisation of waste reception in the ports. A prerequisite for increasing the efficiency of waste management is registration of waste handling in the ports. Otherwise, the national authorities do not have an overview of the need for and the capacity for the reception of ship-generated waste and thus it is difficult to plan for future waste handling.

It is also important to ensure the availability of information to the national authorities about the exemptions granted to the ships calling at their ports.

III. Notification and consultation on pollution incidents (article 13 of the Helsinki Convention)

A. Procedures

13. According to article 13 of the Helsinki Convention, the states have to notify without delay other states whose territories are affected or likely to be affected by pollution from ships. The consultations should take place with a view to preventing, reducing and controlling such pollution. The parallel audit showed that most of the countries have implemented procedures to ensure efficient and reliable notification and consultation on pollution accidents and that information on incidents mostly was given to other countries in accordance with the provisions in the Helsinki Convention.

Box 2
Notification and consultation system

The audit conducted by the Supreme Chamber of Control of the Republic of Poland showed that, in practice, in Poland the notification and consultation system in cases of sea pollution incidents was operating, although the Polish Maritime Search and Rescue Service and Port Managements did not elaborate new national and port contingency plans, which ought to define procedures in this field. These entities made use of 3 to 10 years plans, which were not updated, among others, in reference to new organization and activity of Polish maritime administration, and new law acts.

14. The incidents with the tanker *Pallas* in 1998 (see box 4 on page 30) and tanker *Baltic Carrier* in 2001 (see box 5 on page 35) showed that the problems ensuring averages may shift quickly from one country's area of responsibility to that of another. This stresses the importance of close international cooperation and notification.

B. Conclusion

15. The parallel audit showed that most of the countries have implemented procedures ensuring efficient and reliable notification and consultation on pollution accidents. However, it should be stressed that an accurate assessment of the situation and an appropriate decisions about responsive action are contingent upon an efficient reporting system. To prepare carefully for such an incident, especially by arranging for the timely availability of staff and equipment, requires continuous information exchange between the countries.

There is also a need for guaranteeing continuous communication between the unified command structure and its counterparts in the neighbouring countries under a standardised procedure.

IV. Co-operation in combating marine pollution (article 14 of the Helsinki Convention)

16. The Helsinki Convention requires that the states maintain the ability to respond to pollution incidents threatening the marine environment of the Baltic Sea. According to article 14, the states shall individually and jointly take, as set out in annex VII, all appropriate measures to maintain adequate ability and to respond to pollution incidents in order to eliminate or minimize the consequences of these incidents to the marine environment of the Baltic Sea. Annex VII also contains provisions concerning surveillance, contingency planning and response measures.

A. Surveillance to detect pollution in the Baltic Sea

17. In order to detect pollution in the Baltic Sea, it is possible to use airborne surveillance, marine surveillance from ships or to retrieve information from satellite photos. According to article 14 of the Helsinki Convention, annex VII and regulation 3, the states have to develop and apply individually or in co-operation surveillance activities covering the Baltic Sea Area in order to spot and monitor oil and other substances released into the sea. The states also have to undertake appropriate measures to conduct the surveillance by using aircrafts equipped with remote sensing systems.

Picture 2. The oil spillages detected by airborne surveillance

For a more efficient airborne surveillance, the Helsinki Convention recommends drawing up a National Maritime Monitoring Programme (NMMP), supported by up-dated and reliable information about the number and type of vessels moving at sea. NMMP should be followed in conducting airborne surveillance and the information gathered during observations should be made available to the government agencies in charge of the supervision of ports and to the ports.

The parallel audit gave the following status concerning implementation of national plans for surveillance and type of surveillance activities conducted and co-operation on surveillance with other countries:

Table 4. Surveillance activities

	Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland
National plan for surveillance implemented	☺	☹	☺	☺	☺	☹	☹
Surveillance activities carried out by:							
- Aircraft	☺	☺	☺	☺	☺	☺	☺
- Ship	☺	☹	☺	☺	☺	☺	☺
- Satellite	☺	☹	☺	☹	☹	☹	☹
Surveillance in co-operation with other countries	☺	☹	☺	☺	☹	☹	☹

Smiling man: The provisions are implemented.
Not very pleased man: The provisions are partly implemented.
Displeased man: The provisions are not implemented.

4 of the 7 countries have implemented a national plan for surveillance. However, in the other 3 countries airborne surveillance is planned.

Surveillance activities are carried out by aircraft in all the 7 countries, by special designated ships in all the 7 countries except Estonia and by satellite only in Denmark and Finland. 3 countries conduct surveillance in co-operation with other countries and 4 countries do not co-operate with other countries.

The parallel audit showed the following figures concerning discovered oil spills (**figure 3**) and identified polluters (**figure 4**):

Figure 3. Oil spills discovered

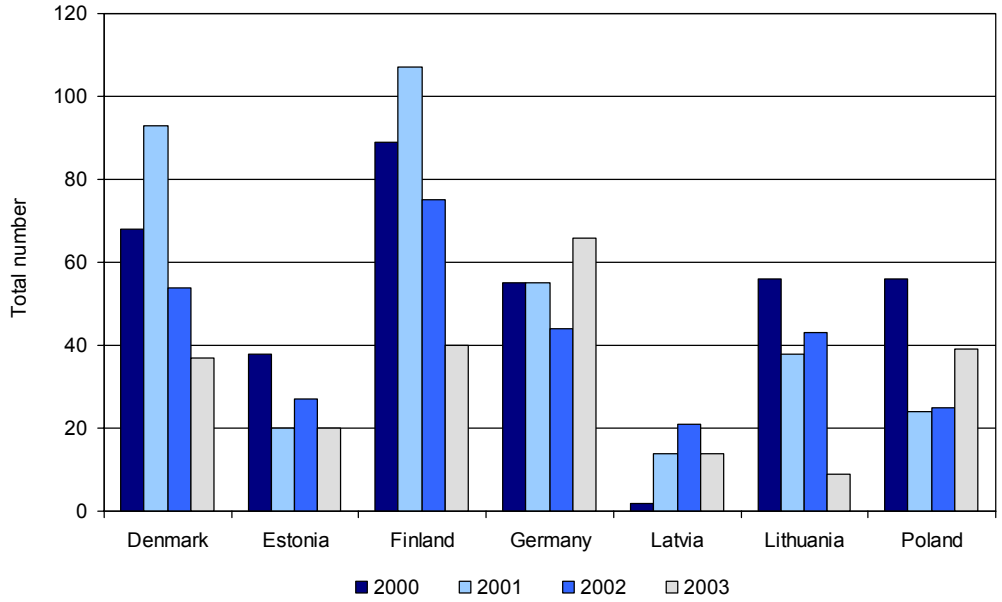
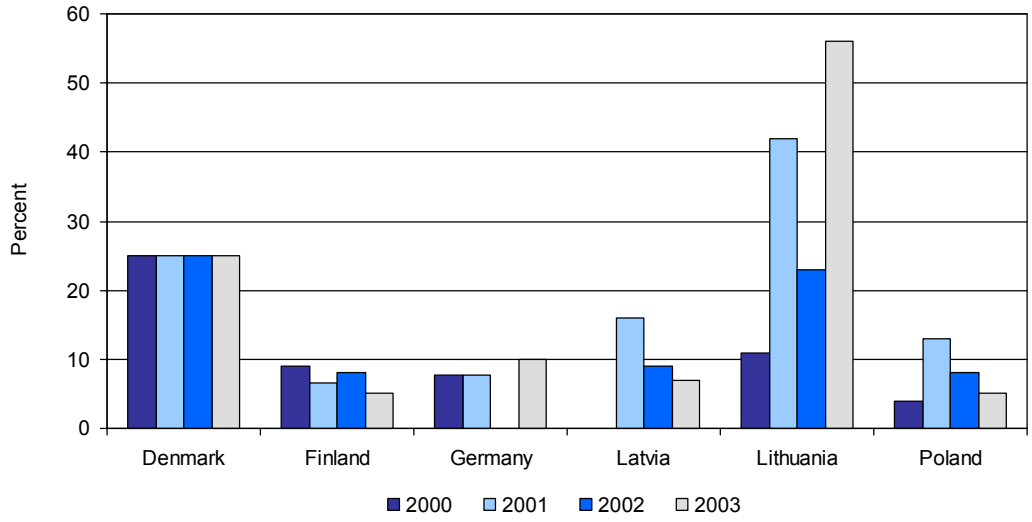


Figure 4. Oil spills with identification of the polluter



Most of the planned flights have been carried out from 2000 to 2003. However, the number of pollution incidents detected and of polluters identified seems to be rather small given the large volume of shipping in the Baltic Sea.

The National Audit Office of ***Denmark*** concluded that planned surveillance by aircraft was carried out. However, the conducted surveillance varies during the year from the planned surveillance and for that reason there is risk that fewer oil spills are discovered.

In ***Estonia***, there is no national programme for the provision of marine surveillance activities and the planning of surveillance by aircraft is primarily conditioned by the funds allocated for this purpose. Therefore, the flight hours vary across the years and do not proceed from environmental risk assessments but rather from boarder guarding objectives. The available equipment does not detect spillages at night. The Estonian State Audit Office concluded that the ability of the Estonian authorities to detect pollution incidents is rather poor. The Estonian State Audit Office also concluded that better detection equipment will directly contribute to a more efficient discovery of spillages and also enable the Estonia authorities to enter into co-operation with other countries with a view to optimizing expenditure incurred in relation to the detection of pollution.

Most of the discharges that are detected in ***Finland's*** surveillance area are observed in the Gulf of Finland outside territorial waters. The fact that the surveillance area is larger than the area in which discharges are subject to prosecution in Finland creates problems. The only thing that can be done about discharges outside territorial waters is to report an offence to a ship's flag state, which is responsible for prosecution in such cases.

Germany has 2 aircrafts for air surveillance. The technical equipment of these aircrafts permit them to monitor the sea surface from large distances by day and night and by unfavourable weather conditions and to detect signs of oil pollution. The aircrafts are equipped with cameras to secure evidence by which the polluter can be identified. From the Bundesrechnungshof in Germany's point of view the number of pollution incidents detected by air surveillance and attributable to a specific polluter is not entirely satisfactory.

In ***Latvia*** there is a need for remote sensing equipment which will allow performing surveillance at night and under conditions of low visibility.

In ***Lithuania*** there is only one state seaport and the Bütingé Oil Terminal. The main part of pollution incidents are happening in these 2 places and, therefore, it is easier to make control and find the polluters. For almost all of the pollution incidents in Klaipeda State Seaport, the polluters are identified.

Box 3
Prevention of pollution of the Baltic Sea caused by the Bütingé Oil Terminal's oil products

In 2000-2003, the Marine Environment Protection Agency recorded 187 reports on the Baltic Sea pollution in the Lithuanian coast and in the Klaipėda seaport area. It is worth mentioning that the number of the registered pollution cases has decreased: from 76 in 2000 to 12 in 2003.

Pollution with oil is most often noticed in places where there is an intensive activity of man, which is connected to shipping, shipbuilding and repair and in places where there are many ships. There are 3 large dockyards and 7 stevedoring companies in Klaipėda seaport territory.

The Klaipėda seaport is constantly developing: some companies are introducing international quality and environmental standards. Nevertheless, with such intense activity in the Klaipėda seaport area, the Marine Environment Protection Agency has recorded pollution cases often. Selectively, the State Control of the Republic of Lithuania checked the information on the responses to pollution: in all cases necessary investigation was conducted, collecting of pollutants was arranged, but not in all the cases the monitoring institutions managed to identify polluters and to establish damage to nature.

According to the National Oil Spillage Contingency Plan for Lithuania, pollution incidents in the Baltic Sea are divided into 3 levels depending on their extent and management scheme. The most complicated are third level incidents of large extent. In the case of such incidents Lithuania has a right to ask for international aid from other states. In the same case forces of economic entities are mobilized, Emergency Response Committee to Oil Spills is immediately summoned and all the information is constantly provided to Emergency Management Centre.

In November 2001, a pollution incident in the Baltic Sea occurred while loading oil to a tanker in the Bütingé Oil Terminal. In extreme meteorological conditions and after a crack of an underwater feed pipe 59 tons oil was spilled into the sea. A few months earlier pollution incident occurred in the same terminal – but it was of a smaller extent – oil spill was around 3 tons.

In 2001, 5 million tons of oil were loaded in the Bütingé Oil Terminal, 50 incoming ships were registered, 79 percent of the incoming ships were inspected. Control of buoy and ships was carried out following the Lithuanian Law on Environmental Protection, the Law on Marine Environmental Protection, requirements of MARPOL 73/78 and HELCOM Conventions. The above-mentioned cases showed that the incidents were caused by the malpractice of the Terminal itself.

When pollution incidents happened the following activi-

- Extent of pollution was determined (specimen were taken)
- Possible spread of pollution was forecasted
- Neighbouring states were informed
- Polluters were identified
- Damage for nature was assessed
- Collection of pollutants was arranged.

Klaipeda District Prosecutor's Office brought a case on marine pollution in materials, causing damage for human health and marine fauna.

In both cases the Lithuanian National Contingency Plan for Pollution Incidents at Sea was followed, protocols of the breach of the environmental protection law were made, responsible staff of the Bütingé Terminal was punished and working groups consisting of responsible employers from governmental institutions that are related to the Bütingé Oil Terminal were formed. The Government of the Republic of Lithuania passed a resolution which delegated provision of proposals on improving prevention of incidents in potentially dangerous objects (among them in Bütingé Oil Terminal) to various governmental institutions.

Keeping in mind that every year the number of incoming ships to the Bütingé Terminal is increasing and that the volume of oil loading is growing, then the Bütingé Oil Terminal is a rather risky business in terms of pollution. Annual reports of Marine Environmental Protection Agency indicate problems that are to be solved: on improvement of ships inspection, development of technical control possibilities.

B. Port State Control

18. According to annex IV, regulation 11, the states have to carry out port state control. In a port state control, the inspectors must check all certificates and safety documents and examine the external conditions of the ship, mainly equipment. This includes also a visual inspection of the hull. Inspectors also check compliance with operational requirements to see if the crew knows how to use safety and other equipment. According to these provisions at least 25 percent of foreign ships which enter ports must be inspected by each port state. The parallel audit gave the following figures for the carried out inspections from 2000 to 2003:

Figure 5. Foreign ships controlled

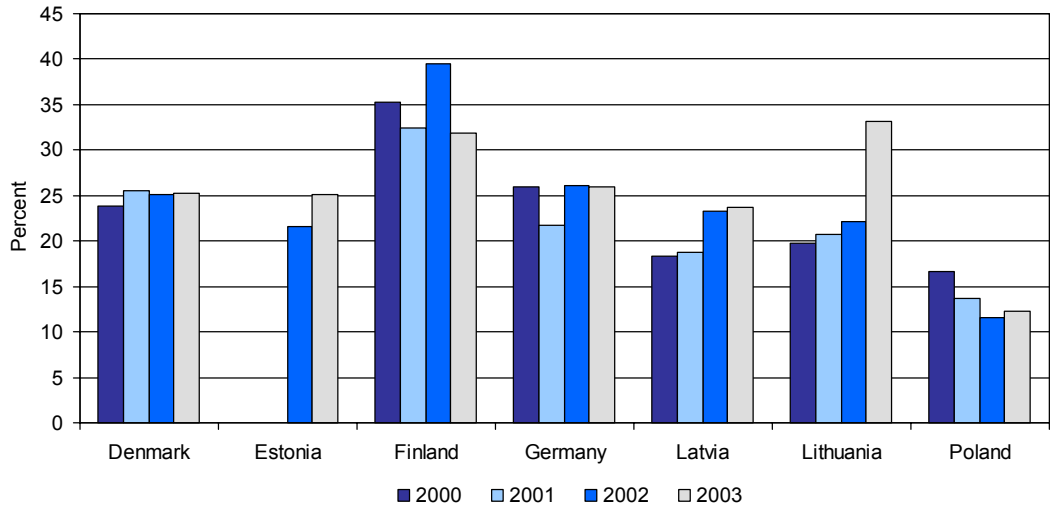


Figure 6. Controlled foreign ships with deficiencies

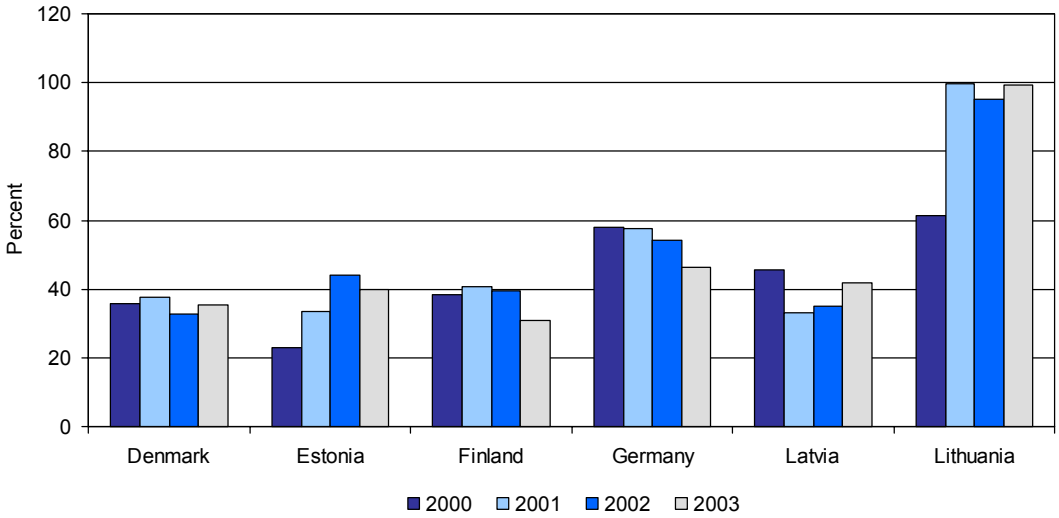
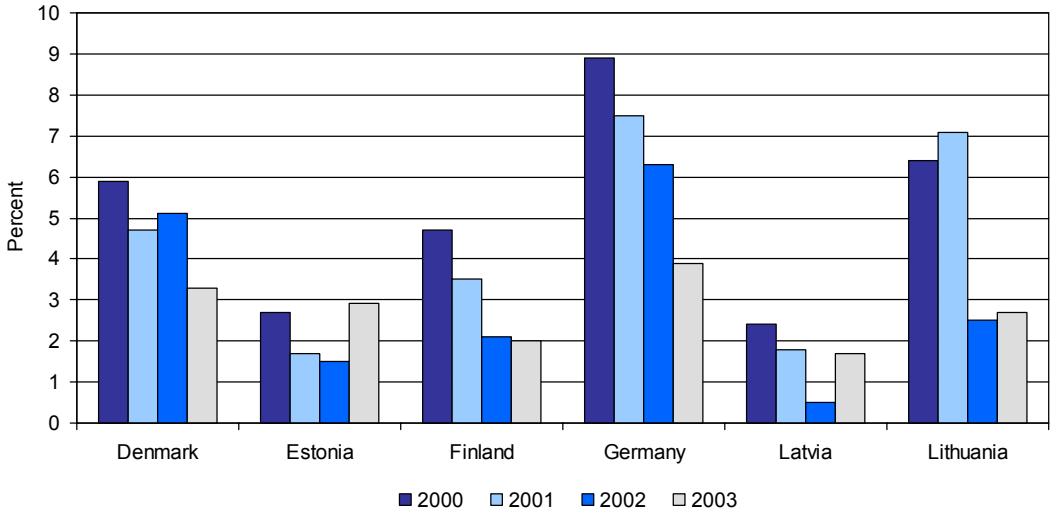


Figure 7. Controlled foreign ships with detention



The tables show that not all countries have carried out inspections of at least 25 percent of all foreign ships. In general, more than 30 percent of the inspected ships had deficiencies and to a lesser extent some of the inspected ships were detained. However, in ***Denmark*** and ***Poland*** the number of foreign ships is not registrated and in these cases the calculation of the percentage ships controlled is based on a rough estimate.

In ***Germany*** the 25 percent rate of inspections is to be replaced by a more effective control regime based on the individual risk profile of each ship. The objective is to check at least once a year compliance with international safety regulations, environmental hazards and the living and working conditions on-board. Ships with a high risk profile should be inspected more frequently. Ships with a lower risk profile should be less inspected.

In ***Lithuania*** there is a large percent of controlled foreign ships with deficiencies. In Lithuania also ships with small deficiencies are held back in the port until the deficiencies are fixed. In Lithuania, the legislation does not involve fines for violation of the safety navigation rules, but the Government of the Republic of Lithuania is preparing the adjustments for imposition fines for violation of the safety navigation rules.

C. National contingency plan

19. The Helsinki Convention sets requirements for a national contingency plan for combating marine pollution in article 14, annex VII, regulation 2. The contingency plan determines the responsibility of national authorities and establishes guidelines for systematic and fast actions of combating pollution. The parallel audit gave the following status for drawing up national contingency plans:

Table 5. National contingency plan

Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland
						

Smiling man: The provisions are implemented.
Not very pleased man: The provisions are partly implemented.
Displeased man: The provisions are not implemented.

The national contingency plans in 4 of the 7 countries meets the requirements in the Helsinki Convention, annex VII, regulation 2. The parallel audit gave rise to the following comments:

The national authorities in ***Denmark*** prepared a national contingency plan in 2004. However, this plan is not updated as regards needs analysis of equipment and risk assessment of marine oil pollution in the light of the heavy increase in oil transportation. The plan is not coordinated with local contingency plans. Finally, the contingency plan does not deal with handling chemical pollution from ships.

In ***Estonia*** there is no national contingency plan for combating marine pollution. The pollution combating plan of the Board of Boarder Guard is the only existing plan but it has no legal power to coordinate the activities of various governmental institutions. Therefore, in the case of a massive pollution incident there can be expected errors due to miscommunication and little co-ordination of activities.

The Estonian State Audit Office has stated that in the event of the pollution incident caused by the tanker Alambra the lack of a national contingency plan could clearly be sensed. On 16 September 2000 in Tallinn Muuga port about 250 tons of heavy oil escaped from the tanker Alambra. There was neither prompt nor adequate response to the spillage because it was not known where to find combating equipment; which institutions are doing what and when; how to prevent the spread; how to organise work, logistics, storage of oil etc.

Finland does not have a national contingency plan, but according to the Act on the Prevention of Pollution from Ships, local authorities must have a contingency plan in case of oil spills. The competent authorities must also prepare a regional plan for cooperation in case of oil spills. The preparation of these plans is currently under way. A regional plan has not yet been prepared for the Gulf of Finland. Although there is not a separate plan at the national level, the Act on the Prevention of Pollution from Ships clearly specifies the competent authorities in case of oil spills and delegates responsibilities in combating pollution.

In ***Germany*** contingency plans exist at federal, state and local level for dealing with incidents involving the spillage of oil and other hazardous substances. Since there are no standards governing the contents of contingency plans, they differ considerably. The effectiveness and timeliness of the contingency plans are verified as part of exercises. In October 1998 the vessel Pallas ran ashore. This accident showed that overlaps of responsibilities made it urgently necessary to put into place a strict and uniform chain of command for serious marine pollution incidents (see the case Pallas in box 4 on page 30).

In ***Lithuania*** the National Contingency Plan for Pollution Incidents at Sea is mainly designed for preparations for response to spillage of oil and petroleum. It does not cover pollution by other substances and no pollution prevention measures have been provided for in the plan.

In ***Poland*** the national authorities failed to develop a final national plan for combating threat and pollution in the marine environment and used a provisory plan developed in 1998. This provisory plan needed to be supplemented with co-operation with units reporting to and supervised by the Minister for Internal Affairs and Administration. However, in 2004 the sea section of the national contingency plan was developed at the Polish Maritime Search and Rescue Service.

20. According to annex VII, regulation 2, the states should, as appropriate, draw up bilateral or multilateral plans for a joint response to marine pollution incidents in the Baltic Sea. The parallel audit showed that the countries on a bilateral and multilateral basis have arranged several plans and agreements for joint response, for example the Swedenger plan, which is a co-operation between Denmark, German and Sweden combating marine pollution.

Box 4
The Pallas ship accident in October 1998

On 25 October 1998 a fire broke out on the general purpose vessel Pallas in the North Sea. Then it drifted towards the German coast and ran aground off the island of Amrum after attempts to tow the vessel away failed. 244 m³ of oil were spilled but were absorbed by oil-spill clearance vessels and on the beaches. 444 m³ of oil were salvaged from the wreck. About 16,000 sea birds died due to the oil spill. The total cost of salvaging, safety measures and pollution control measures exceeded 12.5 million euros. The insurance of the Pallas covered about 1.75 million euros.

In February 1999, the Federal Ministry of Transport, Building and Housing set up an independent commission of experts on the Pallas average. In its report of February 2000, the commission pointed out a considerable potential for enhancement and further development of the emergency response strategy, the safety of shipping, maritime law and marine insurance law and made recommendations for remedial action. In particular, it recommended better coordination of all suitable resources at sea. It stated that in case of grave incidents at sea, a uniform and tight operational command and control of the response action was needed. Therefore, the German Central Command for Maritime Emergencies (CCME) was established and has been active since 1 January 2003.

The CCME is a joint institution of the German Federal Government and Germany's coastal states. In case of a complex damage situation with different competencies of the Federal Government and the coastal states, it is now possible for the emergency services to take uniform and coordinated action with regard to all technical requirements of a maritime casualty. Where marine incidents involve complex damage or where one of the parties to the agreement requests assistance then CCME is to ensure the uniform direction of the response operations. Where a marine incident involving complex damage is imminent, CCME may take charge of leading the response at its own initiative. Its right to give direct orders to all federal and coastal state units subordinated to it, overriding the normal chain of command, is exercised by mission-type tactics. These tactics are a proven and valuable means when it comes to managing civil contingencies. This means that, when an incident occurs (complex damage at sea) the director of CCME alerts and leads the response forces and assets made available. This concentrates at CCME the responsibilities formerly fragmented among various authorities and institutions for the planning, preparation, exercising and implementation of response measures. The director of CCME coordinates not only the anti-pollution measures but also the

response operations of saving human lives, fighting fire, providing assistance and salvaging vessels. In addition, the director of CCME is in charge of coordinating public relations work on the technical aspects of the incident.

The essential feature of CCME as the central leading unit commanding all necessary federal and state rescue forces is the Maritime Emergencies Reception Centre (MLZ) as an around the clock duty system providing for monitoring and continuously updating the current maritime situation in the North Sea and Baltic Sea. This involves the connection, editing and analysis of all data about circumstances relevant for responding to any complex damage occurred. Where necessary, the emergency forces are alerted and response steps are taken instantly.

CCME with its MLZ is the national and international contact point for receiving reports about marine incidents and the response to them. This provides a single contact for dealing with maritime emergencies.

D. Pollution response equipment

21. The success of combating pollution depends on the short term readiness of the combating ships and equipment. Therefore, the Helsinki Convention requires a first-response capability. According to article 14, recommendation 11/13 the states should be able to

- Start from the base within 2 hours after notification of a pollution incident
- Reach within 6 hours any place of spillage in the response zone
- Ensure well organized adequate response actions on the site of the spill within 12 hours
- Combat major oil spillages with mechanical pick-up devices within a period of 2 days
- Make available sufficient and suitable storage capacity for disposal of recovered oil within 24 hours after having received precise information on the out flow quantity.

The parallel audit gave the following status for the countries meeting the requirements of recommendation 11/13:

Table 6. Requirements of recommendation 11/13

	Denmark	Estonia	Finland	Germany	Latvia	Lithuania	Poland
Keeping a readiness permitting the first response unit to start from its base within 2 hours after having been alerted	☺	☺	☺	☺	☺	☺	☺
Reaching within 6 hours from start any place of a spillage that may occur in the response zone	😐	😐	😐	😐	😐	😐	😐
Ensuring well organized adequate response actions on the site of the spill within a time not exceeding 12 hours	☺	☺	☺	☺	☺	☺	😐
Combat major oil spillages with mechanical pick-up devices within a period of time not exceeding 2 days	☺	☹	☺	☺	☺	☺	😐
Make available sufficient storage capacity for disposal of recovered oil within 24 hours	☺	☹	☺	☺	☺	☺	☺

Smiling man: The provisions are implemented.
Not very pleased man: The provisions are partly implemented.
Displeased man: The provisions are not implemented.

In 2004 in ***Denmark*** the equipment meets in general the requirements in recommendation 11/13. However, it is not possible within 6 hours to start combating pollution in the Fehmern Belt and the territories around Bornholm. It could also be mentioned that an audit of the Baltic Carrier shipping accident in April 2001 (see box 5 on page 35) showed that the Danish authorities in this specific case did not meet several of the requirements in recommendation 11/13 due to bad weather conditions.

In ***Estonian*** territorial water it is not possible to meet the requirement of reaching any place of spillage in 6 hours because pollution combating equipment is concentrated in Tallinn and there is no support basis. The Board and Bor-

der Guard in Estonia have estimated that it is unlikely that extensive oil spills are cleaned by mechanical devices within 2 days. The Estonian State Audit Office has stated that in the event of the Alambra accident, a major problem was that neither the government nor the port had necessary equipment available and therefore, pollution was combated inefficiently and slowly. The recovery of heavy oil was hindered by the lack of containers on shore. According to the estimation of the Board of Border Guard the total capacity of oil recovery is 200 tons.

Moreover, the pollution response equipment available in Estonia would not allow for the elimination of pollution at low temperatures and ice conditions, although it is necessary considering the climate in Estonia. Hence, Estonia is able to effectively combat pollution only with the assistance of neighbouring countries.

Most places in ***Finland's*** response region can be reached by the nearest oil recovery vessel within 6 hours. One area in which this is not true is in the eastern Gulf of Finland, where risks are high, and another area, which oil recovery vessels can not reach within 6 hours, is the northern part of the Gulf of Bothnia. However, the risk here is lower. Finland does not have the capacity to collect oil in difficult ice conditions. Furthermore, with the present fleet and equipment it can not operate in seas higher than one metre. Such conditions exist in the Gulf of Finland during roughly half of the open water period.

In the future ***Latvia's*** biggest problems in combating oil spillages may concern adequate equipment. There is only one response vessel located in Ventspils port which fulfils all the response requirements of recommendation 11/13. During the period 2000-2003, there was one incident in Latvia's territorial waters that required action of combating pollution: On March 6 2001, during the loading of crude oil into the tanker North Pacific at Mazeikiu Nafta Bütingé Oil Terminal 3,427 m^3 of cargo was released into the water. Due to weather conditions part of the oil products reached Latvia's territorial waters.

In ***Poland***, the audit conducted by the Supreme Chamber of Control of the Republic of Poland showed, that although the equipment of the Polish Maritime Search and Rescue Service (MSRS) requires to be supplemented and replaced in the case of used old facilities, the MSRS possessed

equipment almost in accordance with the provisions in recommendation 11/13. Moreover, on the basis of the audit finding, it is stated that:

The MSRS' ships ensure reaching any place of spillage within 6 hours in 70 percent of the Polish response region,

From among 26 actions of combating pollution at sea, performed by the MSRS in the audited period, there were only 2 cases that did not meet the required 12 hours for adequate response action.

The required 2 days for combating pollution was exceeded in only one case, by 2 hours.

Specific equipment demands

22. According to recommendation 11/13 the states should meet some specific equipment demands, e.g. 2,000 m high sea boom, 2.5 km² of sweeping performance and 6 high performance sea skimmers with full sets of auxiliary equipment. The parallel audit showed that not all the 7 countries meet these requirements.

Denmark does meet these requirements. However, a ship accident in 2001 with Baltic Carrier showed that most of the equipments could not be used by the Danish authorities due to bad weather conditions and because the oil had a heavy consistency (see the case Baltic Carrier in box 5 on page 35).

In ***Germany*** the strategy for providing emergency towing services for the North Sea and the Baltic Sea calls for being at the place of the ship accident or of the pollution incident within 2 hours. In the Baltic Sea, this service is to be provided in the long run by 2 general-purpose vessels and 3 tugs to be chartered from private ship owners. The implementation of the strategy will be completed by commissioning a newly built special vessel for combating pollution in 2004. The vessel has been optimised for operations in the Baltic Sea. All special vessels for combating pollution are equipped for receiving harmful substances and have the necessary special tanks. In addition, agreements with ship-owning companies have been created to provide for any additional capacity that may be necessary. A review prompted by the average of the Pallas has revealed that there are sufficient storage and disposal capacities for harmful substances.

In ***Poland***, the audit conducted by he Supreme Chamber of Control of the Republic of Poland showed, that the equipment for combating pollution at sea at the disposal of the Polish Maritime Search and Rescue Service (MSRS) was insufficient in terms of quantity but also to a great degree used up (with average age of 8-20 years). Shortage of equipment included the lack of high-sea booms, which allowed to continuing activity in bad weather conditions, equipment necessary to combat the threat and the pollution in shallow and sheltered waters and to combat pollution at sea coast, as well to combat threat and pollution with heavy oil and chemical substances.

Box 5
The Baltic Carrier shipping accident in April 2001

On 29 March 2001, the oil tanker Baltic Carrier collided with the freight ship Tern. The accident happened in the deep-sea route near the Cadet Channel east of the island of Falster. The collision caused an oil tank on board the Baltic Carrier to spring a leak, and approx. 2,400 tons of oil – out of a total cargo of 33,000 tons – spilled into the sea.

On 29 March 2001, the Danish authorities attempted a response operation, but had to give up because of high seas with waves of 2-3 m and strong winds of about 18-20 m/s and because of the consistency of the oil. The vessels could only observe and monitor the drift of the oil.

In deep-sea areas, most of the oil was recovered after 2 days' work. Thus, 960 tons of oil were contained and recovered at sea on 30 March 2001. Work continued in shallow water areas until 9 April 2001.

In the period up to 11 April 2001, a total of 3,950 tons of oil and contaminated material was recovered, 1,100 tons being salvaged at sea while the rest was recovered in nearshore territorial waters and along the shoreline. Since the oil salvaged from deep-sea areas was probably not mixed with sand, seaweed and so on, it can be established that less than 50 percent of the oil was recovered at sea. The remainder of the oil was thus salvaged in the Grønsund strait – particularly in the Farø area, a designated natural bird sanctuary.

The total cost of combating pollution was 6.4 million euros of which 5.9 million euros was reimbursed by the polluter.

According to the national authorities' evaluation report on the response operation following the Baltic Carrier accident, the authorities ought to have had access to a summary or list of authorities and organizations in Denmark with specialised knowledge of oil pollution control. It would have been practical if the authorities had faster, easier access to specialist advice and expertise. It is also recommended that con-

tact be established with professional associations at a very early stage in the proceedings.

Numerous organizations and authorities that do not normally work together were involved in the response to the oil pollution. The evaluation report notes that staff operations proved to be significantly more extensive and arduous than tests carried out during the training exercises organized by the Danish authorities. In particular, the report pinpoints the lack of experience in establishing and organizing staff operations. One of the explanations given for the poor cooperation is that training in dealing with major, longer-term, complex accidents has been scaled back.

According to the evaluation report the national authorities had insufficient information about waste reception facilities. It is essential to have an efficient, coordinated, staff function that can assess and deal with questions about the removal, disposal and destruction of salvaged materials, etc.

According to the evaluation report there were considerable problems with equipment. The evaluation report indicates that the high viscosity of the oil and the difficulty of accessing the coast meant that much of the recovery equipment was unsuited to the task in hand. Furthermore, it states that:

- Sweeping was impossible owing to the viscosity of the oil.
- A grab bucket was required to salvage the oil.
- There were no facilities on board for heating the oil, which meant it could not be pumped onto barges.
- The Danish state-owned barges were situated at 3 different locations in the country.
- The deep draught of the large environmental vessels prevented them operating near the shore.

The Danish authorities have informed the National Audit Office of Denmark that none of the equipment (including floating barrages), which were at their disposal for containing and controlling pollution, could be used. The authorities have further noted that no floating barrages currently exist that can be used to combat oil pollution in the weather conditions at the time.

E. Exercises and research and development

23. According to annex VII, regulation 10, the states have to arrange operational exercises as well as alarm exercises. The parallel audit showed that most of the 7 countries to a great extent on a national, bilateral and multilateral level participate in exercises. A rather high priority has been given to exercises in order to maintain a high degree of response readiness.

However, the National Audit Office of ***Denmark*** has noted that the Danish exercises are not often conducted during bad weather and the winter season.

The Bundesrechnungshof in ***Germany*** concluded that some types of exercises are frequently repeated while other types are neglected. The exercises should cover a wide range of different types of incidents. Rapid response exercises and joint staff exercises should be held with all of Germany's coastal states in order to enhance cooperation within a unified command structure. The Bundesrechnungshof has also stressed the importance of exercise evaluations. The evaluation reports should adequately describe shortcomings found in the course of the exercise so that these findings may be used as an input for preparing future exercises.

24. According to annex VII, regulation 10, the states have to exchange information on research and development programs, results concerning ways in which pollution by oil and other harmful substances at sea may be dealt with and experiences in surveillance activities and in responding to such pollution.

The parallel audit showed that in general there seems to be only very little exchange of information on research and development programs between the countries.

F. Conclusions

25. The provisions concerning co-operation in combating marine pollution and preparedness for responding to marine pollution incidents in article 14 of the Helsinki Convention and annex VII and associated recommendations are only partly implemented in the 7 countries' participating in this parallel audit. In general, the national authorities have not sufficiently planned, supervised and controlled the implementation of the Helsinki Convention provisions concerning preparedness for responding to marine pollution incidents.

The contingency planning in the countries differs considerably in extent and content. Even if the equipment requirements in most countries seem to be more or less satisfied, it is uncertain whether the equipment and contingency plans will work in reality. This is – among other things – due to the fact that exercises mostly do not take place in bad weather conditions and in the winter season.

There is an urgent need for comprehensive and realistic risk assessments because of the dramatic increase in oil shipping in the Baltic Sea.

In general, there is a need for more co-operation, exchange of information on research and sharing of good practice.

26. The basic principle of the Helsinki Convention is that each Member State takes the necessary steps and has an appropriate reporting system, suitable manpower and equipment.

The Supreme Audit Institutions conducting this parallel audit finds that the national authorities have to maintain, within the scope of their possibilities, decentralised stocks of basic equipment appropriate for meeting the risk of oil spills. They may do so, either alone or by bilateral or multilateral co-operation. Owing to the quick spreading of pollution, the response must be as fast as possible and must begin far away from the coast. Arrangements must ensure that a minimum quantity of useable manpower, ships and equipment can be mobilised for rapid initial reaction and brought to the place of the incident. Therefore, the storage of the necessary equipment must be decentralised, and the storage sites must be close to the potential places of responsive action. This is the only way to guarantee speedy and effective prevention and combating measures whenever damage is being caused. This does not exclude the calling in of additional units from neighbouring countries in the case of major pollution incidents.

It is important to work out and update response scenarios coordinated between the neighbouring states, especially for the first steps in response, and to develop scenarios of the typical events of an accident in order to enhance the safety of responsive action and to test it in the course of exercises.

V. Reporting and exchange of information (article 16 of the Helsinki Convention)

A. Reporting

27. According to article 16 of the Helsinki Convention, the states have to report to the HELCOM on regular intervals (every 3 years or 5 years) about the legislative, regulatory

or other measures taken to implement the provisions of the Helsinki Convention. Such reporting should address the effectiveness of the steps taken and the problems encountered.

In the view of the HELCOM (cf. HELCOM 24/2003, attachment 3), the quality of the information communicated by the countries sometimes differs so much that the progress in implementation can hardly be evaluated and that the results may lead to wrong conclusions. According to the HELCOM this may be attributable to the large differences in content and accuracy of the HELCOM recommendations which result in a wide scope for interpreting the reporting duties.

The parallel audit confirmed the varied quality of the reporting from the countries to the HELCOM. The Bundesrechnungshof in Germany concluded that the reports drawn up by the federal departments of the Federal Republic of Germany met the requirements of appropriate reporting. The National Audit Office of Denmark concluded that the reporting from the Danish national authorities to the HELCOM could not be documented.

B. Conclusions

28. In general, there seems to be a need for quality assurance for reporting to the HELCOM on national measures taken to implement the HELCOM recommendations. These measures should improve the information from the countries on the implementation of the provisions and make possible a comparative assessment of the effectiveness of the steps taken and the problems encountered.

VI. General conclusions and recommendations

29. The Supreme Audit Institutions taking part in this parallel audit recognize that the countries in general have taken necessary measures to implement the provisions of the Helsinki Convention. However, there is still some need for improvements in all countries.

The audit showed that some of the recommendations to the provisions of the Helsinki Convention to some extent are unclear and not very precise which can cause inefficiencies in the national implementations of the provisions.

It should be stressed that the countries jointly must take all necessary measures to improve the ability to prevent and respond to pollution incidents.

In the light of growing transportation of oil, it is very important that the countries around the Baltic Sea strengthen their co-operation on reducing the risks of oil pollution.

On behalf of:

The National Audit Office of Denmark	Yvan Pedersen
The State Audit Office of Estonia	Tuuli Rasso
The State Audit Office of Finland	Anne Karlin-Vartiovaara
The German Federal Court of Audit	Andreas Rahm Dr. Herward Buttkereit
The State Audit Office of the Republic of Latvia	Guna Kalnina-Priede
The State Control of the Republic of Lithuania	Zita Valatkienė
The Supreme Chamber of Control of the Republic of Poland	Alicja Gruszecka
The Accounts Chamber of the Russian Federation	Mikhail Kozlov

January 2005