



Revised HELCOM RECOMMENDATION 34E/4

(This Recommendation supersedes HELCOM Recommendations 7/11 and 12/8.)

Adopted 3 October 2013,
having regard to Article 20, Paragraph b)
of the Helsinki Convention

Revised 4 March 2015,
having regard to Article 20, Paragraph b)
of the Helsinki Convention

AIRBORNE SURVEILLANCE WITH REMOTE SENSING EQUIPMENT IN THE BALTIC SEA AREA

THE COMMISSION,

RECALLING Regulation 3 of Annex VII of the Helsinki Convention according to which the Contracting Parties shall develop and apply, individually or in co-operation, surveillance activities covering the Baltic Sea Area, in order to spot and monitor oil and other harmful substances released into the sea,

BEING CONVINCED that airborne surveillance with remote sensing capabilities provides a greatly enhanced capability for improving the response to major oil releases of the shipping casualty type,

ALSO BEING CONVINCED that airborne surveillance with remote sensing capabilities provides a potential improvement in the ability to collect evidence for prosecution purposes in cases of illegal operational discharges from ships,

FURTHER BEING CONVINCED that regular airborne surveillance has a deterrent effect on potential offenders of the discharge regulations of the relevant conventions,

CONSCIOUS that the surveillance can only be efficient if remote sensing equipment, that can function also at night and in bad weather, is used,

RECALLING that the Ministerial Declaration of the ninth meeting of the Helsinki Commission in 1988 called for the development and establishment of airborne surveillance with adequate sensor systems,

RECALLING FURTHER that the Baltic Sea Declaration by Heads of Governments and Ministers assembled in Ronneby, Sweden, in September 1990, stressed the need to encourage considerably intensified cooperation regarding airborne surveillance between the respective competent authorities,

RECALLING ALSO the HELCOM Baltic Sea Action Plan and the decision to establish harmonised satellite and aerial surveillance covering the whole Baltic Sea area to improve detection of illegal oil spills in the Baltic,

NOTING WITH SATISFACTION that joint HELCOM action by the Contracting Parties on aerial surveillance of the Baltic Sea Area with remote sensing equipment has been in place since late 1980s and provided the region with valuable results, including experience in joint operations,

RECOMMENDS that the Governments of the Contracting Parties to the Helsinki Convention take further action to

- a) intensify their endeavour to cover by individual/and joint action the whole of the Baltic Sea Area with regular and efficient airborne surveillance;
- b) allow the environmental surveillance flights to be conducted in the manner described in HELCOM Response Manual within their sea areas;
- c) allow other nationality surveillance aircraft, on request by the national contact point defined in HELCOM Response Manual or within the terms of an annual clearance, to conduct environmental surveillance flights and use the instruments needed for observing and documenting discharges;
- d) develop and improve the existing remote sensing systems so that they can function efficiently also at night and in bad weather conditions; and
- e) improve the possibility to use the information given by the surveillance as evidence to court for the prosecution of offenders of oil discharge regulations,

RECOMMENDS ALSO that the Governments of the Contracting Parties to the Helsinki Convention, bilaterally or multilaterally, undertake to co-ordinate such surveillance activities which take place outside territorial waters, in accordance with Helsinki Convention Annex VII and the HELCOM Response Manual,

RECOMMENDS FURTHER that the Governments of the Contracting Parties to the Helsinki Convention ensure the Baltic Sea wide collaboration in environmental surveillance flights by granting an annual diplomatic clearance for the foreign environmental surveillance aircraft listed in HELCOM Response Manual and, as specified by the terms of such clearance, permitting the following actions in the permit-giving country's Exclusive Economic Zone (EEZ) and territorial waters:

- a) carry out routine environmental surveillance flights with a minimum possible or no prior notification;
- b) use the instruments needed for observing and documenting discharges according to HELCOM Response Manual;
- c) document discharges in a manner defined in HELCOM Response Manual;
- d) on the request of the permit-giving country's national contact point, defined in HELCOM Response manual: allow environmental surveillance aircraft already airborne to enter the airspace of the permit-giving country for the purpose of collecting evidence of a suspected red-handed polluter or to support response operations;
- e) land in the permit-giving country's territory;
- f) if especially mentioned in the clearance: dropping an oil sampling buoy from the aircraft or interviewing master of a ship suspected of discharging.

RECOMMENDS to have the Appendix of this Recommendation attached to the annual diplomatic clearance applications in order to inform the applicant and the granter of the permit of the recommended features.

ANNUAL DIPLOMATIC CLEARANCE FOR HELCOM SURVEILLANCE AIRCRAFT

The coastal countries of the Baltic Sea (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden) as well as the European Union have signed and ratified the 1992 Helsinki Convention which includes a commitments regarding enhancing aerial surveillance of pollution from ships in the Baltic Sea Area.

Operational procedures related to pollution preparedness and response in the Baltic Sea region, including aerial surveillance, are specified in the HELCOM Response Manual which constitutes an extension of the Annex VII of the Helsinki Convention.

In order to fulfill the international legal obligations from the Helsinki Convention and its Annexes related to aerial surveillance of the Baltic Sea Area the coastal countries are recommended to grant annual diplomatic clearance for aircraft or helicopters used for environmental surveillance in the Baltic Sea region according to HELCOM Recommendation 34E/4 adopted in 2013.

In addition to the general principles of the Convention and its Annex, the HELCOM Recommendation 34E/4 as well as the procedures in the HELCOM Response Manual the coastal countries are recommended to consider the following concrete points when applying, granting and using such annual diplomatic clearance for aircraft or helicopters used for environmental surveillance in the Baltic Sea region:

- *A specific number for the diplomatic clearance for environmental flights should be given.*
- *After receiving the valid annual diplomatic clearance, the normal flight plan should be the only document to be sent when planning the flights. There should be no additional prior notice requirements.*
- *The number of the annual diplomatic clearance should be mentioned in the flight plan as a reference.*

Additionally, it would be strongly advisable to apply for the following permissions specific to environmental surveillance flights. The permission giving country should answer to each of the points asked in the application and, if the permission cannot be given, justify the decision in the response:

- *On the request of the permit-giving country's national contact point, defined in HELCOM Response Manual: environmental surveillance aircraft already airborne should be allowed to enter the airspace of the permit-giving country for the purpose of collecting evidence of a suspected red-handed polluter or to support response operations.*
- *The annual diplomatic clearance for aircraft and helicopters used for environmental monitoring flights should allow flying, landing and the use of remote sensing equipment needed for environmental surveillance. These include at least recording devices, cameras, radars, IR/UV scanners and laser.*
- *The annual diplomatic clearance should allow the use of surveillance equipment at least above all the sea areas of permission giving country. This would include territorial waters.*
- *The minimum flight altitude should preferably be 200 ft in order to ensure the proper documentation of a potential red-handed polluter.*
- *Interviewing a master of a ship suspected of discharging should be allowed.*
- *Dropping an oil sampling buoy from the aircraft should be preferably allowed.*

It should be kept in mind that the same aircraft can typically be used also for Search and Rescue operations, as well as humanitarian flights.