

**Convention on the Protection of the Marine Environment of the Baltic Sea  
Area, 1992  
( entered into force on 17 January 2000 )**

**NOTE**

The governing body of the Convention is the Helsinki Commission - Baltic Marine Environment Protection Commission - also known as HELCOM. The present contracting parties to HELCOM are Denmark, Estonia, European Community, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden.

The ratification instruments were deposited by the European Community, Germany, Latvia and Sweden in 1994, by Estonia and Finland in 1995, by Denmark in 1996, by Lithuania in 1997 and by Poland and Russia in November 1999.

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**THE CONTRACTING PARTIES,**

CONSCIOUS of the indispensable values of the marine environment of the Baltic Sea Area, its exceptional hydrographic and ecological characteristics and the sensitivity of its living resources to changes in the environment;

BEARING in mind the historical and present economic, social and cultural values of the Baltic Sea Area for the well-being and development of the peoples of that region;

NOTING with deep concern the still ongoing pollution of the Baltic Sea Area;

DECLARING their firm determination to assure the ecological restoration of the Baltic Sea, ensuring the possibility of self-regeneration of the marine environment and preservation of its ecological balance;

RECOGNIZING that the protection and enhancement of the marine environment of the Baltic Sea Area are tasks that cannot effectively be accomplished by national efforts alone but by close regional co-operation and other appropriate international measures;

APPRECIATING the achievements in environmental protection within the framework of the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area, and the role of the Baltic Marine Environment Protection Commission therein;

RECALLING the pertinent provisions and principles of the 1972 Declaration of the Stockholm Conference on the Human Environment and the 1975 Final Act of the Conference on Security and Co-operation in Europe (CSCE);

DESIRING to enhance co-operation with competent regional organizations such as the International Baltic Sea Fishery Commission established by the 1973 Gdansk Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts;

WELCOMING the Baltic Sea Declaration by the Baltic and other interested States, the European Economic Community and co-operating international financial institutions assembled at Ronneby in 1990, and the Joint Comprehensive Programme aimed at a joint action plan in order to restore the Baltic Sea Area to a sound ecological balance;

CONSCIOUS of the importance of transparency and public awareness as well as the work by non-governmental organizations for successful protection of the Baltic Sea Area;

WELCOMING the improved opportunities for closer co-operation which have been opened by the recent political developments in Europe on the basis of peaceful co-operation and mutual understanding;

DETERMINED to embody developments in international environmental policy and environmental law into a new Convention to extend, strengthen and modernize the legal regime for the protection of the Marine Environment of the Baltic Sea Area;

HAVE AGREED as follows:

## **Article 1**

### **Convention Area**

This Convention shall apply to the Baltic Sea Area. For the purposes of this Convention the "Baltic Sea Area" shall be the Baltic Sea and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57 44.43'N. It includes the internal waters, i.e., for the purpose of this Convention waters on the landward side of the base lines from which the breadth of the territorial sea is measured up to the landward limit according to the designation by the Contracting Parties.

A Contracting Party shall, at the time of the deposit of the instrument of ratification, approval or accession inform the Depository of the designation of its internal waters for the purposes of this Convention.

## **Article 2**

### **Definitions**

For the purposes of this Convention:

1. "Pollution" means introduction by man, directly or indirectly, of substances or energy into the sea, including estuaries, which are liable to create hazards to human health, to harm living resources and marine ecosystems, to cause hindrance to legitimate uses of the sea including fishing, to impair the quality for use of sea water, and to lead to a reduction of amenities;
2. "Pollution from land-based sources" means pollution of the sea by point or diffuse inputs from all sources on land reaching the sea waterborne, airborne or directly from the coast. It includes pollution from any deliberate disposal under the seabed with access from land by tunnel, pipeline or other means;
3. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;
4. a) "Dumping" means:
  - i) any deliberate disposal at sea or into the seabed of wastes or other matter from ships, other man-made structures at sea or aircraft;
  - ii) any deliberate disposal at sea of ships, other man-made structures at sea or aircraft;b) "Dumping" does not include:
  - i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of ships, other man-made structures at sea or aircraft and their equipment, other than wastes or other matter transported by or to ships, other man-made structures at sea or aircraft, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such ships, structures or aircraft;
  - ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of the present Convention;
5. "Incineration" means the 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;
6. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;
7. "Harmful substance" means any substance, which, if introduced into the sea, is liable to cause pollution;
8. "Hazardous substance" means any harmful substance which due to its intrinsic properties is persistent, toxic or liable to bio-accumulate;
9. "Pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil or other harmful substances and which poses or may pose a threat to the marine environment of the Baltic Sea or to the coastline or related

interests of one or more Contracting Parties, and which requires emergency actions or other immediate response;

10. "Regional economic integration organization" means any organization constituted by sovereign states, to which their member states have transferred competence in respect of matters governed by this Convention, including the competence to enter into international agreements in respect of these matters;

11. The "Commission" means the Baltic Marine Environment Protection Commission referred to in Article 19.

### **Article 3**

#### **Fundamental principles and obligations**

1. The Contracting Parties 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 Area and the preservation of its ecological balance.

2. The Contracting Parties shall apply the precautionary principle, i.e., to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects.

3. In order to prevent and eliminate pollution of the Baltic Sea Area the Contracting Parties shall promote the use of Best Environmental Practice and Best Available Technology. If the reduction of inputs, resulting from the use of Best Environmental Practice and Best Available Technology, as described in Annex II, does not lead to environmentally acceptable results, additional measures shall be applied.

4. The Contracting Parties shall apply the polluter-pays principle.

5. The Contracting Parties shall ensure that measurements and calculations of emissions from point sources to water and air and of inputs from diffuse sources to water and air are carried out in a scientifically appropriate manner in order to assess the state of the marine environment of the Baltic Sea Area and ascertain the implementation of this Convention.

6. The Contracting Parties shall use their best endeavours to ensure that the implementation of this Convention does not cause transboundary pollution in areas outside the Baltic Sea Area. Furthermore, the relevant measures shall not lead either to unacceptable environmental strains on air quality and the atmosphere or on waters, soil and ground water, to unacceptably harmful or increasing waste disposal, or to increased risks to human health.

### **Article 4**

#### **Application**

1. This Convention shall apply to the protection of the marine environment of the Baltic Sea Area which comprises the water-body and the seabed including their living resources and other forms of marine life.

2. Without prejudice to its sovereignty each Contracting Party shall implement the provisions of this Convention within its territorial sea and its internal waters through its national authorities.

3. This Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a state and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or

operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

## **Article 5**

### **Harmful substances**

The Contracting Parties undertake to prevent and eliminate pollution of the marine environment of the Baltic Sea Area caused by harmful substances from all sources, according to the provisions of this Convention and, to this end, to implement the procedures and measures of Annex I.

## **Article 6**

### **Principles and obligations concerning pollution from land-based sources**

1. The Contracting Parties undertake to prevent and eliminate pollution of the Baltic Sea Area from land-based sources by using, inter alia, Best Environmental Practice for all sources and Best Available Technology for point sources. The relevant measures to this end shall be taken by each Contracting Party in the catchment area of the Baltic Sea without prejudice to its sovereignty.
2. The Contracting Parties shall implement the procedures and measures set out in Annex III. To this end they shall, inter alia, as appropriate co-operate in the development and adoption of specific programmes, guidelines, standards or regulations concerning emissions and inputs to water and air, environmental quality, and products containing harmful substances and materials and the use thereof.
3. Harmful substances from point sources shall not, except in negligible quantities, be introduced directly or indirectly into the marine environment of the Baltic Sea Area, without a prior special permit, which may be periodically reviewed, issued by the appropriate national authority in accordance with the principles contained in Annex III, Regulation 3. The Contracting Parties shall ensure that authorized emissions to water and air are monitored and controlled.
4. If the input from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall jointly and, if possible, in co-operation with a third state interested or concerned, take appropriate measures in order to prevent and eliminate such pollution.

## **Article 7**

### **Environmental impact assessment**

1. Whenever an environmental impact assessment of a proposed activity that is likely to cause a significant adverse impact on the marine environment of the Baltic Sea Area is required by international law or supra-national regulations applicable to the Contracting Party of origin, that Contracting Party shall notify the Commission and any Contracting Party which may be affected by a transboundary impact on the Baltic Sea Area.
2. The Contracting Party of origin shall enter into consultations with any Contracting Party which is likely to be affected by such transboundary impact, whenever consultations are required by international law or supra-national regulations applicable to the Contracting Party of origin.
3. Where two or more Contracting Parties share transboundary waters within the catchment area of the Baltic Sea, these Parties shall cooperate to ensure that potential impacts on the marine environment of the Baltic Sea Area are fully investigated within the environmental impact assessment referred to in paragraph 1 of this Article. The Contracting Parties

concerned shall jointly take appropriate measures in order to prevent and eliminate pollution including cumulative deleterious effects.

#### **Article 8**

##### **Prevention of pollution from ships**

1. In order to protect the Baltic Sea Area from pollution from ships, the Contracting Parties shall take measures as set out in Annex IV.
2. The Contracting Parties shall develop and apply uniform requirements for the provision of reception facilities for ship-generated wastes, taking into account, inter alia, the special needs of passenger ships operating in the Baltic Sea Area.

#### **Article 9**

##### **Pleasure craft**

The Contracting Parties shall, in addition to implementing those provisions of this Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine environment of the Baltic Sea Area caused by pleasure craft activities. The measures shall, inter alia, deal with air pollution, noise and hydrodynamic effects as well as with adequate reception facilities for wastes from pleasure craft.

#### **Article 10**

##### **Prohibition of incineration**

1. The Contracting Parties shall prohibit incineration in the Baltic Sea Area.
2. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by ships:
  - a) registered in its territory or flying its flag;
  - b) loading, within its territory or territorial sea, matter which is to be incinerated; or
  - c) believed to be engaged in incineration within its internal waters and territorial sea.
3. In case of suspected incineration the Contracting Parties shall co-operate in investigating the matter in accordance with Regulation 2 of Annex IV.

#### **Article 11**

##### **Prevention of dumping**

1. The Contracting Parties shall, subject to exemptions set forth in paragraphs 2 and 4 of this Article, prohibit dumping in the Baltic Sea Area.
2. Dumping of dredged material shall be subject to a prior special permit issued by the appropriate national authority in accordance with the provisions of Annex V.
3. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by ships and aircraft:
  - a) registered in its territory or flying its flag;
  - b) loading, within its territory or territorial sea, matter which is to be dumped; or
  - c) believed to be engaged in dumping within its internal waters and territorial sea.
4. The provisions of this Article shall not apply when the safety of human life or of a ship or aircraft at sea is threatened by the complete destruction or total loss of the ship or aircraft, or in any case which constitutes a danger to human life, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life.
5. Dumping made under the provisions of paragraph 4 of this Article shall be reported and dealt with in accordance with Annex VII and shall be reported forthwith to the Commission in accordance with the provisions of Regulation 4 of Annex V.
6. In case of dumping suspected to be in contravention of the provisions of this Article the Contracting Parties shall co-operate in investigating the matter in accordance with Regulation 2 of Annex IV.

## **Article 12**

### **Exploration and exploitation of the seabed and its subsoil**

1. Each Contracting Party shall take all measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the seabed and the subsoil thereof or from any associated activities thereon as well as to ensure that adequate preparedness is maintained for immediate response actions against pollution incidents caused by such activities.
2. In order to prevent and eliminate pollution from such activities the Contracting Parties undertake to implement the procedures and measures set out in Annex VI, as far as they are applicable.

## **Article 13**

### **Notification and consultation on pollution incidents**

1. Whenever a pollution incident in the territory of a Contracting Party is likely to cause pollution to the marine environment of the Baltic Sea Area outside its territory and adjacent maritime area in which it exercises sovereign rights and jurisdiction according to international law, this Contracting Party shall notify without delay such Contracting Parties whose interests are affected or likely to be affected.
2. Whenever deemed necessary by the Contracting Parties referred to in paragraph 1, consultations should take place with a view to preventing, reducing and controlling such pollution.
3. Paragraphs 1 and 2 shall also apply in cases where a Contracting Party has sustained such pollution from the territory of a third state.

## **Article 14**

### **Co-operation in combatting marine pollution**

The Contracting Parties 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 Area.

## **Article 15**

### **Nature conservation and biodiversity**

The Contracting Parties shall individually and jointly take all appropriate measures with respect to the Baltic Sea Area and its coastal ecosystems influenced by the Baltic Sea to conserve natural habitats and biological diversity and to protect ecological processes. Such measures shall also be taken in order to ensure the sustainable use of natural resources within the Baltic Sea Area. To this end, the Contracting Parties shall aim at adopting subsequent instruments containing appropriate guidelines and criteria.

## **Article 16**

### **Reporting and exchange of information**

1. The Contracting Parties shall report to the Commission at regular intervals on:
  - a) the legal, regulatory, or other measures taken for the implementation of the provisions of this Convention, of its Annexes and of recommendations adopted thereunder;
  - b) the effectiveness of the measures taken to implement the provisions referred to in sub-paragraph a) of this paragraph; and
  - c) problems encountered in the implementation of the provisions referred to in sub-paragraph a) of this paragraph.
2. On the request of a Contracting Party or of the Commission, the Contracting Parties shall provide information on discharge permits, emission data or data on environmental quality, as far as available.

## **Article 17**

### **Information to the public**

1. The Contracting Parties shall ensure that information is made available to the public on the condition of the Baltic Sea and the waters in its catchment area, measures taken or planned to be taken to prevent and eliminate pollution and the effectiveness of those measures. For this purpose, the Contracting Parties shall ensure that the following information is made available to the public:

- a) permits issued and the conditions required to be met;
- b) results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with water-quality objectives or permit conditions; and
- c) water-quality objectives.

2. Each Contracting Party shall ensure that this information shall be available to the public at all reasonable times and shall provide members of the public with reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in its registers.

## **Article 18**

### **Protection of information**

1. The provisions of this Convention shall not affect the right or obligation of any Contracting Party under its national law and applicable supra-national regulation to protect information related to intellectual property including industrial and commercial secrecy or national security and the confidentiality of personal data.

2. If a Contracting Party nevertheless decides to supply such protected information to another Contracting Party, the Party receiving such protected information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall use that information only for the purposes for which it was supplied.

## **Article 19**

### **Commission**

1. The Baltic Marine Environment Protection Commission, referred to as "the Commission", is established for the purposes of this Convention.

2. The Baltic Marine Environment Protection Commission, established pursuant to the Convention on the Protection of the Marine Environment of the Baltic Sea Area of 1974, shall be the Commission.

3. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the Contracting Parties in the English language. The Chairman shall serve for a period of two years, and cannot during the period of chairmanship serve as a representative of the Contracting Party holding the chairmanship.

Should the chairman fail to complete his term, the Contracting Party holding the chairmanship shall nominate a successor to remain in office until the term of that Contracting Party expires.

4. Meetings of the Commission shall be held at least once a year upon convocation by the Chairman. Extraordinary meetings shall, upon the request of any Contracting Party endorsed by another Contracting Party, be convened by the Chairman to be held as soon as possible, however, not later than ninety days after the date of submission of the request.

5. Unless otherwise provided under this Convention, the Commission shall take its decisions unanimously.

## **Article 20**

### **The duties of the Commission**

1. The duties of the Commission shall be:

- a) to keep the implementation of this Convention under continuous observation;
- b) to make recommendations on measures relating to the purposes of this Convention;

- c) to keep under review the contents of this Convention including its Annexes and to recommend to the Contracting Parties such amendments to this Convention including its Annexes as may be required including changes in the lists of substances and materials as well as the adoption of new Annexes;
  - d) to define pollution control criteria, objectives for the reduction of pollution, and objectives concerning measures, particularly those described in Annex III;
  - e) to promote in close co-operation with appropriate governmental bodies, taking into consideration sub-paragraph f) of this Article, additional measures to protect the marine environment of the Baltic Sea Area and for this purpose:
    - i) to receive, process, summarize and disseminate relevant scientific, technological and statistical information from available sources; and
    - ii) to promote scientific and technological research; and
  - f) to seek, when appropriate, the services of competent regional and other international organizations to collaborate in scientific and technological research as well as other relevant activities pertinent to the objectives of this Convention.
2. The Commission may assume such other functions as it deems appropriate to further the purposes of this Convention.

#### **Article 21**

##### **Administrative provisions for the Commission**

1. The working language of the Commission shall be English.
2. The Commission shall adopt its Rules of Procedure.
3. The office of the Commission, known as "the Secretariat", shall be in Helsinki.
4. The Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of service of the Executive Secretary.
5. The Executive Secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of this Convention, the work of the Commission and other tasks entrusted to the Executive Secretary by the Commission and its Rules of Procedure.

#### **Article 22**

##### **Financial provisions for the Commission**

1. The Commission shall adopt its Financial Rules.
2. The Commission shall adopt an annual or biennial budget of proposed expenditures and consider budget estimates for the fiscal period following thereafter.
3. The total amount of the budget, including any supplementary budget adopted by the Commission shall be contributed by the Contracting Parties other than the European Economic Community, in equal parts, unless unanimously decided otherwise by the Commission.
4. The European Economic Community shall contribute no more than 2.5% of the administrative costs to the budget.
5. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

#### **Article 23**

##### **Right to vote**

1. Except as provided for in Paragraph 2 of this Article, each Contracting Party shall have one vote in the Commission.
2. The European Economic Community and any other regional economic integration organization, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member states which are Contracting Parties to

this Convention. Such organizations shall not exercise their right to vote if their member states exercise theirs, and vice versa.

#### **Article 24**

##### **Scientific and technological co-operation**

1. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to co-operate in the fields of science, technology and other research, and to exchange data and other scientific information for the purposes of this Convention. In order to facilitate research and monitoring activities in the Baltic Sea Area the Contracting Parties undertake to harmonize their policies with respect to permission procedures for conducting such activities.
2. Without prejudice to Article 4, paragraph 2 of this Convention the Contracting Parties undertake directly, or when appropriate, through competent regional or other international organizations, to promote studies and to undertake, support or contribute to programmes aimed at developing methods assessing the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area. In particular, the Contracting Parties undertake to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea Area.
3. Without prejudice to Article 4, Paragraph 2 of this Convention the Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, and, on the basis of the information and data acquired pursuant to paragraphs 1 and 2 of this Article, to co-operate in developing inter-comparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.
4. The organization and scope of work connected with the implementation of tasks referred to in the preceding paragraphs should primarily be outlined by the Commission.

#### **Article 25**

##### **Responsibility for damage**

The Contracting Parties undertake jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of this Convention, including, *inter alia*, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

#### **Article 26**

##### **Settlement of disputes**

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request mediation by a third Contracting Party, a qualified international organization or a qualified person.
2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an *ad hoc* arbitration tribunal, to a permanent arbitration tribunal, or to the International Court of Justice.

#### **Article 27**

##### **Safeguard of certain freedoms**

Nothing in this Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

#### **Article 28**

##### **Status of Annexes**

The Annexes attached to this Convention form an integral part of this Convention.

## **Article 29**

### **Relation to other Conventions**

The provisions of this Convention shall be without prejudice to the rights and obligations of the Contracting Parties under existing and future treaties which further and develop the general principles of the Law of the Sea underlying this Convention and, in particular, provisions concerning the prevention of pollution of the marine environment.

## **Article 30**

### **Conference for the revision or amendment of the Convention**

A conference for the purpose of a general revision of or an amendment to this Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

## **Article 31**

### **Amendments to the Articles of the Convention**

1. Each Contracting Party may propose amendments to the Articles of this Convention. Any such proposed amendment shall be submitted to the Depositary and communicated by it to all Contracting Parties, which shall inform the Depositary of either their acceptance or rejection of the amendment as soon as possible after receipt of the communication.

A proposed amendment shall, at the request of a Contracting Party, be considered in the Commission. In such a case Article 19 paragraph 4 shall apply. If an amendment is adopted by the Commission, the procedure in paragraph 2 of this Article shall apply.

2. The Commission may recommend amendments to the Articles of this Convention. Any such recommended amendment shall be submitted to the Depositary and communicated by it to all Contracting Parties, which shall notify the Depositary of either their acceptance or rejection of the amendment as soon as possible after receipt of the communication.

3. The amendment shall enter into force ninety days after the Depositary has received notifications of acceptance of that amendment from all Contracting Parties.

## **Article 32**

### **Amendments to the Annexes and the adoption of Annexes**

1. Any amendment to the Annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the Depositary and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.

2. Any amendment to the Annexes recommended by the Commission shall be communicated to the Contracting Parties by the Depositary and recommended for acceptance.

3. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has, by written notification to the Depositary, objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly, if, in exceptional cases, any Contracting Party informs the Depositary before the expiration of the period determined by the Commission that, although it intends to accept the amendment, the constitutional requirements for such an acceptance are not yet fulfilled.

4. An Annex to this Convention may be adopted in accordance with the provisions of this Article.

## **Article 33**

### **Reservations**

1. The provisions of this Convention shall not be subject to reservations.

2. The provision of paragraph 1 of this Article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an Annex of this

Convention or part thereof or an amendment thereto after the Annex in question or the amendment thereto has entered into force. Any Contracting Party to the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area, which upon the entry into force of this Convention, suspends the application of an Annex or part thereof, shall apply the corresponding Annex or part thereof to the 1974 Convention for the period of suspension.

3. If after the entry into force of this Convention a Contracting Party invokes the provisions of paragraph 2 of this Article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an Annex, or a new Annex, of those provisions which will be suspended in accordance with paragraph 2 of this Article.

#### **Article 34**

##### **Signature**

This Convention shall be open for signature in Helsinki from 9 April 1992 until 9 October 1992 by States and by the European Economic Community participating in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area held in Helsinki on 9 April 1992.

#### **Article 35**

##### **Ratification, approval and accession**

1. This Convention shall be subject to ratification or approval.
2. This Convention shall, after its entry into force, be open for accession by any other State or regional economic integration organization interested in fulfilling the aims and purposes of this Convention, provided that this State or organization is invited by all the Contracting Parties. In the case of limited competence of a regional economic integration organization, the terms and conditions of its participation may be agreed upon between the Commission and the interested organization.
3. The instruments of ratification, approval or accession shall be deposited with the Depositary.
4. The European Economic Community and any other regional economic integration organization which becomes a Contracting Party to this Convention shall in matters within their competence, on their own behalf, exercise the rights and fulfill the responsibilities which this Convention attributes to their member states. In such cases, the member states of these organizations shall not be entitled to exercise such rights individually.

#### **Article 36**

##### **Entry into force**

1. This Convention shall enter into force two months after the deposit of the instruments of ratification or approval by all signatory States bordering the Baltic Sea and by the European Economic Community.
2. For each State which ratifies or approves this Convention before or after the deposit of the last instrument of ratification or approval referred to in paragraph 1 of this Article, this Convention shall enter into force two months after the date of deposit by such State of its instrument of ratification or approval or on the date of the entry into force of this Convention, whichever is the latest date.
3. For each acceding State or regional economic integration organization this Convention shall enter into force two months after the date of deposit by such State or regional economic integration organization of its instrument of accession.
4. Upon entry into force of this Convention the Convention on the Protection of the Marine Environment of the Baltic Sea Area, signed in Helsinki on 22 March 1974 as amended, shall cease to apply.
5. Notwithstanding paragraph 4 of this Article, amendments to the annexes of the said Convention adopted by the Contracting Parties to the said Convention between the signing of

this Convention and its entry into force, shall continue to apply until the corresponding annexes of this Convention have been amended accordingly.

6. Notwithstanding paragraph 4 of this Article, recommendations and decisions adopted under the said Convention shall continue to be applicable to the extent that they are compatible with, or not explicitly terminated by this Convention or any decision adopted thereunder.

### **Article 37**

#### **Withdrawal**

1. At any time after the expiry of five years from the date of entry into force of this Convention any Contracting Party may, by giving written notification to the Depositary, withdraw from this Convention. The withdrawal shall take effect for such Contracting Party on the thirtieth day of June of the year which follows the year in which the Depositary was notified of the withdrawal.

2. In case of notification of withdrawal by a Contracting Party the Depositary shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

### **Article 38**

#### **Depositary**

The Government of Finland, acting as Depositary, shall:

a) notify all Contracting Parties and the Executive Secretary of:

- i) the signatures;
- ii) the deposit of any instrument of ratification, approval or accession;
- iii) any date of entry into force of this Convention;
- iv) any proposed or recommended amendment to any Article or Annex or the adoption of a new Annex as well as the date on which such amendment or new Annex enters into force;
- v) any notification, and the date of its receipt, under Articles 31 and 32;
- vi) any notification of withdrawal and the date on which such withdrawal takes effect;
- vii) any other act or notification relating to this Convention;

b) transmit certified copies of this Convention to acceding States and regional economic integration organizations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this ninth day of April one thousand nine hundred and ninety two in a single authentic copy in the English language which shall be deposited with the Government of Finland. The Government of Finland shall transmit certified copies to all Signatories.

For the Czech and Slovak Federal Republic

For the Kingdom of Denmark

For the Republic of Estonia

For the Republic of Finland

For the Federal Republic of Germany

For the Republic of Latvia

For the Republic of Lithuania

For the Kingdom of Norway

For the Republic of Poland

For the Russian Federation

For the Kingdom of Sweden

For the European Economic Community