



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Agenda item 7

DRAFT TEXT OF AN INTERNATIONAL CONVENTION FOR
THE PREVENTION OF POLLUTION FROM SHIPS, 1973
TOGETHER WITH COMMENTS THEREON BY GOVERNMENTS

Note by the Secretariat

Attached hereto for consideration by the Conference is a copy of the
Draft text of an International Convention for the Prevention of Pollution
from Ships, 1973.

DRAFT TEXT OF AN INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973

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DRAFT TEXT OF AN INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973^{1/}

THE CONTRACTING STATES,

BEING CONSCIOUS OF THE NEED to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,^{2/}

DESIRING to achieve the complete elimination of intentional pollution by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this end may best be achieved by the conclusion of a comprehensive convention not limited to oil pollution to supersede^{3/} the International Convention for Prevention of Pollution of the Sea by Oil, 1954, as amended as between Parties thereto,

HAVE AGREED as follows:

- 1/ One delegation was of the opinion that two new Conventions should be formulated, one dealing with oil pollution and the other dealing with pollution by noxious substances other than oil, sewage and garbage. Another delegation proposed that the provisions relating to oil pollution should be dealt with in the form of amendments to the 1954 Oil Pollution Convention and the provisions relating to all harmful substances other than oil should be included in a new composite Convention.
- 2/ Some delegations proposed the insertion after this paragraph of an additional paragraph by which the Conference would recognize the Oil Pollution Convention, 1954, as the first international instrument directly aimed at protecting the environment and the significant contribution which that Convention has made in protecting the sea and coastal areas from pollution. Other delegations considered that such a statement would more appropriately be included in a Conference Resolution (see draft Resolution I).
- 3/ Some delegations suggested that the words "as between the Parties to both Conventions" should be inserted after "supersede".

Article 1

General Obligation under the Convention

- (1) The Contracting States undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound in accordance with the provisions of Articles 13 and 17 of the present Convention.
- (2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to the Annexes.

Article 2

Definitions

For the purpose of the present Convention, unless expressly provided otherwise:

- (1) "Regulations" means the Regulations annexed to the present Convention.
- (2) "Administration" means the Government of the State whose flag the ship is entitled to fly or under whose [authority]^{4/} the ship is operating in accordance with Article 3(1)(b).
- (3) "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, including any substance subject to control by any Annex to the present Convention.
- (4) (a) "Discharge" in relation to harmful substances, or effluent containing these substances means any release however caused from a ship.^{5/}

^{4/} (1) Some delegations felt that it would be necessary to clarify this phrase in view of the possibility that a fixed or floating platform may be owned or operated by Nationals of one Contracting State, thus falling under the authority of that State, but be operated in an area under the jurisdiction of another Contracting Government.

(11) Some delegations were of the view that as the coastal State had sovereign rights over the resources of its continental shelf platforms engaged in exploration or exploitation of its continental shelf would always be under its authority.

^{5/} Some delegations suggested the addition at the end of the sentence of the words "and includes, but is not limited to, any escape, spilling, leaking, pumping, emitting or emptying".

(b) "Discharge" does not include:

- (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter at Sea, 1972;
- (ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

(5) "Ship" means a vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operating in the marine environment.

(6) "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article 3

Application

(1) The present Convention shall apply to:

- (a) Ships entitled to fly the flag of a Contracting State [including the territories to which reference is made in Article 19(2)]^{6/} and
- (b) ships not entitled to fly a flag but which operate under the [authority]^{7/} of a Contracting State.

(2) The present Convention shall not apply to any warship or other ship owned or operated by a State and used for the time being, only on government non-commercial service.^{8/} However, each Contracting State shall ensure by the adoption of appropriate measures that such ships owned or operated by it act in a manner consistent with the object and purpose of the present Convention.

^{6/} See footnote ^{7B/} under Article 19.

^{7/} See footnote ^{4/}.

^{8/} Several delegations preferred the following wording: "The present Convention shall not apply to warships and naval auxiliaries.". Some delegations were of the opinion that if this alternative wording was not adopted, at least the words "or operated" and "for the time being" should be deleted.

Alternative I^{9/}

Article 4

Penalties

(1) Any discharge of harmful substances or effluent containing these substances in contravention of the provisions of the Regulations shall be prohibited under:

- (a) the law of the Administration of the ship;
[and][or]
- (b) the law of any other Contracting State when the discharge occurs within its territorial seas.^{10/}

9/ Some delegations suggested that an additional paragraph be added to Article 4, whichever alternative is accepted, as follows:

"Any Contracting State may cause proceedings to be taken when any ship to which the present Convention applies enters its ports or off-shore terminals, in respect of any violation by that ship, or its owner or master, of the requirements of the Convention, wherever the violation occurred, provided, however, that such proceedings are commenced no later than [three] years after the violation occurred. Whenever one Contracting State has commenced such proceedings, no other proceedings in respect of the same violation may be commenced by any other Contracting State except for the Administration of the ship or any State within whose territorial sea^{10/} the violation occurred. A report of any such proceedings shall be sent to the Administration of the ship."

It was suggested that the period of time indicated in square brackets "[three]" should be related to the period indicated in Regulation 23 of Annex I. Other delegations took the view that the concept contained in the present footnote could only be accepted subject to one or more of the following additional qualifications:

- (a) the violation occurred within [50] nautical miles from the nearest land of the State exercising jurisdiction under this provision;
- (b) the Administration reserves the right to take over the prosecutions for any violation which has occurred outside the territorial seas^{10/} of a Contracting State;
- (c) the proceedings could take place only with the consent of the Administration.

One delegation suggested that for (c) above, tacit consent would be sufficient.

10/ Some delegations expressed a preference for a term other than "territorial seas" such as "waters under its jurisdiction", "areas under national jurisdiction" or "within the limits of national jurisdiction".

(2) The penalties provided under the law of a Contracting State in respect of unlawful discharge of harmful substances or effluent containing these substances shall be adequate in severity to discourage any such unlawful discharge. The penalties provided for in respect of unlawful discharge outside the territorial seas^{10/} of a Contracting State shall be no less severe than the penalties provided for under the law in respect of the same infringement within its territorial seas.^{10/}

Alternative II^{9/}

Article 4

Violation

- (1) Any violation of the requirements of the present Convention shall be prohibited under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available in the form required by its law to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings^{11/} to be taken as soon as possible.
- (2) Any violation of the requirements of the present Convention within the territorial seas^{10/} of any Contracting State shall be prohibited under the law of that State. Whenever such a violation occurs, that State shall either:
- (a) cause proceedings to be taken with respect to such violation, or
 - (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.
- (3) Where information or evidence with respect to any violation of the Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the State which has furnished the information or evidence and the Organization, of the action taken.

^{11/} Some delegations were of the opinion that this provision is too stringent, since it obliges Administrations to take proceedings which would have problems with regard to their national system of law according to which the proceeding authority is free to decide whether or not a proceeding is opportune. A less strictly formulated provision would therefore increase the acceptability of the whole Article.

(4) The penalties provided for under the law of a Contracting State in respect of any violation of the requirements of the present Convention shall be adequate in severity to discourage any such violation. The penalties provided for in respect of violation outside the territorial seas^{10/} of a Contracting State shall be no less severe than the penalties provided for under the law in respect of the same infringement within its territorial seas.^{10/}

Article 5

Certificates and Special Rules on Inspection of Ships

(1) Subject to the provisions of paragraph (2) of this Article a Certificate issued under the authority of a Contracting State in accordance with the provisions of the Regulations shall be accepted by the other Contracting States and regarded for all purposes covered by the present Convention as having the same validity as a Certificate issued by them.

(2) A ship required to hold a certificate in accordance with the provisions of the Regulations is subject while in the ports or off-shore terminals under the jurisdiction of another Contracting State to inspection by officers duly authorized by that State.^{12/} Any inspection concerning the implementation of the provisions covered by the certificate and carried out by a foreign State^{13/} within its territory or in off-shore terminals under its jurisdiction shall be limited to verifying that there is on board a valid Certificate, unless there are clear grounds^{14/} for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the State^{13/} carrying out the inspection shall take such steps as will ensure

^{12/} Some delegations were of the opinion that the initial wording may give the impression that inspection will be allowed only to ships required to hold a certificate. In order to avoid such an impression, they suggested paragraph (2) to begin as follows: "As to ships required to hold a certificate issued in accordance with the provisions of the Regulations, any inspection made by an officer duly authorized and concerning the implementation etc."

^{13/} Some delegations suggested to substitute the words "a foreign State" and "the State" by "officers".

^{14/} Some delegations suggested that the phrase "clear grounds" in paragraph (2), (4) and (5) should be replaced by "reasonable grounds".

that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.^{15/} That State may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest repair yard available.^{16/17/}

(3) In the event of the inspection provided for in this Article giving rise to action of any kind, the State carrying out the inspection shall immediately inform in writing the consul or diplomatic representative of the State whose flag the ship is entitled to fly of this action and of the circumstances thereof.

[(4) If a Contracting State has clear grounds^{14/} for believing that a ship wishing to enter its ports or use off-shore terminals under its jurisdiction is not constructed in accordance with^{18/} the provisions of the Regulations applicable to that ship, such State may request consultation with the government of that State whose flag the ship is entitled to fly. If after such consultation, or otherwise, the Contracting State [establishes] [is satisfied] that the ship does not comply with the Regulations in question such State [may/shall] for this reason deny the ship access to such ports and off-shore terminals until such time as that State is satisfied that the ship does comply with the Regulations.]

^{15/} Some delegations were of the opinion that the phrase "without presenting an unreasonable threat of harm to the marine environment" should be replaced by the phrase "until such deficiency is corrected".

^{16/} Some delegations suggested that the phrase "nearest repair yard available" was unduly restrictive of the place in which the ship could most suitably be repaired.

^{17/} Some delegations suggested that there be a provision obliging the Administration, and owner or master of a ship, to co-operate with any Contracting States which desire to conduct inspection pursuant to this Article.

Some delegations suggested that inspection be limited to inspection of slop tanks or other tanks especially provided for wastes and also to the inspection of documents connected with such tanks.

^{18/} Some delegations suggested that the phrase "is not constructed in accordance with" should be replaced by the phrase "does not comply with".

[(5) Notwithstanding the provisions of Article 3(1) of the present Convention [five years] after the entry into force of the present Convention a Contracting State [may/shall] deny access to or permission to leave ports or off-shore terminals under its jurisdiction to any ship entitled to fly the flag of a non-Contracting State if the Contracting State has clear grounds^{14/} for believing that the ship does not comply with the provisions of the Regulations. That State may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest repair yard available,^{16/} if it is satisfied that such voyage will not present an unreasonable threat of harm to the marine environment.]^{15/ 19/}

Article 6^{20/}

Detection of Offences Against and Enforcement of
the Convention

- (1) Contracting States shall co-operate in the detection of offences and the enforcement of the provisions of the present Convention using all appropriate and practicable measures of detection and environmental monitoring, adequate reporting procedures and accumulation of evidence.
- (2) A ship to which the present Convention applies may be subject in loading ports, to inspection by officers appointed or authorized by Contracting States for the purpose of determining whether any harmful substances have

^{19/} Some delegations suggested that paragraphs (3), (4) and (5) should be replaced by the following:

(3) If a Contracting State denies a foreign sh' access to ports in its territory or to off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions in the present Convention, the State shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly. The State may before taking such action request consultation with the Administration. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.

^{20/} Some delegations were of the opinion that if Alternative II of Article 4 is accepted, then it would be appropriate to revise the provisions of Article 6 to cover detection of all violations of the Convention.

been discharged in contravention of the provisions of the Regulations. The report of such inspection shall be forwarded to the Administration for any appropriate action.^{21/ 22/}

(3) Any Contracting State shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluent containing such substances in contravention of the provisions of the Regulations.^{23/} If it is practicable to do so, the competent authority of the former State shall notify the master of the ship of the alleged contravention.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other State to furnish further or better evidence of the alleged contravention. If the Administration so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings to be brought in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible.^{24/} The Administration shall promptly inform the State which has reported the alleged contravention, as well as the Organization, of the action taken.^{25/}

21/ (i) It was suggested that the restriction of the right of inspection to ships in "loading ports" might not be appropriate, and that this might usefully be extended, for example, to cover ships in ports and off-shore terminals of any Contracting State.

(ii) See footnote 17/ of Article 5.
It was also pointed out that this paragraph might have some connexion with Regulation 21(6) of Annex I.

22/ Some delegations favoured the following wording of paragraph (2) of this Article: "If it appears in connexion with loading or unloading or otherwise that harmful substances have been discharged in contravention of the present Convention, or that there is danger of such discharge, the inspecting officer shall report his observations to the appropriate authority. The State which undertakes the inspection shall forward the report to the Administration for appropriate action."

23/ Some delegations were of the opinion that the obligation stated in this paragraph should not apply to a State which had itself commenced proceedings under the provisions of Article 4.

24/ See footnote 11/ under Article 4 in Alternative II.

25/ If Alternative II of Article 4 is accepted, the last two sentences of this paragraph would be unnecessary.

(5) A Contracting State [may/shall] investigate a ship entitled to fly the flag of another Contracting State when it enters the ports or off-shore terminals under its jurisdiction, if a report is received from any Contracting State that the ship has discharged harmful substances or effluent containing these substances or has otherwise contravened the Convention in any place, and shall send the report of such investigation to the State first reporting the offence and to the Administration so that the appropriate action may be taken under the present Convention.^{26/ 27/ 28/}

(6) All possible effort shall be made to avoid the ship being unduly delayed through action under this Article.

Article 7^{29/}

Reports on Incidents Involving Harmful Substances

(1) For the purposes of this Article an "incident" means an event involving the actual or probable discharge of a harmful substance.^{30/}

(2) The master of a ship^{31/} involved in an incident, shall report the particulars of such incident without delay in accordance with the provisions of this Article.

(3) Reports shall be made by radio whenever possible but in any case by the fastest channels available at the time.

^{26/} If the proposals for a wider basis of enforcement and inspection of the Convention are adopted, then the need for this paragraph should be reconsidered.

^{27/} Some delegations suggested that if paragraph (5) is not mandatory, it should be worded as follows: "If a Contracting State investigates a foreign ship due to a report from any State the State shall send a report of such investigation etc."

^{28/} Some delegations were of the opinion that a Contracting State may investigate a ship entitled to fly the flag of another Contracting State only with the consent of the Administration.

^{29/} Some delegations considered it inappropriate to include in the Articles of the Convention all the detailed provisions on reporting procedures, and felt that such detailed provisions might more appropriately be included in a special mandatory Annex on Reporting.

^{30/} Some delegations were of the opinion that the word "incident", for example should be qualified so as to cover only "significant discharges of harmful substances".

^{31/} Some delegations suggested further consideration should be given on the merits of requiring Masters of all ships not directly involved in an incident to report.

- (4) Reports by radio shall be made by urgent broadcast.
- (5) When a Contracting State receives a report under the provisions of the present Article, that State shall relay the report without delay to the Administration of the ship involved and to any other State that may be affected.
- (6) The report shall be made whenever an incident involves:
- (a) a discharge permitted under this present Convention by virtue of the fact that:
 - (i) it is for the purpose of securing the safety of the ship or saving life at sea; or
 - (ii) it results from damage to the ship or its equipment, or
 - (iii) it is for the purpose of combating a specific pollution incident; or
 - (b) a discharge other than as permitted under the present Convention; or^{32/}
 - (c) the discharge into the sea of any package, cargo container or portable tank containing harmful substances or the contents thereof.^{33/}
- (7) The report shall^{34/} contain the time, position, wind and sea conditions at the time of the incident, details of the state of the ship and likely state of the cargo and any other relevant information with respect to the incident and, further, where the incident involves:

^{32/} Some delegations were of the opinion that since all possible cases of discharge of which reports should be made are covered by sub-paragraphs (6)(a) and (c), sub-paragraph (6)(b) should relate only to discharges resulting from an error of a crew member. It was proposed, therefore, that:

- in sub-paragraph (6)(a) to delete the words "permitted under the present Convention";
- in sub-paragraph (6)(a)(ii) to add "from an error of a crew member"; and
- delete sub-paragraph (6)(b).

^{33/} One delegation suggested the addition of the following new sub-paragraph (d):
"(d) casualties to ships which involve a threat of a discharge referred to in sub-paragraphs (a), (b) or (c) of this paragraph".

^{34/} Some delegations were of the opinion that the words "as far as possible" should be inserted here.

- (a) oil, as defined in Annex I of the present Convention, the report shall include the description and quantity of oil carried and the quantity which has been discharged or which may be discharged into the sea;
 - (b) a noxious substance, as defined in Annex II of the present Convention, the report shall include a clear indication of the noxious substances carried, including the correct technical names (not trade names) and a statement or estimate of the quantities and concentrations of such substances discharged or that may be discharged into the sea, and, if possible, the name of the consignor/consignee or manufacturer;
 - (c) harmful substances carried in packages, cargo containers or portable tanks, the report shall include the correct technical names of the harmful substances, the quantities and concentrations of such substances discharged or that may be discharged, the description of the packaging and, if possible, any identifying marks and the name of the consignor/consignee or manufacturer.
- (8) The Master shall:
- (a) supplement the initial report, as necessary, to communicate information concerning further developments; and
 - (b) comply as fully as possible with requests from affected States for additional information concerning the incident.
- (9) In the event of the ship being abandoned, the owners, charterers or their agents^{35/} shall make the report or supplement the report of the Master with details of damage to the ship, likely state of the cargo, a complete list of harmful substances on board, their stowage position, a statement or estimate of the quantity and concentration of such substances discharged or that may be discharged, as well as any other relevant information, and in general assume the obligations placed upon the Master under the present Article.

^{35/} One delegation was of the opinion that it would not be proper to refer to "owners, charterers or their agents" in this context but that the obligation should be addressed to Contracting Governments.

(10) Each Contracting State shall:

- (a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents involving harmful substances; and
- (b) advise the Organization with complete details of such arrangements for circulation to other Contracting States and Member States.

Article 8

Powers of Contracting States^{36/}

[(1) Nothing in the present Convention shall be construed as derogating from the powers of any Contracting State to take stricter measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting State.^{37/}

(2) A Contracting State shall not within its jurisdiction [in respect of ships to which the Convention applies other than its own ships]^{38/} impose regulations in respect of pollution control regarding ship design [and manning]^{39/} which are not in accordance with the provisions of the Regulations].^{40/}

36/ (i) Some delegations proposed the deletion of paragraph (1) as this matter is already covered by the existing international law.

(ii) Several delegations proposed the deletion of paragraph (2) as such a provision would restrict the right of a Contracting State to impose more stringent regulations within its jurisdiction.

(iii) Some delegations proposed the deletion of Article 8 entirely, as such provisions do not appear in other technical conventions.

(iv) Final decision on this Article would affect the texts of certain Regulations in Annexes, e.g. Regulation 9 of Annex I.

37/ Some delegations suggested that this paragraph should read as follows:
"Nothing in the present Convention shall be construed as derogating from the rights of coastal States within the limits of their national jurisdiction, including the right to adopt stricter measures in respect of any matter to which the Convention relates."

38/ Some delegations suggested the deletion of the square brackets.

39/ Some delegations suggested the deletion of the square brackets around "and manning", while other delegations suggested the deletion of the words "and manning".

40/ Some delegations considered that the right of a Contracting State to impose more stringent regulations should be limited to operational matters.

Article 9

Other Treaties, Conventions and Agreements^{41/}

(1) Upon the entry into force of Annex I, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Contracting States.

(2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.^{42/}

^{41/} Some delegations suggested that consideration should be given to a possible insertion of the following additional paragraph:

"Nothing in the present Convention shall be construed as derogating from the requirements of any international convention in force concerning the safety of ships and human life at sea in respect of any matter to which the present Convention relates."

- ^{42/} (i) Several delegations suggested that this paragraph should be deleted but presented in the form of a Conference Resolution.
- (ii) Some delegations suggested that the words "nor the present or future claims ... flag State jurisdiction" should be amended to read "nor the rights and legal views of any State concerning matters related to the law of the sea."

[Suspension in Cases of War]^{43/}

43/ Some delegations suggested the insertion of the following new Article:

Suspension in Cases of War

- (1) In case of war or other hostilities, a Contracting State which considers that it is affected, whether as a belligerent or as a neutral may suspend the operation of the whole or any part of the present Convention. The suspending State shall immediately give notice of any suspension to the Organization.
- (2) Such suspension shall not deprive another Contracting State of any right of control under the present Convention over the ships of the suspending State when such ships are in their ports or off-shore terminals.
- (3) The suspending State may at any time terminate such suspension and shall in any event terminate as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Organization by the State concerned.
- (4) The Organization shall notify all Contracting States of any suspension or termination of suspension under this Article.

Article 10

Settlement of Disputes^{44/}

Alternative I

Any dispute between two or more Contracting States concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the States involved has not been possible, be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.^{45/}

Alternative II

Any dispute between two or more Contracting States concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the States involved has not been possible, and if these States do not otherwise agree, be submitted upon request of any of them to arbitration as set out in the Annex to this Article.

Alternative III

If any dispute arises between two or more of the Contracting States relating to the interpretation or application of the present Convention those Contracting States shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

^{44/} One delegation suggested that the provisions of this Article should be presented in the form of an optional Protocol to the Convention.

^{45/} Some delegations felt that even if the Diplomatic Conference decided to retain this first alternative for Article 10, it would still be helpful for Parties in a dispute to have available to them the rules on arbitration set out in the Annex to the second alternative. In that case the last words of the Article itself (first alternative) could read "... to arbitration as set out in the Annex to the present Article", and the Articles 2 and 4 of the Annex would have to be adapted while Article 5 of the Annex would have to be left out.

Annex to Article 10^{46/}

ARBITRATION

Article 1

Arbitration procedure, unless the Parties to the dispute decide otherwise, shall be in accordance with the rules set out in this Annex.

Article 2

(1) An Arbitration Tribunal shall be established upon the request of one Contracting State addressed to another in application of Article 11 of the Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

(2) The requesting Party shall inform the Secretary-General of the Organization of the fact that it has applied for the establishment of a Tribunal, of the names of the other State or States Party to the dispute, and of the Articles or Regulations of the Convention over which there is in its opinion disagreement concerning their interpretation or application. The Secretary-General shall transmit this information to all Contracting States.

Article 3

The Tribunal shall consist of three members: one Arbitrator nominated by each Party to the dispute and a third Arbitrator who shall be nominated by agreement between the two first named, and shall act as its Chairman.

Article 4

(1) If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up by the Council of the Organization.

^{46/} It is emphasized that the "Annexes" suggested for Alternatives I and II of these draft provisions shall have the same status as the other Articles of the Convention and shall not be equated in any way with Annexes as referred to in Article 1 of the Convention.

(2) If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph (1) of the present Article.

(3) The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

(4) The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party.

(5) In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In case of the decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 3 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

Article 5

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article 6

Unless the Tribunal determines otherwise because of the particular circumstances of the case, the expenses of the Tribunal including the remuneration of its members shall be borne in equal shares by each side.^{47/}

^{47/} Some delegations preferred the following text for Article 6:

"The arbitration costs including the arbitrators' fees shall be apportioned by the tribunal as it deems fit."

Article 7

If a procedure has been initiated between two Parties, any other Contracting State which considers that it has an interest of a legal nature which may be affected by the decision in the case may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

Article 8

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

Article 9

(1) Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

(2) The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) provide the Tribunal with the necessary documents and information;
- (b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

(3) Absence or default of one Party shall not constitute an impediment to the procedure.

Article 10

(1) The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

(2) Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgement to the Tribunal which made the award, or, if it is not available to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

Article 11

Communication of Information

- (1) The Contracting States undertake to communicate to the Organization:
 - (a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;
 - (b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;
 - (c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;
 - (d) a list of shore reception facilities including their location, capacity and available facilities and other characteristics;
 - (e) official reports or summaries of official reports insofar as they show the results of the application of the present Convention; and
 - (f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.
- (2) The Organization shall notify Contracting States of the receipt of any communications under this Article.^{48/}

^{48/} Several delegations suggested that the following words should be added at the end of the sentence "and circulate to all Contracting States any information communicated to it under sub-paragraphs 1(b) to (f) of this Article".

Article 12

Casualties to Ships

(1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the Regulations if such casualty has produced a major deleterious effect upon the marine environment.^{49/}

(2) Each Contracting State undertakes to supply the Organization with information concerning the findings of such investigation,^{50/} when it judges that such information may assist in determining what changes in the present Convention might be desirable.

Article 13

Signature, Ratification, Acceptance,
Approval and Accession

(1) The present Convention shall remain open for signature for six months from 1973, and shall thereafter remain open for accession. States [Members of the United Nations, or of any of the Specialized Agencies, or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice]^{51/} may become Parties to the present Convention by:

- (a) signature without reservation as to ratification, acceptance or approval, or

^{49/} (i) Several delegations suggested that such investigation should be limited to casualties where the Administration judges that it may assist in determining what changes in the present Convention might be desirable.

(ii) Some delegations expressed the view that an additional provision should be made authorizing a Contracting State to investigate casualties causing pollution which occur in areas generally recognized as international waters but which may affect the waters of the investigating State. Other delegations reserved their positions on this suggestion stating that jurisdictional and Law of the Sea issues were involved which could preclude such a provision.

^{50/} Some delegations suggested the addition of the following words to this paragraph: "and other investigations conducted on casualties occurring to ships entitled to fly the flag of another State".

^{51/} Several delegations suggested that the words in square brackets should be deleted.

- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval, or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Organization.

(3) The Organization shall inform all States which have signed the present Convention or acceded to it of the deposit of any new instrument and the date of its deposit. The Organization shall also inform all States which have already signed the present Convention of any signature effected during the six months from1973.

Article 14

Reservations

Alternative I

No reservations may be made to the present Convention.^{52/}

Alternative II

Each Contracting State may, at the time of signing, ratifying, accepting approving or acceding to the present Convention, declare that it does not consider itself bound by any of the following provisions (to be specified).^{53/}

Article 15

Optional Annexes

(1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as "optional Annexes") of

^{52/} Several delegations favoured the deletion of Alternative I.

^{53/} Some delegations considered that reservations may be made not only for Articles but also for certain Regulations in Annexes.

the present Convention. [Every new Annex to the present Convention shall be considered as an optional Annex].^{54/}

(2) A State which has declared that it is not bound by an optional Annex may at any time accept such Annex by depositing with the Organization an Instrument of the kind referred to in Article 13(2).

(3) A State which makes a declaration under paragraph (1) of this Article in respect of an optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of this Article shall not be under any obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Contracting States in the present Convention shall not include that State insofar as matters related to such Annex are concerned.

(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under this Article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of this Article.

Article 16

Entry into Force

(1) The present Convention shall enter into force twelve months after the date on which not less than [10] States the combined merchant fleets of which constitute not less than [50] per cent of the gross tonnage of the world's merchant shipping have become parties to it in accordance with Article 13.

(2) An optional Annex shall enter into force twelve months after the date on which the conditions stipulated in paragraph (1) of this Article have been satisfied in relation to that Annex.^{54/}

^{54/} One delegation suggested that all Annexes should enter into force at the same time irrespective of whether certain States have declared that they do not accept certain optional Annexes.

(3) The Organization shall inform the States which have signed or acceded to the present Convention of the date on which it enters into force and of the date on which an optional Annex enters into force in accordance with paragraph (2) of this Article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) After the date on which all the conditions required under Article 17 to bring an amendment to the present Convention or an optional Annex into force have been fulfilled, any instrument of ratification or accession deposited shall apply to the Convention or Annex as amended.

Article 17

Amendments ^{55/}

(1) The present Convention may be amended by any of the procedures specified in paragraphs (2), (3) and (4) of this Article.

55/ As regards acceptance of amendments by States and as regards the effect of amendments coming into force, some delegations - which on the first point were in favour of a procedure of tacit acceptance confined to the technical Annexes alone, to the exclusion of the Articles of the Convention and which on the second point took the view that amendments should only enter into force in respect of those States which had accepted them either expressly or tacitly - opposed the concept of "amendment of an important nature", which they considered to be contrary to the principles of the effect relative to treaties and violated the sovereign rights of States. The argument advanced to justify the notion of an important amendment - the need to have a uniform rule - does not achieve the desired objective in that one or two States would be excluded from a Convention against their wishes and, instead of being bound by all the provisions of that Convention (with the exception of an amendment which a State does not accept), would be "expelled" from the Convention whose application would thus be restricted.

As concerns the body which would adopt amendments, these delegations opposed the traditional system whereby the organs of IMCO - the Maritime Safety Committee and the Assembly - adopt amendments. These delegations considered as inadequate and unsatisfactory the procedure followed in the Convention for Safe Containers adopted in Geneva in December 1972: the "enlarged" IMCO organs - composed, in addition to IMCO Member States, of States Parties to a Convention having the right to participate in the discussions and the right to vote (which, in some cases, would pose legal problems of compatibility with the provisions of the IMCO Convention itself) - would not be sufficiently representative or adequately qualified, since they would comprise a large number of IMCO Member States which were not Parties to the Convention being amended. The only satisfactory system which would conform to legal principles is that of a Revision Commission, a body composed only of those States which are Parties to the Convention in question, and IMCO Member States which were not Parties would be excluded. In this way, a Convention would only be amended by the States directly concerned and by them alone. In the view of these delegations, this is the sole effective means of diminishing the imbalance which exists at present between the various stages whereby amendments are adopted by the IMCO Member States and accepted solely by States Parties to a Convention.

(2) Amendment by unanimous acceptance:^{56/}

- (a) Upon the request of a Contracting State, any amendment proposed by it to the present Convention shall be communicated by the Organization to all Contracting States for acceptance.
- (b) Any such amendment shall be deemed to have been accepted at the end of a period of [twelve]^{57/} months after it is first communicated, unless within that period one or more Contracting States inform the Organization that they do not accept the amendment.
- (c) The amendment deemed to have been accepted shall enter into force at the end of a period of [six] months or such other period as may be specified in the amendment, after the date of its acceptance in accordance with sub-paragraph (b) of this paragraph.
- (d) The amendment shall enter into force with respect to all Contracting States.

(3) Amendment after consideration in the Organization:

Upon the request of a Contracting State any amendment proposed by it to the present Convention will be considered in the Organization in accordance with the procedures laid down in this paragraph.

(a) Amendment to the Articles of the Convention:^{58/}

- (1) Any proposed amendment to the Articles of the present Convention shall be submitted to the Maritime Safety Committee of the Organization for consideration. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee, such amendment shall be communicated to all Members of the Organization and all Contracting States at

^{56/} Several delegations suggested that this paragraph should be deleted as this procedure has never been used.

^{57/} One delegation suggested that twelve months should be amended to twenty-four months.

^{58/} Some delegations suggested that the Articles of the Convention should be amended by tacit acceptance procedure as provided for in sub-paragraph (vi) of this paragraph.

least [six] months prior to its consideration by the Assembly of the Organization. Any Contracting State which is not a Member of the Organization shall be entitled to participate^{59/} when the amendment is considered by the Assembly.

- (ii) If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Organization to all Contracting States for acceptance.
- (iii) Such amendment shall be deemed to have been accepted on a date on which it is accepted by two-thirds of the Contracting States or by Contracting States the combined merchant fleets of which constitute not less than [fifty] per cent of the gross tonnage of the world's merchant shipping, whichever condition is first achieved.^{60/}
- (iv) The amendment accepted in accordance with sub-paragraph (a)(iii) of this paragraph shall enter into force [six] months after the date of its acceptance.
- (v) The amendment shall enter into force with respect to all Contracting States [except those which, before it enters into force, make a declaration that they do not accept the amendment] [provided that a Contracting State may exempt itself from giving effect to the provisions of the amendment for a period not exceeding [twelve] months from the date of entry into force of that amendment.]^{61/}

^{59/} Some delegations suggested that the words "and vote" should be added after "participate". Doubt was, however, expressed as to whether granting to a Contracting State not being an IMCO Member the right to vote in the IMCO Assembly might conflict with the provisions of the IMCO Convention.

^{60/} Some delegations suggested that this sub-paragraph should be amended to read as follows: "Such amendment shall be deemed to have been accepted on a date on which it is accepted by two-thirds of the Contracting States or by [10] Contracting States the combined merchant fleet of which constitutes not less than [fifty] per cent of the gross tonnage of the world's merchant shipping, or by [25] Contracting States, whichever condition is first achieved".

^{61/} Consideration should be given to whether the contents of either one or the other of the phrases in square brackets may be retained or they can be combined.

- (vi) The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly^{62/} may propose a determination at the time of its adoption that the amendment is of such an important nature that any Contracting State which makes a declaration under sub-paragraph (a)(v) of this paragraph and which does not accept the amendment within a period of [twelve] months after it enters into force, shall cease to be a party to the present Convention upon the expiry of that period.^{63/}

This determination is subject to the acceptance of two-thirds of the Contracting States prior to the entry into force of the amendment.^{64/}

62/ Some delegations suggested the deletion of the words "including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly".

63/ (1) Some delegations proposed the deletion of this sub-paragraph as well as other similar sub-paragraphs relating to amendments of an important nature.

- (ii) Some delegations suggested that the latter half of this sub-paragraph should be amended to read as follows:

"... of such an important nature that if any Contracting State makes a declaration under sub-paragraph (a)(v) of this paragraph and does not accept the amendment within a period of [twelve] months after it enters into force, the other Contracting States shall not be under an obligation to extend to that State the benefits of the present Convention."

64/ (1) Some delegations questioned whether in relation to the Articles of the Convention, as opposed to the provisions of the Annexes, it would be appropriate and desirable to have a provision on the amendments of an important nature.

- (ii) Some delegations also suggested that if only the second alternative in sub-paragraph (3)(a)(v) were adopted, there would be no need for a provision on amendments of an important nature.

(b) Amendment to Annexes:

- (i) An amendment to an Annex to the present Convention shall be submitted to the Maritime Safety Committee for consideration. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee, such amendment shall be communicated to all Members of the Organization and all Contracting States at least [six] months prior to its consideration by the Assembly. Any Contracting State which is not a Member of the Organization shall be entitled to participate^{65/} when the amendment is considered by the Assembly.
- (ii) If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Organization to all Contracting States for acceptance.
- (iii) Such amendment shall be deemed to have been accepted at the end of a period to be determined by the Assembly at the time of its adoption, unless within that period objection is communicated to the Organization by more than one-third of the Contracting States or by Contracting States the combined merchant fleets of which constitute not less than [fifty] per cent of the gross tonnage of the world's merchant fleet, whichever condition is achieved.^{66/}
- (iv) The amendment deemed to have been accepted shall enter into force on the date determined by the Assembly at the time of adoption of the amendment. Determination by the Assembly of the dates referred to in this sub-paragraph and sub-paragraph (b)(iii) of this paragraph shall be by a two-thirds majority of those present and voting.

^{65/} See footnote ^{59/}.

^{66/} One delegation suggested that this paragraph should be replaced by the text identical to that appearing in footnote ^{60/}.

- (v) The amendment shall enter into force with respect to all Contracting States [except those which before it enters into force, make a declaration that they do not accept the amendment] [provided that a Contracting State may exempt itself from giving effect to the provisions of the amendment for a period not exceeding [twelve] months from the date of entry into force of that amendment.]^{67/}
- (vi) The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly,^{68/} may propose a determination that the amendment is of such an important nature that any Contracting State which, before it enters into force, makes a declaration that it does not accept an amendment and which does not accept it within a period of [twelve] months after it enters into force, shall cease to be a party to the present Convention upon the expiry of that period.^{69/} Such determination shall be subject to the condition that objection is not communicated to the Organization by at least one-third of the Contracting States prior to the entry into force of the amendment.^{70/}
- (vii) Notwithstanding the provisions of this sub-paragraph, the Assembly may, by a two-thirds majority^{71/} of those present and voting, decide that any particular amendment to an Annex shall be effected by the procedures laid down in sub-paragraph (a) of this paragraph.^{72/}

^{67/} See footnote 61/

^{68/} See footnote 62/

^{69/} See footnote 63/

^{70/} Some delegations suggested that where an amendment to an Annex was considered to be of an important nature it might not be appropriate to adopt such amendment by the tacit acceptance procedure.

^{71/} Some delegations suggested that "a two-thirds majority" should be amended to "a simple majority".

^{72/} Some delegations suggested that this sub-paragraph should be deleted as such a provision would defeat the purpose of accelerating the bringing into force of technical provisions.

(viii) In the case of amendment to an optional Annex, a reference in this paragraph to a Contracting State or a party to the present Convention shall be taken to mean a reference to a party to that Annex.

(o) Amendment to Appendices to Annexes:

- (i) Any amendment to an Appendix to an Annex proposed by a Contracting State shall be communicated by the Organization to all Members of the Organization and all Contracting States at least [two] months prior to the consideration by the Maritime Safety Committee.^{73/}
- (ii) If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee, the amendment shall be communicated to all Contracting States for acceptance.
- (iii) Such amendment shall be deemed to have been accepted at the end of a period to be determined by the Maritime Safety Committee at the time of adoption of the amendment, unless within that period objection is communicated to the Organization by more than one-third of the Contracting States or by Contracting States the combined merchant fleets of which constitutes not less than [fifty] per cent of the gross tonnage of the world's merchant fleet, whichever condition is achieved.^{74/}
- (iv) The amendment deemed to have been accepted shall enter into force on the date determined by the Maritime Safety Committee at the time of adoption of the amendment. Determination by the Maritime Safety Committee of the dates referred to in this sub-paragraph (o)(iii) of this paragraph shall be by a two-thirds majority of those present and voting.

^{73/} Some delegations were of the opinion that all Contracting States not being Members of the Maritime Safety Committee should be entitled to participate and vote when the amendment is considered by the Maritime Safety Committee. Doubt was, however, expressed as to whether granting to a Contracting State not being an IMO Member the right to vote in the Maritime Safety Committee might conflict with the provisions of the IMO Convention.

^{74/} See footnote 66/

(v) The amendment shall enter into force with respect to all Contracting States except those which before it enters into force make a declaration that they do not accept the amendment provided that a Contracting State may exempt itself from giving effect to the provisions of the amendment for a period not exceeding twelve months from the date of entry into force of that amendment. ^{75/}

(vi) Notwithstanding the provisions of this sub-paragraph the Maritime Safety Committee may, by a majority of those present and voting decide that any particular amendment to an Appendix to an Annex shall be effected by the procedures laid down in sub-paragraph (b) of this paragraph.

(d) Addition of new Annexes:

The adoption of a new Annex shall be effected by the same procedures as are provided for in sub-paragraphs (b) (i) and (ii) of this paragraph. Such new Annex shall enter into force in accordance with the provisions stipulated in Article 16(2).

(4) Amendment by a Conference: ^{76/}

(a) The Organization may convene a Conference of Contracting States to consider amendments to the present Convention.

(b) Upon the request of a Contracting State, concurred in by at least one-third of the Contracting States, a Conference of Contracting States shall be convened by the Organization to consider amendments to the present Convention.

(c) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Contracting States shall be communicated by the Organization to all such States for their acceptance.

^{75/} See footnote 61/

^{76/} One delegation suggested that detailed procedures for adoption and bringing into force of amendments referred to in sub-paragraphs (c) - (f) of this paragraph should be left to the Conference and therefore should be deleted.

(d) Such amendment shall be brought into force in accordance with the procedures laid down for amendment after consideration in the Organization:

- (1) in sub-paragraphs (3)(a)(iii)-(v) of this Regulation, in respect of amendment to the Articles;
- (ii) in sub-paragraphs (3)(b)(iii)-(v) and (vii)-(viii) of this Regulation, in respect of amendment to an Annex;
- (iii) in sub-paragraphs (3)(c)(iii)-(vi) of this Regulation, in respect of amendment to an Appendix to an Annex; and
- (iv) in sub-paragraph (3)(d) of this Regulation, in respect of addition of a new Annex,

provided that a reference in these provisions to the Assembly or the Maritime Safety Committee shall be taken to mean a reference to the Conference.

- (e) By a two-thirds majority of those present and voting, the Conference may determine at the time of its adoption that an amendment is of such an important nature that any Contracting State which, before it enters into force, makes a declaration that it does not accept the amendment and which does not accept it within a period of twelve months after it enters into force shall cease to be a party to the present Convention upon expiry of that period. 17/
- (f) In the case of an amendment to an optional Annex, a reference in this sub-paragraph to a Contracting State or a party to the present Convention shall be taken to mean a reference to a party to that Annex.

(5) The Organization shall inform all Contracting States of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.

(6) Any acceptance, declaration or objection under this Article shall be made by notification in writing to the Organization which shall notify all Contracting States of the receipt of any such notification and the date of such receipt.

17/ See footnote 63/

Article 18

Denunciation

- (1) The present Convention or any optional Annex may be denounced by any Contracting State at any time after the expiry of [five] years from the date on which the Convention or such Annex enters into force for that State.
- (2) Denunciation shall be effected by the deposit of an instrument with the Organization which shall inform all the other Contracting States of any such instrument received and of the date of its receipt.
- (3) A denunciation shall take effect [twelve] months, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Organization.

Article 19

Territories^{78/}

- [(1)] The United Nations, in cases where they are the administering authority for a territory or any Contracting State responsible for the international relations of a territory may at any time by notification in writing to the Organization extend the application of the present Convention to such territory.
- (2) The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.
- (3) Any notification made in accordance with paragraph (1) of this Article may be withdrawn in respect of any territory mentioned in that notification and the extension of the present Convention to that territory shall cease to apply after [one] year or such longer period as may be specified at the time of the withdrawal.
- (4) The Organization shall inform all the Contracting States of the notification of any extension or withdrawal of an extension communicated under this Article.⁷

^{78/} Some delegations suggested the deletion of this Article.

Article 20

Deposit and Registration

(1) The present Convention shall be deposited with the Organization and the Secretary-General of the Organization shall transmit certified true copies thereof to all Signatory States and to all States which accede to the present Convention.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article 21

Languages

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON 1973.

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

CHAPTER I

GENERAL

Regulation 1

Definitions

For the purposes of this Annex:

- (1) "Oil" means petroleum in any form including crude oil, residual fuel oil, sludge, oil refuse and refined products (other than petrochemicals, which are subject to the provisions of Annex II of the present Convention) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to this Annex.^{1/}
- (2) "Oily mixture" means a mixture with any oil content.
- (3) "Oil fuel" is any oil used as fuel in connexion with the propulsion and auxiliary machinery of a ship.
- (4) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces, and includes combination carriers such as ore-bulk-oil and ore-oil carriers.
- (5) "New ship" means a ship:
 - (a) for which the building contract is placed, or in the absence of a building contract,^{2/} the keel of which is laid, or which is at a similar stage of construction on or after the date of entry into force of the present Convention; or
 - (b) the delivery of which is [three/five]^{3/} years or more after the date of entry into force of the present Convention; or

^{1/} (1) Some delegations considered that animal and vegetable oils should also be included in this definition.

(11) Some delegations suggested that two lists should be provided, one for persistent oil and the other for non-persistent oil.

^{2/} One delegation suggested that the words "in the absence of a building contract" should be deleted.

^{3/} Of those expressing an opinion, preference was divided between three and five years.

- (c) a major conversion of which is commenced on or after the date of entry into force of the present Convention.
- (6) "Existing ship" means a ship which is not a new ship.
- (7) "Major conversion"^{4/} means a conversion of an existing ship:
- (i) which so increases dimensions or capacities that the ship, if it were a new ship, would become subject to relevant provisions of the present Convention not applicable to it as an existing ship; or
 - (ii) which changes the type of the ship; or
 - (iii) the intent of which in the opinion of the Administration is substantially to prolong its life.
- (8) "International voyage"^{5/} means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; [and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.]^{6/}
- (9) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established [in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958,]^{7/} except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

^{4/} One delegation suggested the addition of the following words: "in order to avoid compliance with the requirements of this Annex for new ships."

^{5/} Some delegations considered that the examination of various Regulations might lead to the need for defining terms such as "international water" or "proceeding to the sea".

^{6/} Some delegations proposed the deletion of the words within square brackets.

^{7/} Some delegations proposed deletion of the reference to the 1958 Geneva Convention because that Convention is not in force for the majority of States and because its provisions may come to be modified by the UN Conference on the Law of the Sea, convened pursuant to Resolution 2750C(XIV) of the UN General Assembly.

latitude 11° South, longitude $142^{\circ}08'$ East to a point in latitude $10^{\circ}35'$ South, longitude $141^{\circ}55'$ East - thence to a point latitude $10^{\circ}00'$ South, longitude $142^{\circ}00'$ East, thence to a point latitude $9^{\circ}10'$ South, longitude $143^{\circ}52'$ East, thence to a point latitude $9^{\circ}00'$ South, longitude $144^{\circ}30'$ East, thence to a point latitude $13^{\circ}00'$ South, longitude $144^{\circ}00'$ East, thence to a point latitude $15^{\circ}00'$ South, longitude $146^{\circ}00'$ East, thence to a point latitude $18^{\circ}00'$ South, longitude $147^{\circ}00'$ East, thence to a point latitude $21^{\circ}00'$ South, longitude $153^{\circ}00'$ East, thence to a point on the coast of Australia in latitude $24^{\circ}42'$ South, longitude $153^{\circ}15'$ East.

- (10) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to its peculiar transportation traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required. Special areas are those listed in Regulation 12 of this Annex.
- (11) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant.
- (12) "Tank" means that part of the permanent structure of a ship which is designed for the carriage of liquid in bulk.
- (13) "Wing tank" means any tank adjacent to the side shell plating.
- (14) "Centre tank" means any tank inboard of a longitudinal bulkhead.
- (15) "Slop tank" means a tank specifically designated for the collection of tank drainings, tank washings, sludge and other oily mixtures.
- (16) "Clean ballast" means the ballast in a tank which since oil was last carried therein, has been so cleaned that effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day would produce no visible traces of oil on the surface of the water or on adjoining shore lines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines. If the tank from which ballast is discharged is fitted with an oil content monitoring arrangement approved by the Administration, evidence based on such an arrangement to the effect that the oil content of the effluent did not exceed [15] parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces.

- (17) "Segregated ballast" means the ballast water which is introduced into a tank or compartment permanently allocated to the carriage of ballast or cargoes other than oil and which is completely separated from the cargo oil and oil fuel system.
- (18) "Length" (L) is 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater.^{8/} In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (L) shall be measured in metres.
- (19) "Forward and after perpendiculars" shall be taken at the forward and after ends of the length (L). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.
- (20) "Amidships" is at the middle of the length (L).
- (21) "Breadth" (B) is the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material. The breadth (B) shall be measured in metres.
- (22) "Deadweight" (DW) means the difference between the displacement of a ship at summer load waterline and the light weight of the ship in metric tons.
- (23) "Lightweight" means the displacement of a ship in metric tons without cargo, oil fuel, lubricating oil, ballast and freshwater in tanks and passengers and their effects.
- (24) "Permeability" of a space means the ratio of the volume within that space which can be occupied by water to the total volume of that space.
- (25) "Volumes" and "areas" shall be calculated in all cases to moulded lines.

^{8/} One delegation suggested a modification of the definition of L so as not to penalize ships with twin screws and twin rudders.

Regulation 2

Application

- (1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships other than stationary ships^{9/} for which only Regulation 26 of this Annex shall apply.
- (2) In ships other than oil tankers fitted with cargo spaces which are capable of carrying oil in bulk of [200] cubic metres or above, the requirements of this Annex for oil tankers, except those of Regulations 13, 22, 23, 24(2) and (3) and 25 shall apply to the construction and operation of those spaces.
- (3) Where a cargo of noxious substances other than oil which are subject to the provisions of Annex II of the present Convention is carried in a cargo space of an oil tanker, the appropriate requirements of Annex II of the present Convention shall apply.
- (4) (a) Any hydrofoil, air-cushion vehicle and similar high speed craft^{10/} whose constructional features are such as to render the application of any of the provisions of Chapters II and III of this annex relating to the construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the Administration is satisfied that the construction and equipment of that ship provides equivalent protection for the prevention of pollution by oil, having regard to the service for which it is intended, and that they are acceptable to the Governments of the States to be visited by the ship.
 - (b) Particulars of any such exemption granted by the Administration shall be indicated in the Certificate referred to in Regulation 5 of this Annex.
 - (c) The Administration which allows any such exemption shall communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Contracting Governments for their information.

^{9/} The term "stationary ships" might need to be improved. Further consideration should also be given to the implications of extending the requirements for fixed platforms to other stationary craft.

^{10/} Consideration should be given to developing a more suitable text for defining novel type of craft.

Regulation 3

Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus, to be fitted, or any other provision to be made in a ship, other than that required by this Annex if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or provision, is at least as effective as that required by this Annex.

(2) The Administration which allows a fitting, material, appliance or apparatus, or provision, other than that required by this Annex shall communicate to the Organization for circulation to the Contracting Governments particulars thereof, together with a report of any trials made.

Regulation 4

Inspection and Survey

(1) Every oil tanker of [150] tons gross tonnage and above, and every other ship of [400] tons gross tonnage and above shall be subject to the surveys and inspections specified below:

- (a) A survey before the ship is put in service or before the certificate required under Regulation 5 of this Annex is issued for the first time, which shall include a complete inspection of its structure and equipment in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the arrangements and material fully comply with the applicable requirements of this Annex.
- (b) A periodical survey at intervals specified by the Administration, but not exceeding five years which shall be such as to ensure that the structure, equipment arrangements and material fully comply with the applicable requirements of this Annex.
- (c) A periodical inspection at intervals specified by the Administration, but not exceeding two years,^{11/} which shall be such as to ensure that

^{11/} Some delegations suggested that a two-month extension of the date of periodical inspection should be granted.

the equipment and associated pumps and pipings, including oil discharge monitoring and control systems, fully comply with the applicable requirements of this Annex and is in good working order.

Such periodical inspection shall be endorsed on the International Oil Pollution Prevention Certificate (1973) issued under Regulation 5 of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subjected to the provisions of paragraph (1) of this Regulation in order to ensure that the provisions of this Annex are complied with.

(3) The survey and inspection of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the survey and inspection either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the survey and inspection.

(4) After any survey of the ship under this Regulation has been completed, no change shall be made in the structure, equipment, arrangements or material covered by the survey without the sanction of the Administration, except the direct replacement of such equipment.

Regulation 5

Issue of Certificate

(1) An International Oil Pollution Prevention Certificate (1973) shall be issued to any oil tanker of [150] tons gross tonnage and above and any other ships of [400] tons gross tonnage and above which are engaged on international voyages, after survey to such ship in accordance with the provisions of Regulation 4 of this Annex.

(2) Such Certificates shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the certificate.

Regulation 6

Issue of a Certificate by Another Government

- (1) A Contracting Government may, at the request of another Contracting Government, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Oil Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.
- (2) A copy of the certificate and a copy of the survey report shall be transmitted as early as possible to the requesting Government.
- (3) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is entitled to fly, and it shall have the same force and receive the same recognition as the certificate issued under Regulation 5 of this Annex.
- (4) No International Oil Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State the Government of which is not a Contracting Government.

Regulation 7

Form of Certificates

- (1) The Certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.
- (2) The forms of the Certificates to be issued to oil tankers and to ships other than oil tankers shall correspond to those of the models given in Parts A and B of Appendix II to this Annex respectively.

Regulation 8

Duration and Cancellation of Certificate

- (1) An International Oil Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue.

(2) If, after the periodical survey referred to in Regulation 4(1)(b) of this Annex, a new Certificate cannot be issued to the ship before the expiry of the certificate originally issued, the person or organization carrying out the survey may extend the validity of the original Certificate for a period of which shall not exceed five months. This extension shall be endorsed on the Certificate, and shall be granted only where there have been no alterations in the structure, equipment and arrangements.^{12/}

(3) A Certificate shall cease to be valid if alterations have taken place in the arrangement, construction, equipment and material required without the sanction of the Administration, except the direct replacement of such equipment, and shall be cancelled by the Administration.

(4) A Certificate issued to a ship by the Administration shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (5) of this Regulation.

(5) Upon transfer of a ship to the flag of another State, the Government of which is a Contracting Government, the International Oil Pollution Prevention Certificate (1973) shall remain in force for a period not exceeding three months or until the Administration issues another International Oil Pollution Prevention Certificate (1973) to replace the former, whichever is earlier. The Contracting Government of the State whose flag the ship was entitled to fly hitherto shall transmit to the Administration as soon as possible after the transfer takes place a copy of the Certificate carried by the ship at the time of transfer.

[Regulation ...

Reports on Incidents Involving Significant 13/
Spillages of Oil

^{12/} One delegation suggested that the wording similar to Regulation 14 of Chapter I of the 1960 Safety Convention should be used in lieu of the wording of the 1966 Load Line Convention used in the existing text.

^{13/} Depending on the final text of Article 7 to be adopted by the Conference, there might be a need to include appropriate requirements in this Annex.

CHAPTER II

REQUIREMENTS FOR CONTROL OF
OPERATIONAL POLLUTION

Regulation 9

Control of Discharge of Oil^{14/}

(1) Subject to the provisions of Regulation 10 of this Annex,^{15/} any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker:

- (i) the tanker is proceeding en route;
- (ii) the tanker is more than [50]^{16/} nautical miles from the nearest land;
- (iii) the tanker is not within any of the areas defined in Regulation 1(10) of this Annex;
- (iv) the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

^{14/} There was a reasonable division of opinion among delegations on the need to develop special requirements under this Regulation for non-persistent oil. A proposed approach of dealing with this matter submitted by several delegations is shown on page 92 of this document as an addendum to this footnote. Time did not permit examination of this proposal in any depth.

^{15/} Some delegations suggested the insertion of the following words at the beginning of the paragraph:

"Without prejudice to more stringent regulations which a coastal State may make [within the limits of national jurisdiction /in respect of areas under its jurisdiction/ in respect of waters under its jurisdiction].

^{16/} Some delegations considered that it would be desirable to revise the various figures shown in brackets in this Regulation, since in their view technical advances make possible a significant reduction in the amount of oil being discharged from ships and a greater "distance from land" requirement would represent reasonable tightening of the 1969 Amendments requirements. These delegations further suggested substitution of the following figures for those in square brackets in this Regulation, believing these figures to be technically achievable and highly desirable with respect to the protection of the marine environment: 100 nautical miles in sub-paragraph (1)(a)(ii) and 30 litres per nautical mile in sub-paragraphs (1)(a)(iv) and (1)(b)(iii).

- (v) the total quantity of oil discharged into the sea which may be permitted only during the first or second voyages following unloading of the cargo^{17/} shall not exceed:
- (1) for the new tankers^{18/} of less than [100,000] tons deadweight and for existing tankers^{18/} [1/15,000]^{19/} of the total quantity of the cargo which the residue formed a part; and
 - (2) for new tankers^{18/} of [100,000] tons deadweight or more, [1/30,000]^{19/} of the total quantity of the cargo of which the residue formed a part;
- (vi) the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex;
- (vii) the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex.

The discharge of oil or oily mixture, other than mixture equivalent to clean ballast, from machinery space bilges, excluding cargo pump room bilges, shall be governed by sub-paragraph (b) of this paragraph;

- (b) for a ship other than an oil tanker:
- (a) the ship is proceeding en route;
 - (ii) the oil content of the discharge is less than [100] parts of oil per 1,000,000 parts of effluent;
 - (iii) the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

^{17/} The wording "during the first and second voyages following unloading of the cargo" would require improvement to cover all eventualities.

^{18/} Some delegations proposed that there should be no distinction of the maximum quantity as between new and existing ships.

^{19/} One delegation considered that the figures shown in the text would create an anomaly as between ships slightly below and above 100,000 tons deadweight and therefore an interpolation formula should be used.

- (iv) the discharge is made as far as practicable from the land, but in no case less than [10] nautical miles from the nearest land^{20/};
- (v) the ship, if of [] tons gross tonnage or above, is not within any of the areas defined in Regulation 1(10) of this Annex;
- (vi) the ship has in operation an oil discharge monitoring and control system or oily water separating equipment or other installation as required by Regulation 16 of this Annex.

(2) Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate requirements of Regulation 12 of this Annex.

(3) []^{21/}

(4) The discharge shall not contain chemicals or other substances which are hazardous to the marine environment. The discharge shall not contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(5) The provisions of sub-paragraph (1)(a) of this Regulation shall not apply to the discharge of clean or segregated ballast provided that any such discharge which has been contaminated with oil to a level above that which would be permitted as clean ballast shall be treated as oily mixture and shall comply with the provisions of paragraph (1) of this Regulation.

20/ Several delegations suggested that exemption should be granted from the [10] nautical mile requirement in the case of small ships such as those less than [400] tons gross tonnage or those which are engaged only on coastal voyages.

21/ There was unanimous agreement among the delegations that it would be desirable to include a provision facilitating enforcement of paragraphs (1) and (2) of this Regulation, provided that such a provision could be cast in terms compatible with the various legal systems in Contracting States. It was therefore determined that a paragraph in the draft Annex should be reserved for such a provision. However, no agreement was reached on the legal principles to form the basis of such a provision. It was agreed that this matter should be studied by interested Governments prior to the Conference, so that an informed decision can be made at that time. The following provisions were submitted by various delegations for consideration by interested Governments:

(continuation of footnote 21/)

- (i) Evidence of visible traces of oil on or below the surface of the water in the vicinity of a ship or its wake shall be cause for investigation by appropriate officials of Contracting States of all relevant facts, including wind and sea conditions and the track and speed of the ship, bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 12 of this Annex, as applicable. If on the basis of the facts developed in the investigation, the visible traces can reasonably be attributed to a discharge from that ship, evidence of such traces and facts shall [solely for the purpose of imposing monetary penalties] be sufficient to establish a violation of this Regulation or Regulation 12 of this Annex, as applicable, unless probative evidence is presented that the ship did not discharge oil or that any discharge of oil did not violate the provisions of this Regulation or Regulation 12.
- (ii) Modify the text in (i) above by inserting between the first and second sentences the following: "Any Contracting State may adopt the following rule of evidence:"
- (iii) If it is proven that oil, making visible traces on or below the surface of the water in the vicinity of a ship or its wake, has been discharged from that ship, a violation of this Regulation or Regulation 12 of this Annex, as applicable, shall be deemed to have been committed, unless probative evidence is presented that the discharge of oil did not violate the provisions of this Regulation or Regulation 12.
- (iv) Evidence of visible traces of oil on or below the surface of the water in the vicinity of the ship or its wake which, taking into account existing wind and sea conditions and the track and speed of the ship, may reasonably be attributed to a discharge from that ship, shall be evidence sufficient to establish a violation of this Regulation or Regulation 12 of this Annex, as applicable unless probative evidence is presented that the ship did not discharge oil or that any discharge of oil did not violate the provisions of this Regulation or Regulation 12.

Regulation 10

Exception

Regulation 9 of this Annex shall not apply to:

- (a) the discharge of oil or oily mixture from a ship necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) the escape of oil or oily mixture resulting from damage to a ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or
- (c) the discharge into the sea of substances containing oil, approved by the Administration, when being used as dispersants for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

Regulation 11

Methods to effect the Control of Discharge
of Oil from Oil Tankers

(1)^{22/} Every oil tanker shall operate under such methods as appropriate to comply with the discharge criteria specified in Regulation 9 of this Annex. To this end the following operating methods shall apply, subject to the provisions of paragraphs (2) and (3) of this Regulation and Regulation 12 of this Annex:

- (a) segregated ballast tanks specified in Regulation 13 of this Annex;
- (b) retention of oil on board specified in Regulation 15 of this Annex;
- (c) in-port disposal to shore-reception facilities specified in Regulation 20 of this Annex.

22/ Depending on the decisions by the Conference on Regulation 9 relating to a possible inclusion of special discharge criteria for non-persistent oil, this paragraph might require modification (see Footnote 14 under Regulation 9).

(2)^{23/} Every oil tanker (excluding combination carriers) of [150,000] tons deadweight and above and every combination carrier of [100,000] tons deadweight and above, for which the building contract is placed on or after [1 January 1978]^{24/} or in the absence of a building contract^{25/} the keel of which is laid or which is at a similar stage of construction on or after [1 January 1980]^{24/}, or the delivery of which is on or after [1 January 1981]^{24/}, shall be designed, constructed and equipped in compliance with the requirements of Regulation 13 of this Annex.^{26/}

(3) As from the date of the entry into force of the present Convention every oil tanker shall be capable of operating under both the methods specified in sub-paragraphs (1)(b) and (1)(c) of this Regulation to the standards and requirements of Regulation 9(1)(a) of this Annex, except for the requirements of Regulation 9(1)(a)(vi) and 9(1)(a)(vii) of this Annex which shall be provided before the expiry of a period of [2] years from that date.

23/ Several delegations were of the opinion that there should be no mandatory requirements for segregated ballast tankers and therefore the paragraph should be deleted.

24/ Some delegations were of the opinion that the dates should be 1 January 1976, 1 January 1976 and 1 January 1979 respectively. The United States stated that the dates indicated in the draft would fail to meet the objectives of the Conference decided by the Assembly Resolution A.237(VII) and Recommendation 92 of the Stockholm Conference.

25/ Some delegations suggested the deletion of the words "or the absence of a building contract".

26/ Some delegations suggested that further consideration should be given to the possible inclusion of wording such as "This requirement shall not apply to oil tankers which do not normally carry water ballast in their cargo tanks and which in their particular route and due to their design have the facility to dispose of their dirty ballast, tank washings and slops in accordance with the discharge criteria and those operating in special areas."

Regulation 12

Methods for the Prevention of Oil Pollution from
Oil Tankers while Operating in Special Areas

(1) Special Areas

- (a) For the purposes of this Annex special areas shall include the Mediterranean Sea, Baltic Sea and Black Sea.
- (b) Each Contracting Government of a State, the coastline of which borders on any of the special areas defined in Regulation 1(10) of this Annex, shall take appropriate measures in order to achieve the earliest adoption of the following methods for preventing oil pollution in respect of areas under its jurisdiction^{27/}.
- (c) Every oil tanker while operating in any special area, as defined in Regulation 1(10) of this Annex and listed in sub-paragraph (a) of this paragraph, shall be subject to the applicable provisions of this Regulation.

(2) The Mediterranean Sea^{28/}

The oil pollution prevention by oil tankers in the Mediterranean Sea, recognized as a special area, will be effected as follows:

- (a) oil tankers, while operating in the Mediterranean Sea, shall retain on board all oil drainage and sludge, dirty ballast and tank washing waters and, [if proceeding to:
 - oil loading terminals
 - repair ports
 - sea water courses with a low depth contour which may require ballast lightening],shall discharge them only to shore reception facilities to be provided [there], as appropriate, by Contracting Governments.

^{27/} It was recognized that the words "under its jurisdiction" were inappropriate and would require revision. In this connexion one delegation suggested the following alternative wording:

"(b) Each Contracting Government of a State, the coastline of which borders on any of the special areas defined in Regulation 1(10) of this Annex, shall take appropriate measures within its jurisdiction to achieve the earliest adoption of the following methods for preventing oil pollution."

^{28/} Some delegations were of the opinion that there should be one single set of requirements for all the special areas listed in sub-paragraph (1)(a) of this Regulation.

- (b) Each Contracting Government, not later than [1 January 1977], shall provide every oil loading terminal, repair ports and entrances to sea water courses with a low depth contour under its jurisdiction^{27/}, located in the Mediterranean Sea, with facilities adequate for the reception and treatment of all the dirty ballast and tank washings waters from tankers.

During the period between the entry into force of the present Convention (if earlier than [1 January 1977]) and [1 January 1977] oil tankers, while navigating in the Mediterranean Sea, shall comply with the requirements of Regulation 13 of this Annex. After [1 January 1977] oil tankers loading in the Mediterranean ports, where such facilities are not yet available, shall comply with the requirements of Regulation 11 of this Annex until such facilities become available.

- (c) After 1 January 1977 each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned all cases where the facilities are alleged to be inadequate.^{29/}

- (3) Baltic Sea)
(4) Black Sea) [to be prepared]^{30/}

^{29/} Consideration should be given to the inclusion of an additional paragraph on similar lines to Regulation 20(2). This might include an obligation on Contracting Governments to furnish information to the Organization and keep it up to date on the facilities available in their loading terminals and repair ports. This provision might be included in paragraph (2)(c) of this Regulation or elsewhere in the Convention, perhaps in Article 11. (see footnote 48 under that Article).

^{30/} It was noted that preparatory work was being carried out by coastal states concerned on proposals for the Baltic Sea which might be submitted to the Conference.

Regulation 13

Segregated Ballast Oil Tankers

(1) Oil tankers provided with segregated ballast tanks in accordance with paragraph (2) of Regulation 11 of this Annex shall comply with the requirements of this Regulation. ^{31/} ^{32/}

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages under weather and sea conditions it may normally be expected to encounter having regard to its draught, freeboard, stability and manoeuvrability without recourse to the use of oil tanks for water ballast. ^{33/}

^{31/} One delegation expressed the view that segregated ballast capacity for oil tankers trading solely within [150] miles between oil loading and oil delivering terminals should be left to the option of the Administration. The segregated ballast capacity and operational range to be indicated on the corresponding certificate.

^{32/} One delegation expressed the view that oil tankers applying solely the in-port disposal system as referred to in Regulation 11(1)(c) should be exempt from any requirement for segregated ballast. Such an exemption to be indicated on the corresponding certificate.

^{33/} (i) Several delegations were in favour of specifying double bottom construction as an anti-pollution measure in the event of stranding by adding the following sentence. "This segregated ballast capacity shall be achieved in part by fitting throughout the cargo length a double bottom height of at least B/15".

(ii) One delegation proposed the height of double bottom be deduced to B/21 if the tanker is fitted with a double skin throughout the cargo length.

(iii) One delegation suggested that this sentence, if incorporated, should be included in Chapter III of this Annex as it would relate primarily to the minimization of accidental spills.

(3) The capacity of the segregated ballast tanks shall be such as to achieve in the ballast condition a minimum forward draught of $[0.025L]^{34/}$ and an after draught to ensure adequate propeller and rudder immersion provided that:

(a) the provisions of paragraph (2) of this Regulation are met; and

[(b)^{35/}(i) in oil tankers and combination carriers between 150,000 tons deadweight and 500,000 tons deadweight, the draught shall be such as to correspond to not less than [45] per cent and [30] per cent of the full load displacement respectively. (Intermediate values to be linearly interpolated.)

(ii) in combination carriers between 100,000 tons deadweight and 150,000 tons deadweight the draught shall be such as to correspond to not less than [45] per cent of the full load displacement.

(iii) in oil tankers and combination carriers greater than 500,000 tons deadweight, the draught shall be such as to correspond to not less than [30] per cent of the full load displacement.]

^{34/} These values are based upon classification society rules and present tanker practices. They do not reflect any experience or features of segregated ballast designs. Consideration should be given to the acceptance of a formula which would require draughts equal to lower percentages of length for large tankers and higher percentages of length for smaller tankers.

^{35/} The problem with specifying minimum ballast draught levels solely as a function of a principal dimension such as length would encourage the development of vessels of unusual proportions, not for operating reasons, but to circumvent the need to provide adequate segregated ballast capacity, i.e. "paragraph ships". Admittedly, calling out minimum ballast levels as a function of displacement or deadweight has its pitfalls. It is also admitted that to perhaps be able to call out the segregated ballast level simply in terms of draught would be optimum but only if one can develop a required ballast draught as a function of certain parameters or combinations thereof, without giving incentive to minimize segregated levels below those considered necessary. For example it may be the ballast draught can be expressed in terms of such parameters as L/D , L/d , propeller diameter divided by draught, etc. such that the development of "paragraph ships" can be obviated. This development remains to be done.

(4) Any oil tanker which is not subject to the provisions of Regulation 11(2) of this Annex shall be qualified as a segregated ballast tanker referred to in Regulation 11(1)(a) of this Annex provided that it complies fully with the requirements of paragraphs (1), (2) and according to the size, paragraph (3) of this Regulation or the following: In oil tankers (excluding combination carriers) less than [150,000] tons deadweight and combination carriers less than [100,000] tons deadweight, the capacity of the segregated ballast tanks shall be such as to achieve in the ballast condition a minimum forward draught of [0,025L]^{34/} and an after draught to ensure adequate propeller and rudder immersion provided that:

- (a) the provisions of paragraph (2) of this Regulation are met; and
- [(b) ^{35/} in no case will the draught be such as to correspond to a ballast displacement less than [45] per cent of the full load displacement.]

(5) Where abnormally severe weather conditions render it necessary to carry additional water ballast in oil tanks, such ballast water shall be processed and disposed of in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 21 of this Annex.^{36/}

Regulation 14

Segregation of Oil and Water Ballast in Ships Other than Oil Tankers

(1) In new ships, other than oil tankers, of not less than [4,000] tons gross tonnage, no ballast water shall be carried in any oil fuel tank or in any cargo tank which has not been cleaned in compliance with the provisions of Regulation 1(16) of this Annex.

^{36/} Some delegations suggested that provisions should be included in this Regulation for sealing the valves for ballast water pipes to cargo oil tanks, so that whenever these valves were used to carry additional ballast in cargo oil tanks in exceptional circumstances, the broken seals may be taken as an indication that such cargo oil tanks had contained the ballast water contaminated with oil.

(2) Where abnormal conditions render it necessary to carry ballast water in any oil fuel tank or in any cargo deep tank which has not been cleaned in compliance with the provisions of Regulation 1(16) of this Annex, such ballast water shall be disposed of in shore reception facilities or in accordance with the requirements of Regulation 9(1)(b) of this Annex, and an entry shall be made in the [Oil Record Book].

(3) Except for oil tankers, new ships of less than [4,000] tons gross tonnage and all existing ships shall comply with the requirements of paragraphs (1) and (2) of this Regulation as far as reasonable and practicable.

Regulation 15

Retention of Oil on Board

(1) Where it is intended that the control of discharge of oil under Regulation 11 of this Annex shall be effected by the retention of slops and tank washings on board, oil tankers of [150] tons gross tonnage and above shall be provided with arrangements in accordance with the requirements of this Regulation.

(2) The ship shall be provided with adequate means for cleaning the cargo tanks and with means for the transference of the dirty oil ballast residue and washings from the cargo tanks into a slop tank or reception tank approved by the Administration.

(3) (a) In this system arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way that the oil content of any effluent is such as to comply with the provisions of Regulation 9 of this Annex.

(b) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by the tank washings and dirty oil ballast residue but the total shall be not less than [3] per cent of the oil carrying capacity of the ship, except that, where arrangements involving the use of additional water, such as eductors, are not fitted the Administration may accept [2] per cent. Oil tankers over [100,000] tons deadweight shall be provided with at least two slop tanks.

- (c) Slop tanks shall be so designed particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with the water.
 - (d) The tanker shall be fitted with an [automatic] oil content monitoring arrangement^{31/} approved by the Administration to check the quality of any effluent discharged to the sea in the "once through system" or decanted from any cargo tank, slop tank or reception tank in which ballast water or tank washings are allowed to settle either when the recirculatory system is used or when the discharge of residue ashore is intended. [The meter shall be fitted with a recording device to provide a permanent record of the oil content of the discharge.]
 - (e) An efficient and effective oil/water interface detector approved by the Administration shall be provided for a rapid and accurate determination of the oil/water interface.
 - (f) The operation of this system shall be in accordance with an operational manual approved by the Administration and intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Regulation 9 of this Annex.
- (4) Where it is intended that the control of discharge of oil under Regulation 11 of this Annex shall be effected by the retention of oil on board with subsequent discharge to shore of all contaminated washings, the total quantity of oil and water used for washing and returned to a storage tank shall be recorded in the Oil Record Book. This total quantity shall be discharged to the shore unless adequate arrangements are made to ensure that any settled water which is allowed to run to the sea is effectively monitored to ensure that the provisions of Regulation 9 of this Annex are complied with.

^{31/} One delegation suggested that a visual indicator should additionally be required.

Regulation 16

Oil Discharge Monitoring System and Oily Water Separating
Equipment in Ships other than Oil Tankers

- (1) Any ship of [10,000]^{38/} tons gross tonnage and above shall be fitted with an oil discharge monitoring system to comply with the provisions of paragraph (5) of this Regulation.^{39/}
- (2) Any ship of [400] tons gross tonnage and above shall be fitted with an oily water separating or filtering system complying with the provisions of paragraph (4) of this Regulation.
- (3) The Administration shall ensure that ships of less than [400] tons gross tonnage are equipped with installations, as far as practicable, in order to retain on board or discharge oil or oily mixture in accordance with the requirements of Regulation 9(1)(b) of this Annex.^{40/}
- (4) An oily water separating system shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the separator shall have an oil content of not more than [100] parts per million. In considering the design of such equipment, the Administration shall have regard to the specification set out in Part A of the Recommendation annexed to Resolution A.233(VII) adopted by the Assembly of the Organization.
- (5) An oil discharge monitoring [and control] system shall be of a design approved by the Administration and shall be such as will ensure that the discharge of oily mixture is automatically stopped when the discharged mixture contains 100 parts per million or more of oil. In considering the design of the oil content meter that is to be incorporated into the design of such a system the Administration shall have regard to the specification set out in Part B of the Recommendation annexed to Resolution A.233(VII) adopted by the Assembly of the Organization. [The meter shall be fitted with a recording device to provide a permanent record of the oil content of the discharge.]

38/ Views on the size limitations were widely divided.

39/ Some delegations expressed doubts on the need to include this paragraph.

40/ Some delegations pointed out this paragraph would need improvement as the requirements do not appear fully compatible with Regulation 9(1)(b).

Regulation 17

Tanks for Oil Residues (Sludge)

Every ship of [400] tons gross tonnage and above^{41/} shall be provided with tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oily residues (sludges) resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces. For all new ships, and insofar as is reasonable and practicable, for all existing ships, such tanks shall be designed and constructed so as to facilitate their cleaning and discharge of residues to reception facilities.

Regulation 18

Pumping and Piping Arrangements of Oil Tankers for the Discharge to Reception Facilities or to the Sea

- (1) In every oil tanker, pipelines for the discharge of dirty water ballast and/or oil contaminated water to shore or floating reception facilities shall be led to the open deck on both sides of the ship.
- (2) In every oil tanker, pipelines for the discharge to the sea of effluent which may be permitted under Regulation 9 of this Annex shall be led to the open deck or to the ship's side above the waterline in the heaviest ballast condition.
- (3) In [new]^{42/} oil tankers remote control of the pumps for discharge pipes referred to in paragraphs (1) and (2) of this Regulation shall be provided at a position where the discharge pipes are under visual supervision.

^{41/} Some delegations suggested the use of horsepower of the propelling machinery in lieu of gross tonnage.

^{42/} Some delegations considered that this requirement should apply to new and existing ships.

Regulation 19

Standard Shore Connection

To enable pipes of shore reception facilities to be connected with the ship's pipe discharge line for residues from machinery bilges, both lines shall be fitted with a standard shore connection in accordance with the following table:

Standard dimensions of flanges for discharge pipes

| Description | Dimension |
|--|--|
| Outside diameter | 215 mm |
| Inner diameter | According to pipe outside diameter |
| Bolt circle diameter | 183 mm |
| Slots in flange | 6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm |
| Flange thickness | 20 mm |
| Bolts and nuts: quantity, diameter | 6, each of 20 mm in diameter and of suitable length. |
| The flange is designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, shall be suitable for a service pressure of 6 kg/cm ² . | |

Regulation 20

Reception Facilities

(1) Each Contracting Government shall take appropriate steps to ensure the provision of facilities at oil terminals and in other ports in which ships have oily residues to discharge for the reception of such residues and oily mixtures as remain for disposal from oil tankers and other ships without causing undue delay to ships and according to the needs of the ships using them.

(2) Each Contracting Government shall determine to which of its ports and oil terminals paragraph (1) of this Regulation shall apply.

(3) As regards paragraph (1) of this Regulation each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned all cases where the facilities are alleged to be inadequate.

Regulation 21

Oil Record Book

(1) Every oil tanker of [150] tons gross tonnage and above and every ship other than oil tankers, of [400] tons gross tonnage and above^{43/} shall be provided with an Oil Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix III of this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

(a) For oil tankers

- (i) loading of oil cargo;
- [(ii) transfer of oil cargo during voyage;]
- [(iii) opening of the sluice valves at the cargo tank bulkheads at the loading terminals;]
- (iv) discharge of oil cargo;
- [(v) closing of the sluice valves at the cargo bulkheads at the loading terminals;]
- (vi) ballasting of cargo tanks;
- (vii) cleaning of cargo tanks;
- (viii) discharge of ballast except from segregated ballast tanks;
- (ix) discharge of water from slop tanks;

^{43/} Some delegations suggested that for smaller ships some simplified form for oil records should be provided by means of either a simplified Oil Record Book, special entries in the log book or other appropriate means decided by the Administration.

[(x) disposal of residues];

(xi) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(b) For ships other than oil tankers

[(i) ballasting or cleaning of bunker tanks or oil cargo spaces;

(ii) discharge of ballast or cleaning water from tanks referred to under (i) of this sub-paragraph;

(iii) disposal of residues];

(iv) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(3) In the event of such discharge or escape of oil or oily mixture as is referred to in Regulation 9 of this Annex, a Statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge or escape.

(4) Each operation described in paragraph (2) of this Regulation shall be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and when the ship is manned, by the master of the ship. The written entries in the Oil Record Book shall be in an official language of the State the flag of which the ship is entitled to fly and^{44/} in English or French^{45/}.

(5) Oil Record Books shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

^{44/} Some delegations suggested the use of the word "or" in lieu of "and". Other delegations suggested that the entry in the Oil Record Book should be either English or French, or the national language and English or French.

^{45/} Some delegations considered that this requirement should apply to ships above a certain size which may be either gross tonnage or deadweight. Other delegations considered that this requirement should apply to ships engaged on international voyages.

(6) The competent authorities of a Contracting Government may inspect on board any ship to which the present Convention applies while within a port or at any loading terminal under its jurisdiction the Oil Record Book required to be carried in the ship in compliance with the provisions of this Regulation, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be unduly delayed.

CHAPTER III

REQUIREMENTS FOR MINIMIZING OIL POLLUTION FROM OIL TANKERS
DUE TO SIDE AND BOTTOM DAMAGES

Regulation 22

Damage Assumptions

For the purpose of calculating hypothetical oil outflow from oil tankers, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the ship are assumed as follows. In the case of bottom damages two conditions are set forth to be applied individually to the stated portions of the oil tanker.

(a) Side damage

(i) Longitudinal extent (l_c): $\frac{1}{3}L^{\frac{2}{3}}$ or 14.5 metres,
whichever is less

(ii) Transverse extent (t_c): $\frac{B}{5}$ or 11.5 metres,
(inboard from the
ship's side at right
angles to the centre-
line at the level of
the summer load line)
whichever is less

(iii) Vertical extent (v_c): from the base line
upwards without limit

(b) Bottom damage

| | For 0.3L from the forward perpendi- cular of ship | Any other part of ship |
|--------------------------------------|---|--|
| (i) Longitudinal extent (l_s) | $\frac{L}{10}$ | $\frac{L}{10}$ or 5 metres, whichever is less |

| | | |
|-------------------------------------|---|----------|
| (ii) Transverse extent (t_s) | $\frac{B}{6}$ or 10 metres, whichever is less but not less than 5 metres | 5 metres |
|-------------------------------------|---|----------|

| | | |
|--|---|--|
| (iii) Vertical extent from the base line (v_s): | $\frac{B}{15}$ or 6 metres, whichever is less | |
|--|---|--|

Regulation 23

Hypothetical Outflow of Oil

(1) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) shall be calculated by the following formulae with respect to compartments breached by damage to all conceivable locations along the length of the ship to the extent as defined in Regulation 22 of this Annex.

(a) for side damages:

$$O_c = \sum W_i + \sum K_i C_i \quad (I)$$

(b) for bottom damages:

$$O_s = \frac{1}{3} (\sum Z_i W_i + \sum Z_i C_i) \quad (II)$$

where: W_i = volume of a wing tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; W_i for a segregated ballast tank may be taken equal to zero,

C_i = volume of a centre tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; C_i for a segregated ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{t_c}$; when b_i is equal to or greater than t_c , K_i shall be taken equal to zero,

$Z_i = 1 - \frac{h_i}{v_s}$ when h_i is equal to or greater than v_s , Z_i shall be taken equal to zero,

b_i = width of wing tank in metres under consideration,

h_1 = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted h_1 shall be taken equal to zero,

t_c = transverse extent of side damage as defined in Regulation 22 of this Annex,

v_s = vertical extent of bottom damage as defined in Regulation 22 of this Annex.

(2) If a void space or segregated water ballast tank of a length less than ℓ_c as defined in Regulation 22 of this Annex is located between wing oil tanks, $\frac{46}{O_c}$ in formula (I) may be calculated on the basis of volume W_1 being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied by S_1 as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_1 = 1 - \frac{\ell_1}{\ell_c}$$

where: ℓ_1 = length in metres of void space or segregated ballast tank under consideration.

- (3) (a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.
- (b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the bottom damage shall be included in formula (II) even if the tank is not considered breached because of the installation of such a partial double bottom.

46/ One delegation suggested to extend the formula in this paragraph to supply also to centre tank void spaces.

- (c) Suction wells may be neglected in the determination of the value h_1 provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h_1 shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connexion to the tank served to prevent oil outflow in the event of damage to the piping. Such piping shall be installed as high from the bottom shell as possible.

- (4) In the case where bottom damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = \frac{1}{4} (\sum Z_1 W_1 + \sum Z_1 C_1) \quad (\text{III})$$

- (5) An Administration may credit as reducing oil outflow in case of bottom damage, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation, oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of O_s according to formula (III). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the bottom damage v_s .

The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other Contracting Governments.

Regulation 24

Limitation of Size and Arrangement of Cargo Tanks

(1) Every new oil tanker shall comply with the provisions of this Regulation. Every existing oil tanker shall be required, within two years after the date of entry into force of the present Convention, to comply with the provisions of this Regulation, where such a tanker falls into either of the following categories:

(a) a tanker, the delivery of which is after 1 January [1977];
or

(b) a tanker to which both the following conditions apply:

(i) delivery is not later than 1 January [1977]
and

(ii) the building contract is placed after 1 January [1972], or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 30 June [1972].^{47/}

(2) Cargo tanks of oil tankers shall be of such size and arrangements that the hypothetical outflow O_c or O_s calculated in accordance with the provisions of Regulation 23 of this Annex anywhere in the length of the ship does not exceed 30,000 cubic metres or $400 \sqrt[3]{DW}$, whichever is the greater, but subject to a maximum of 40,000 cubic metres.

^{47/} The dates shown in this sub-paragraph require further examination, particularly in view of the fact that some of these dates will be prior to the 1973 Conference.

(3) The volume of any one wing cargo oil tank of an oil tanker shall not exceed seventy-five per cent of the limits of the hypothetical oil outflow referred to in paragraph (2) of this Regulation. The volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres.

(4) The length of each cargo tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) where no longitudinal bulkhead is provided:

$$0.1L$$

(b) where a longitudinal bulkhead is provided at the centreline only:

$$0.15L$$

(c) where two or more longitudinal bulkheads are provided:

(i) for wing tanks:

$$0.2L$$

(ii) for centre tanks:

(a.a) if $\frac{b_1}{B}$ is equal to or greater than 1/5:

$$0.2L$$

(b.b) if $\frac{b_1}{B}$ is less than 1/5:

- where no centreline longitudinal bulkhead is provided:

$$(0.5 \frac{b_1}{B} + 0.1) L$$

- where a centreline longitudinal bulkhead is provided:

$$(0.25 \frac{b_1}{B} + 0.15) L$$

Regulation 25

Subdivision and Stability^{48/}

(1) Every new oil tanker shall comply with the subdivision and damage stability criteria as specified in paragraph (3) of this Regulation after the assumed side or bottom damage as specified in paragraph (2) of this Regulation, for any operating draught reflecting actual partial or full load conditions consistent with trim and strength of the ship as well as specific gravities of the cargo. Such damage shall be applied to all conceivable locations along the length of the ship as follows:

- (a) in ships of more than 225 metres in length, anywhere in the ship's length;
- (b) in ships of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located aft. The machinery space shall be treated as a single floodable compartment;
- (c) in ships not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For ships of 100 metres or less in length where all requirements of paragraph (3) of this Regulation cannot be fulfilled without materially impairing the operational qualities of the ship, Administrations may allow relaxations from these requirements.

Ballast conditions where the ship is not carrying oil in cargo tanks excluding any oily residues, shall not be considered.

^{48/} The possible implications of the requirements of this Regulation on the design of segregated ballast tankers should be investigated.

(2) The following provisions regarding the extent and the character of the assumed damage shall apply:

- (a) the extent of side or bottom^{49/} damage shall be as specified in Regulation 22 of this Annex.^{50/} If any damage of lesser extent would result in a more severe condition such damage shall be assumed;
- (b) where the damage involving transverse bulkheads is envisaged as specified in sub-paragraphs (1)(a) and (b) of this Regulation, transverse watertight bulkheads shall be spaced at least at a distance equal to the longitudinal extent of assumed damage specified in Regulation 22(a)(i) of this Annex, in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage shall be assumed as non-existent for the purpose of determining flooded compartments.
- (c) Where the damage between adjacent transverse watertight bulkheads is envisaged as specified in sub-paragraph (1)(c) of this Regulation, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks shall be assumed damaged, unless:
 - (i) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage specified in Regulation 22(a)(i) of this Annex;
 - or

49/ Several delegations considered that the adoption of bottom damage length as drafted in Regulation 22(b) of this Annex has resulted in a conflict with the requirements for the spacing of transverse bulkheads as specified in sub-paragraphs (b) and (c) of this paragraph with regard to side damage. Investigations should be made, therefore, on the implications of using the bottom damage length given in Regulation 22(b) in this context, particularly with reference to such damage within forward 0.3L of the ship.

50/ Although many delegations preferred the assumed longitudinal extent of side damage as provided for in the 1960 Safety Convention, it was considered expedient to use the longitudinal extent referred to in Regulation 22 of this Annex only for the sake of consistency throughout the Marine Pollution Convention.

(ii) there is a step or a recess in a transverse bulkhead of more than 3.05 metres in length, located within the extent of penetration of assumed damage: the step formed by the after peak bulkhead and after peak tank top shall not be regarded as a step for the purpose of this Regulation.

(d) If pipes, ducts or tunnels are situated within the assumed extent of damage, arrangements shall be made so that progressive flooding cannot thereby extend to compartments other than those assumed to be floodable for each case of damage.

(3) Oil tankers shall be regarded as complying with the damage stability criteria if the following requirements are met:

(a) The final waterline taking into account sinkage, heel and trim shall be below the lower edge of any opening through which progressive flooding may take place. Such openings shall include air pipes and those which are closed by means of weathertight doors or hatch covers, and may exclude those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding shall not exceed 25 degrees, provided that this angle may be increased up to 30 degrees if no deck edge immersion occurs.

(c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre. The Administration shall give consideration to the potential hazard presented by protected or unprotected openings which may become temporarily immersed within the range of residual stability.

(d) The Administration shall be satisfied that the stability is sufficient during intermediate stages of flooding.

(4) The requirements of paragraph (1) of this Regulation shall be confirmed by calculations which take into consideration the design characteristics of the ship, the arrangements, configuration and contents of the damaged compartments as well as distribution, specific gravities and the free surface effect of liquids. The calculations shall be based on the following:

(a) Account shall be taken of any empty or partially filled tank, the specific gravity of cargoes carried, as well as any outflow of liquids from damaged compartments.^{51/}

(b) The permeabilities are assumed as follows:

| <u>Spaces</u> | <u>Permeability</u> |
|---------------------------------|--------------------------|
| Appropriated to Stores | 0.60 |
| Occupied by Accommodation | 0.95 |
| Occupied by Machinery | 0.85 |
| Voids | 0.95 |
| Intended for consumable liquids | 0 or 0.95 ^{**/} |
| Intended for other liquids | 0 to 0.95 ^{**/} |

^{*/} Whichever results in the more severe requirements.

^{**/} The permeability of partially filled compartments shall be consistent with the amount of liquid carried.

- (c) The buoyancy of any superstructure directly above the side damage shall be disregarded. The unflooded parts of superstructures beyond the extent of damage, however, may be taken into consideration provided that they are separated from the damaged space by watertight bulkheads and the requirements of sub-paragraph (3)(a) of this Regulation in respect of these intact spaces are complied with. Hinged watertight doors may be acceptable in watertight bulkheads in the superstructure.
- (d) The free surface effect shall be calculated at an angle of heel of 5 degrees for each individual compartment. The Administration may require or allow the free surface corrections to be calculated at an angle of heel greater than 5 degrees for partially-filled tanks.
- (e) In calculating the effect of free surfaces of consumable liquids it shall be assumed that, for each type of liquid at least one transverse pair or a single centre line tank has a free surface and the tank or combination of tanks to be taken into account shall be those where the effect of free surfaces is the greatest.

^{51/} Further study should be carried out to assess the effect of outflow of liquids from damaged compartments.

(5) The Master of every oil tanker and the person in charge of a non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:

- (a) information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this Regulation; and
- (b) data on the ability of the ship to comply with damage stability criteria as determined by this Regulation, including the effect of relaxations that may have been allowed under sub-paragraph (1)(c) of this Regulation.

Pumping and Piping Arrangements for Cargo Transfer^{52/7}

Regulation 26

Ships which are Stationary

(1) Any discharge into the sea of oil or oily mixtures from ships which are stationary shall be prohibited except when the following conditions are satisfied:

- (a) the effluent is equivalent to clean ballast as defined in Regulation 1(16) of this Annex; and
- (b) the stationary ship is not within any of the areas defined in Regulation 1(10) of this Annex.

52/ (1) Several delegations suggested that consideration should be given to a need for a regulation that appropriate arrangements should be made to provide ashore equipment capable of transferring cargo from compartments in the case of accidents to oil tankers.

- (ii) Some delegations suggested the inclusion of the following regulation:
- "Each new oil tanker of not less than size limit shall be equipped with self-contained fixed or portable pumping and piping arrangements capable of pumping cargo from the damaged compartment, beginning from the upper layers of the cargo, to another compartment or outside the ship.

(2) Stationary ships, when located in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate requirements of Regulation 12 of this Annex.^{53/}

(3) [^{754/} If the tank from which water or oily mixture is discharged is fitted with an oil content monitoring arrangement approved by the Administration, evidence based on such an arrangement to the effect that the oil content of the effluent did not exceed [15] parts per million shall be determinative that the provisions of the Convention have not been violated.

(4) The discharge shall not contain chemicals or other substances which are hazardous to the marine environment. The discharge shall not contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(5) Paragraph (1) of this Regulation shall not apply to:

- (a) the discharge of oil or oily mixture from a stationary ship necessary for the purpose of securing the safety of the structure or saving life at sea; or
- (b) the escape of oil or oily mixture resulting from damage to a stationary ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or
- (c) the discharge into the sea of substances containing oil, approved by the Administration, when being used as dispersants for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

(6) Stationary ships shall be equipped, as far as practicable, with installations in order to retain on board or discharge oil or oily mixture in accordance with the requirements of paragraph (1) of this Regulation to the satisfaction of the Administration.

^{53/} Consideration should be given to the extension of Regulation 12 to cover requirements for fixed platforms.

^{54/} See footnote ^{21/} under Regulation 9(3) of this Annex.

- (7) A tank or tanks of adequate capacity shall be provided to receive any oily residues resulting from the purification of oil if such purification is carried out on the stationary ship.
- (8) At least one pipeline for the discharge of oil contaminated water to a reception facility, if such discharge is to be made, shall be led to a reasonably accessible area of the stationary ship.
- (9) To enable pipes at reception facilities to be connected with the stationary ship's pipe discharge line, if provided, for oily residues, both lines shall be fitted with a standard connection in accordance with Regulation 19 of this Annex.
- (10) The Administration shall establish appropriate measures in regard to inspection and survey to ensure that the provisions of this Regulation are complied with.
- (11) Every stationary ship shall keep a record of all operations involving oil or oily mixture discharges. This record shall be in a form acceptable to the Administration.
- (12) The notification procedure set out in Article 7 of the present Convention shall apply to all incidents which have given or may give rise to discharge of oil, exceeding [] metric tons. Such reports shall contain details of the description and quantity of oil released or has escaped and any other useful information as appropriate.

APPENDIX I TO ANNEX I

LIST OF OILS TO WHICH ANNEX I OF
THE PRESENT CONVENTION APPLIES ^{55/}

For the purposes of the present Convention, Oil as defined in Regulation 1 of this Annex includes, but is not limited to:

| | |
|---|---------------------------------|
| Asphalt | Jet Fuels: |
| Asphalt Blending Stocks: | JP-1 (Kerosene) |
| Roofers Flux | JP-3 |
| Straight Run Residue | JP-4 |
| Creosote | JP-5 (Kerosene, Heavy) |
| Distillates: | Kerosene |
| Straight Run | Latex, Liquid Synthetic |
| Flashed Feed Stocks | Mineral Spirits |
| Gas Oil: | Naphtha: |
| Cracked | Solvent |
| Gasoline Blending Stocks: | Stoddard Solvent |
| Alkylates | Varnish Makers & Painters (75%) |
| Reformates | Oils: |
| Gasolines: | Clarified |
| Casinghead (natural) | Crude Oil |
| Automotive (containing not over 4.23 grams lead per gallon) | Diesel Oil |
| Aviation (containing not over 4.86 grams lead per gallon) | Fuel Oils: |
| Polymer | No. 1 (Kerosene) |
| Straight Run | No. 1-D |
| | No. 2 |
| | No. 2-D |

(i) This list was submitted by one delegation. Its contents have not been examined in depth.

(ii) Several delegations suggested that the list should be divided into two categories, one for persistent oils and the other for non-persistent oils (see the Addendum to footnote 14 under Regulation 9(1)).

| | |
|-------------------------------|--------------------|
| Oils (cont'd) | Resinous Petroleum |
| Fuel Oils: (cont'd) | Rosin |
| No. 4 | Spindle |
| No. 5 | Spray |
| No. 6 | Tall |
| Residual | |
| Road | Turbine |
| Transformer | Petrolatum |
| Miscellaneous Oils, including | Petroleum Naphtha |
| Absorption | Waxes: |
| Aromatic | Carnauba |
| Coal Tar | Paraffin |
| Heartcut Distillate | |
| Lubricating | |
| Mineral Seal | |
| Mineral | |
| Motor | |
| Penetrating | |
| Range | |

APPENDIX II TO ANNEX I

Forms of International Oil Pollution Prevention
Certificates (1973)

A. CERTIFICATE FOR OIL TANKERS

International Oil Pollution Prevention Certificate (1973)
(Oil Tankers)

(Official Seal)

Issued under the Provisions of the International Convention for the Prevention
of Pollution from Ships, 1973, under the Authority of the Government of

.....
(full designation of the country)

.....
(full designation of the competent person or organization
recognized under the provisions of the International Convention
for the Prevention of Pollution from Ships, 1973)

| Name of Ship | Distinctive Number or Letter | Port of Registry | Gross Tonnage |
|--------------|------------------------------|------------------|---------------|
| | | | |

Date on which keel was laid or ship was in a similar stage of construction:

.....

Date of building contract:

Date on which a major conversion is commenced:

Date of delivery:

It is certified that:

(1) The ship is

(a) required to be constructed according to and complies with*

(b) not required to be constructed according to*

(c) not required to be constructed according to, but complies with*

the requirements of Regulation 24 of Annex I of the said Convention.

(2) The capacity of segregated ballast tanks is^{56/}..... cubic metres
This satisfies the requirements of Regulation 13(3)^{56/}

* Delete as appropriate

56/This part might require amendments, depending on the decision of the Conference on the final text of Regulation 13(3).

- (3) The ship is provided with arrangements for:
- (a) the load on top system,*
 - (b) the retention of oil on board for subsequent discharge ashore,*
and equipped with:
 - (c) an oil discharge monitoring and control system,*
 - (d) a specified slop tank. *

THIS IS TO CERTIFY

That the ship has been surveyed in accordance with Regulation 4 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey showed that the condition of the construction and equipment of the ship was in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the said Convention.

* Delete as appropriate

This Certificate is valid until
subject to periodical inspection in accordance with
Regulation 4 of Annex I of the said Convention.

Issued at
(Place of issue of certificate)

..... 19 ..
(Date of issue)

.....
(Signature of official issuing
the certificate and/or seal of
issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorized
by the said Government to issue this Certificate.

Periodical inspections

This is to certify that at a periodical inspection required by
Regulation 4(1)(c) of Annex I of the said Convention, this ship
was found to comply with the relevant provisions of the said
Convention.

Place

Date

Signature and/or Seal of issuing authority

Place

Date

Signature and/or Seal of issuing authority

The provisions of the Convention being fully complied with by this ship,
the validity of this certificate is, in accordance with Regulation 8(2)
of Annex I of the Convention, extended until

Place

Date

Signature and/or Seal of issuing authority

B. CERTIFICATE FOR SHIPS OTHER THAN OIL TANKERS

International Oil Pollution Prevention Certificate (1973)
(Ships other than Oil Tankers)

(Official Seal)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

.....
(full designation of the country)

by

.....
(full designation of the competent person or organization recognized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

| Name of Ship | Distinctive Number or Letter | Port of Registry | Gross Tonnage |
|--------------|------------------------------|------------------|---------------|
| | | | |

Type of ship:

Date on which keel was laid or ship was in a similar stage of construction:

Date of building contract:

Date of which a major conversion is commenced:

Date of delivery:

It is certified that the ship is equipped with asystem.

THIS IS TO CERTIFY

That the ship has been surveyed in accordance with Regulation 4 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey showed that the condition of the construction and equipment of the ship was in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the said Convention.

Particulars of requirements from which exemption is granted under Regulation 2(2) and 2(4)(b) of Annex I of the Convention:

.....
.....

This Certificate is valid until
subject to periodical inspection in accordance with Regulation 4 of Annex I of the said Convention.

Issued at
(Place of issue of certificate)

..... 19
(Date of issue)

.....
(Signature of official issuing
the certificate and/or seal of
issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorized by the said Government to issue this Certificate.

Periodical inspections

This is to certify that at a periodical inspection required by Regulation 4(1)(e) of Annex I of the said Convention, this ship was found to comply with the relevant provisions of the said Convention.

Place Date
Signature and/or Seal of issuing authority

Place Date
Signature and/or Seal of issuing authority

The provisions of the Convention being fully complied with by this ship, the validity of this certificate is, in accordance with Regulation 8(2) of Annex I of the Convention, extended until

Place Date
Signature and/or Seal of issuing authority

APPENDIX III TO ANNEX I

FORM OF OIL RECORD BOOK^{57/}

I - FOR OIL TANKERS

Name of ship

Total cargo carrying capacity of ship in cubic metres

Voyage from to

(a) Loading of oil cargo

| | | | |
|-------------------------------|--|--|--|
| 1. Date and place of loading | | | |
| 2. Types of oil loaded | | | |
| 3. Identity of tank(s) loaded | | | |

(b) Transfer of oil cargo during voyage

| | | | |
|---------------------------------------|----|------|--|
| 4. Date of transfer | | | |
| 5. Identity of tank(s) | i | From | |
| | ii | To | |
| 6. Was(were) tank(s) in 5(i) emptied? | | | |

(c) Discharge of oil cargo

| | | | |
|-----------------------------------|--|--|--|
| 7. Date and place of discharge | | | |
| 8. Identity of tank(s) discharged | | | |
| 9. Was(were) tank(s) emptied? | | | |

^{57/} The draft is a reproduction of the Form as adopted in A.175(VI) and would require amendments in the light of draft Regulation 21 of this Annex. It may be found expedient to add some provision in Appendix IV to allow Contracting Governments to accept a simplified form of oil record book for very small ships, mainly on coastal voyages. The need for this depends upon the minimum size of ships to be specified in Regulation 21 of this Annex.

(d) *Ballasting of cargo tanks*

| | | | |
|--|--|--|--|
| 10. Identity of tank(s) ballasted | | | |
| 11. Date and position of ship at start of ballasting | | | |

(e) *Cleaning of cargo tanks*

| | | | |
|-----------------------------------|--|--|--|
| 12. Identity of tank(s) cleaned | | | |
| 13. Date and duration of cleaning | | | |
| 14. Methods of cleaning* | | | |

(f) *Discharge of dirty ballast*

| | | | |
|--|--|--|--|
| 15. Identity of tank(s) | | | |
| 16. Date and position of ship at start of discharge to sea | | | |
| 17. Date and position of ship at finish of discharge to sea | | | |
| 18. Ship's speed(s) during discharge | | | |
| 19. Quantity discharged to sea | | | |
| 20. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s)) | | | |
| 21. Date and port of discharge into shore reception facilities (if applicable) | | | |

* Hand hosing, machine washing or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.

(g) Discharge of water from slop tanks

| | | | |
|---|--|--|--|
| 22. Identity of slop tank(s) | | | |
| 23. Time of settling from last entry of residues, or | | | |
| 24. Time of settling from last discharge | | | |
| 25. Date, time and position of ship at start of discharge | | | |
| 26. Sounding of total contents at start of discharge | | | |
| 27. Sounding of interface at start of discharge | | | |
| 28. Bulk quantity discharged and rate of discharge | | | |
| 29. Final quantity discharged and rate of discharge | | | |
| 30. Date, time and position of ship at end of discharge | | | |
| 31. Ship's speed(s) during discharge | | | |
| 32. Sounding of interface at end of discharge | | | |

(h) Disposal of residues

| | | | |
|--|--|--|--|
| 33. Identity of tank(s) | | | |
| 34. Quantity disposed from each tank | | | |
| 35. Method of disposal of residue: (a) Reception facilities (b) Mixed with cargo (c) Transferred to another(other) tank(s) (identify tank(s)) (d) Other method | | | |
| 36. Date and port of disposal of residue | | | |

(i) *Discharge overboard of bilge water containing oil which has accumulated in machinery spaces (including pump rooms) whilst in port**

| | | | |
|---|--|--|--|
| 37. Port | | | |
| 38. Duration of stay | | | |
| 39. Quantity disposed | | | |
| 40. Date and place of disposal | | | |
| 41. Method of disposal (state whether a separator was used) | | | |

(j) *Accidental or other exceptional discharges of oil*

| | | | |
|--|--|--|--|
| 42. Date and time of occurrence | | | |
| 43. Place or position of ship at time of occurrence | | | |
| 44. Approximate quantity and type of oil | | | |
| 45. Circumstances of discharge or escape and general remarks | | | |

..... Signature of Officer or Officers in charge of operation concerned

..... Signature of Master

* Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through separator".

II - FOR SHIPS OTHER THAN OIL TANKERS

Name of ship.....

(a) Ballasting or cleaning of bunker fuel tanks

| | | | |
|--|--|--|--|
| 1. Identity of tank(s) ballasted | | | |
| 2. Whether cleaned since they last contained oil and, if not, type of oil previously carried | | | |
| 3. Date and position of ship at start of cleaning | | | |
| 4. Date and position of ship at start of ballasting | | | |

(b) Discharge of dirty ballast or cleaning water from tanks referred to under (a)

| | | | |
|---|--|--|--|
| 5. Identity of tank(s) | | | |
| 6. Date and position of ship at start of discharge | | | |
| 7. Date and position of ship at finish of discharge | | | |
| 8. Ship's speed(s) during discharge | | | |
| 9. Method of discharge (state whether separator used) | | | |
| 10. Quantity discharged | | | |

(c) Disposal of residue

| | | | |
|--|--|--|--|
| 11. Quantity of residue retained on board | | | |
| 12. Methods of disposal of residue: (a) reception facilities (b) mixed with next bunkering (c) transferred to another(other) tank | | | |
| 13. Date and port of disposal of residue | | | |

(d) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port*

| | | | |
|---|--|--|--|
| 14. Port | | | |
| 15. Duration of stay | | | |
| 16. Quantity disposed | | | |
| 17. Date and place of disposal | | | |
| 18. Method of disposal (state whether separator was used) | | | |

(e) Accidental or other exceptional discharges of oil

| | | | |
|--|--|--|--|
| 19. Date and time of occurrence | | | |
| 20. Place or position of ship at time of occurrence | | | |
| 21. Approximate quantity and type of oil | | | |
| 22. Circumstances of discharge or escape and general remarks | | | |

..... Signature of Officer or Officers
in charge of operations concerned

..... Signature of Master

* Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through a separator".

ADDENDUM TO FOOTNOTE 14/

The delegations of Denmark, France, Federal Republic of Germany, Netherlands, Norway, Sweden and the United Kingdom are of the opinion that the treatment proposed for the black oil (persistent) group in Regulation 9 is not appropriate for the white oil (non-persistent) group, the actual hazards of which have not been adequately evaluated.

(a) Black oils because of their persistence can travel on the surface of the water for some distance under the action of winds and currents. The controls of effluents in Regulation 9 (60 litres per mile) ensure that crude oil tank washing and other discharges do not pollute and the 50 mile requirement for these effluents provides a very large margin for the protection of shallow areas and beaches in the area if the stipulated discharge criteria are inadvertently exceeded.

(b) White oils even when discharged in substantial quantity in the open sea have very short lived persistence as evidenced by the recent tests by the United Kingdom off Milford Haven (PCMP/4/33). These tests involved the discharge of gas oil and gasoline at rates and concentrations which would never be reached in operational practice (the rates were as high as 50m³ and 30m³ per mile respectively). The heavy gas oil, the least volatile of the white oil group, produced only trace indications 2½ hours after the discharge when only a small quantity (between 2% and 12% of the original discharge) remained in the sea at a concentration below 0.5 ppm in the sub-surface layers. A similar test with gasoline, with its higher evaporative rate, produced no discernible traces either on the surface or in the water column in 60 minutes from the discharge, the discharge, in this time, having vaporised completely. The residues in the water are considered to be no more harmful probably than substances in Annex II, Category C.

(c) Retention procedures appropriate for the carriage of crude oils are not applicable for white oils since it is inadvisable to mix retained product residues with subsequent cargoes.

Nevertheless it is believed that some sensible control should be imposed upon white oil discharge to the sea in order to prevent malpractice and to ensure

that no pollution of the sea is produced when such discharge takes place by regulating the discharge in a way which will aid its natural evaporation and dispersal.

The basis on which controls which the delegations consider would produce no pollution of the sea could, it is suggested, be produced by developing the following concepts:

- (1) Ships on final discharge of white oil cargoes shall strip the cargo tanks and drain lines ashore to the maximum extent practicable.
- (2) Lines shall not be flushed direct to sea but flushed back to appropriate cargo tanks.
- (3) Discharge to the sea of line flushings and/or tank wash water from cargo tanks shall only commence when there is water in the tank bottom of at least $\left[\frac{1}{100} \right]$ of the tank volume.
- (4) Such discharge to the sea should be at the minimum rate practicable by the ship's pumping arrangements.
- (5) Such discharge shall only be made when the tanker is at least $[\quad]$ miles from the nearest land, is in a given depth of water, and is proceeding en route at a specified minimum speed.

A preliminary division of the oils listed in Appendix to this Annex into Class I (persistent or black oils) and Class II (non-persistent or white oils) is attached for further consideration.

The delegations mentioned consider that the above procedure is more consistent with the proposals in Annex II for generally similar but, in some cases, more toxic substances than the petroleum products referred to here. If there is doubt as to the adequacy of the above procedure it is suggested that a representative selection of white oil products be put forward to GESAMP for expert assessment of the comparative hazards.

Addendum to Footnote 14/(continued)

APPENDIX

List of Oils in Category 1

Crude oils

Reconstituted Crude

Diesel Fuels

Marine Diesel Oils

Residual Fuel Oils

No. 4 Fuel

No. 5 Fuel

No. 6 Fuel

Bunker "C"

Asphalts

Coatings

Road Oils

Lubricating Oils

Automotive

Industrial

Cutting Oils

Transformer Oils

Lubricating Oil Blend Stocks

Bright stocks

Lubricating Oil Distillates

Solvent Neutral Oils

Lubricating Oil Additives

List of Oils in Category II

Natural Gas Liquids

Gasoline

Automotive
Aviation
Marine

Jet Fuels

JP 1
JP 3
JP 4
JP 5

Turbo Fuel

Intermediate Stocks

Gasoline Blending Stocks
Naphthas
Cracked Stocks
Alkylates - Fuel
Polymers - Fuel
Reformates

Petroleum Solvents
Synthetic Petroleum
White Spirit (PVM Naphtha)

Kerosines

Paraffin

Distillates

Gas Oils
Automotive Diesel
Heating Oils
Marine Gas Oil

Fuel Oil

No. 1 (Kerosine)
No. 2 (Distillates)

ANNEX II

REGULATIONS FOR THE CONTROL OF POLLUTION
BY NOXIOUS LIQUID SUBSTANCES IN BULK

Regulation 1

Definitions

For the purposes of this Annex:

- (1) "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk.
- (2) "Clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Categories A, B or C, has been cleaned and the residues resulting therefrom have been discharged in accordance with the appropriate requirements of Regulation 5 of this Annex.
- (3) "Nearest land" is as defined in Regulation 1(9) of Annex I to the present Convention.
- (4) "Liquid substance" means a substance having a vapour pressure not exceeding 2.8 kg/cm^2 at a temperature of 37.8°C .
- (5) "Noxious substance" means a harmful substance other than oil, sewage or garbage as defined in Annexes I, IV and V respectively.

Regulation 2

Application

- (1) Unless expressly provided otherwise the provisions of this Annex shall apply to all ships carrying noxious liquid substances in bulk other than stationary ships^{1/} for which only Regulation 12 of this Annex shall apply⁷.

^{1/} The term "stationary ships" might need to be improved. Further consideration should also be given to the implications of extending the requirements for fixed platforms to other stationary craft.

(2) Where chemical tankers carry a cargo of oil and/or discharge oil or oily mixtures the relevant requirements of Annex I shall also apply.

Regulation 3

Categorization and Listing of
Noxious Substances

(1) For the purpose of the Regulations of this Annex, except Regulation 11, noxious liquid substances shall be divided into three categories. The guidelines used in the categorization of noxious substances are given in Appendix I to this Annex:

- (a) Category A - Substances which if released into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of special measures to prevent their escape into the marine environment.
- (b) Category B - Substances which when released into the sea from tank cleaning or deballasting operations may present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures.
- (c) Category C - Substances which when released into the sea from tank washing and deballasting operations may present a minor hazard to either marine resources or human health or cause minor harm to amenities or other uses of the sea and therefore require special operational conditions.

(2) The list of noxious liquid substances carried in bulk and presently categorized which are subject to the provisions of this Annex is set out in Appendix II to this Annex.

(3) Where it is proposed to carry a liquid substance in bulk, which has not been categorized under paragraph (1) of this Regulation, nor evaluated as

referred to in Regulation 4 of this Annex, the Contracting Governments involved shall establish and agree on a provisional categorization on the basis of the guidelines referred to in paragraph (1) of this Regulation and thus establish conditions for the carriage of the substance. ^{1/}Until full agreement between the Governments involved has been reached, the substance shall be carried under the most severe conditions proposed^{2/}. As soon as possible, but not later than 90 days after its first carriage, the Administration concerned shall notify the Organization and provide details of the substance and the provisionally assigned category for prompt circulation to all Contracting Governments for their information and consideration^{2/}.

Regulation 4

Other Liquid Substances

(1) The substances listed in Appendix III to this Annex have been evaluated and found falling outside the Categories A, B and C as defined in Regulation 3(1) of this Annex because they, when released into the sea from tank washing or deballasting operations, are presently considered to present negligible or no harm to human health or marine resources or amenities or other legitimate uses of the sea.

(2) The discharge of bilge or ballast water or other residues or mixtures containing substances referred to in paragraph (1) above shall not be subject to any requirements of this Annex^{3/}.

Regulation 5

Discharge of Noxious Substances

Subject to the provisions of Regulation 6 of this Annex,

(1) The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such

^{2/} This paragraph should be reviewed in the light of Article 17(3)(c).

^{3/} One delegation expressed the view that this paragraph should be reviewed to ensure that it is compatible with the Ocean Dumping Convention.

substances, shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is at or below the residual concentration^{4/} prescribed for that substance in Appendix II to this Annex and the tank is as empty as practicable. Provided that the residue then remaining in the tank is subsequently diluted by the addition of a volume of water of not less than [5] % of the total volume of the tank, it may be discharged to the sea when all the following conditions are also satisfied:^{5/}

- (a) the ship is proceeding en route at a speed of at least 7 knots [4 knots for barges];
- (b) the procedures and arrangements for discharge shall be such as to assure the Administration^{6/ 7/} on the basis of reliable calculation, that the concentration of the substance shall be adequately further diluted when it reaches the wake immediately astern of the ship;
- (c) discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (d) the discharge is made at a distance of not less than [12] nautical miles from the nearest land in a depth of water of not less than [25] metres.

^{4/} Concentrations of 0.01% by weight for bioaccumulative substances and 0.1% by weight for other substances are to be specified in Appendix II.

^{5/} Some delegations suggested the insertion of the following words at the beginning of this sentence:

"Without prejudice to more stringent regulations which a coastal State may make [within the limits of national jurisdiction/ in respect of areas under its jurisdiction/ in respect of waters under its jurisdiction]."

^{6/} Some delegations felt that the Contracting Government of a receiving State should be substituted for the Administration.

^{7/} See draft Resolution 4

(2) The discharge into the sea of substances in Category B, as defined in Regulation 3(1)(b) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. However, such mixtures may be discharged when the following conditions are all satisfied^{8/}:

- (a) the ship is proceeding en route at a speed of at least 7 knots 4 knots for barge^{7/};
- (b) procedures and arrangements for the discharge shall be such as to assure the Administration^{9/} on the basis of reliable calculation, that the concentration of the substance discharged may be expected not to exceed 1 part per million in the wake immediately astern of the ship;
- (c) the maximum quantity of cargo discharged into the sea from each tank and its associated piping system does not exceed 1 cubic metre or 1/3,000 of the tank capacity in cubic metres, whichever is the greater;
- (d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and
- (e) the discharge is made with the ship not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(3) The discharge into the sea of substances in Category C, as defined in Regulation 3(1)(c) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. However, such mixtures may be discharged when the following conditions are all satisfied^{10/}:

^{8/} See footnote 5.

^{9/} See footnote 6.

^{10/} See footnote 5.

- (a) the ship is proceeding en route at a speed of at least 7 knots [4 knots for barges];
- (b) procedures and arrangements for the discharge shall be such as to assure the Administration^{11/} [7/] on the basis of reliable calculation that the concentration of the substance discharged may be expected not to exceed [10 parts per million] ^{12/} in the wake immediately astern of the ship;
- (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed [3] cubic metres or [1/1,000] of the tank capacity in cubic metres, whichever is the greater;
- (d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and
- (e) the discharge is made with the ship not less than [12] nautical miles from the nearest land and in a depth of water of not less than [25] metres.

(4) Approved ventilation procedures may be used to remove cargo residues from a tank provided that the Administration is satisfied that the results of such procedures will be at least equivalent to those obtained by the requirements of paragraphs (1), (2) or (3) of this Regulation, whichever is applicable.

(5) The discharge of substances which have not been categorized, provisionally categorized, or evaluated as referred to in Regulation 4 of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

^{11/} See footnote 6.

^{12/} (1) The criteria specified in sub-paragraphs (b), (c) and (e) of paragraphs (2) and (3) of this Regulation are interdependent and must be considered in relation to each other.

(11) One delegation was of the opinion that for a figure of 3 cubic metres in sub-paragraph (c) below, this concentration should be limited to 3 ppm.

(6) The discharge of clean ballast shall not be subject to the requirements of this Regulation.

Regulation 6

Exceptions

Regulation 5 of this Annex shall not apply to:

- (a) the discharge of noxious substances or mixtures containing such substances, necessary for the purpose of securing the safety of the ship or saving life at sea; or
- (b) the escape of noxious substances or mixtures containing such substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or
- (c) the discharge into the sea of noxious substances approved by a Contracting Government for the purpose of combating a specific pollution incident, when used for that purpose under the supervision of that Government, with a view to minimizing the possible general damage from the pollution.

Regulation []

Reports on Incidents Involving Release
or Escape of Noxious Substances 13/

Regulation 7

Reception Facilities

(1) Each Contracting Government shall take appropriate steps to ensure the provision of reception facilities according to the needs of ships using its terminals, ports, or repair ports:

13/ Depending on the final text of Article 7 to be adopted by the Conference, there might be a need to include appropriate requirements in this Annex.

- (a) cargo receiving and loading ports shall have facilities adequate for reception without undue delay to ships of such residues and mixtures containing noxious substances as would remain for disposal from ships carrying them, as a consequence of the application of this Annex;
 - (b) ship repair ports undertaking repairs to chemical tankers shall be provided with facilities adequate for the reception of residues and mixtures containing noxious substances for disposal.
- (2) Each Contracting Government shall determine and notify the Organization for each cargo receiving terminal and ship repair port in its territories the types of facilities provided for the purpose of sub-paragraph (1)(a) and (b) of this Regulation.
- (3) As regards paragraph (1) of this Regulation each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned, all cases where facilities are alleged to be inadequate.

Regulation 8

Measures of Control

Each Contracting Government shall appoint or authorize Surveyors whose duties shall include the inspection of ships for the purpose of implementing this Regulation.

Category A Substances

- (1) (a) If a tank is partially unloaded or unloaded but not cleaned, the Master shall make an appropriate entry in the Cargo Record Book;
 - (b) All subsequent cargo operations carried out in connexion with that tank shall also be entered in the Cargo Record Book.
- (2) If the tank is to be washed:
- (a) The affluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of cargo in the discharge, as indicated by analyses of samples of the effluent taken by the Surveyor, has fallen to the residual

concentration specified for that substance in Appendix II to this Annex. When the required residual concentration has been achieved, any remaining tank washings shall be discharged to the reception facility. Appropriate entries, (e.g. residual concentrations, tank washings discharged to the reception facility, etc.) of these operations shall be made in the Cargo Record Book and certified by the Surveyor;

- (b) After diluting the residue then remaining in the tank with at least 5% of the tank capacity of water, this mixture may be discharged at sea in accordance with the provisions of Regulation 5(1)(a), (b), (c) and (d) of this Annex. Appropriate entries of these operations shall be made in the Cargo Record Book.

(3) Where the Contracting Government of the receiving state is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Contracting Government may accept an alternative procedure as being equivalent to sub-paragraph (a) above, provided that:

- (a) a precleaning procedure for that tank and that substance has been developed and the Contracting Government is satisfied that such procedure will fulfil the provisions of Regulation 5(1) of this Annex;
- (b) a surveyor duly authorized by the Contracting Government shall certify in the Cargo Record Book that:
 - (i) the tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved precleaning procedure as referred to in paragraph (ii) below has been based;
 - (ii) precleaning has been carried out in accordance with the precleaning procedure approved by the Administration for that tank and that substance; and

- (iii) the tank washings resulting from such precleaning have been discharged to a reception facility and the tank is as empty as practicable.
- (c) the discharge of any remaining residues shall be in accordance with the provisions of paragraph (2)(b) of this Regulation and the Master makes an appropriate entry in the Cargo Record Book.

Categories B and C Substances

(4) Subject to such surveillance by the authorized Surveyor as may be deemed necessary by the Contracting Government, the Master of a vessel which has carried a Category B or C cargo shall ensure that the following operations are carried out:

- (a) If a tank is partially unloaded or unloaded but not cleaned, the Master shall make an appropriate entry in the Cargo Record Book.
- (b) If the tank is to be cleaned at sea, the Master shall:
 - (i) ensure that the cargo piping system serving that tank has been drained and that the appropriate entries have been made in the Cargo Record Book;
 - (ii) ascertain that the quantity remaining in the tank does not exceed the maximum quantity which may be discharged for that substance under Regulation 5(2)(c) of this Annex in the case of Category B and 5(3)(c) of this Annex for Category C substances, and make the appropriate entry in the Cargo Record Book^{14/};
 - (iii) ensure that, prior to discharge by the previously approved procedures, the necessary dilution to achieve a mixture satisfactory for such a discharge has been achieved and that the appropriate entries have been made in the Cargo Record Book;

^{14/} Some delegations were of the opinion that the requirements of this sub-paragraph should in all cases be witnessed by the Surveyor.

- (iv) ensure that, if any internal transfer of washings takes place from that tank, appropriate entries are made in the Cargo Record Book;
 - (v) ensure that any subsequent discharges of such washings are made in accordance with the requirements of Regulation 5 of this Annex for the Category of cargo within.
- (c) If it is decided to clean the tanks in port, the Master shall make appropriate entries in the Cargo Record Book indicating the location and disposition of the washings in accordance with the procedures approved by the Administration.

Discharge from a slop tank

- (5) Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category A substance, shall be discharged to a reception facility in accordance with the provisions of Regulation 5(1) of this Annex and an appropriate entry shall be made by the Master in the Cargo Record Book.
- (6) Any residues retained on board in a slop tank including those from pump room bilges, which contain substances of Category B or C in excess of the maximum quantities specified in Regulation 5(2)(c) of this Annex for substances of Category B and Regulation 5(3)(c) of this Annex for substances of Category C shall be discharged to a reception facility and an appropriate entry shall be made by the Master in the Cargo Record Book.

Regulation 9

Cargo Record Book

- (1) Every ship to which this Annex applies shall be provided with a Cargo Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix IV to this Annex.
- ∟(2) The Cargo Record Book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

- (i) loading of cargo
- (ii) transfer of cargo during the voyage
- (iii) discharge of cargo
- (iv) transfer of cargo, cargo residues, etc. to a slop tank
- (v) cleaning of cargo tanks
- (vi) discharge of slop tanks
- (vii) ballasting of cargo tanks
- (viii) discharge of ballast water^{7.15/}

(3) In the event of such discharge or escape of noxious liquid substances or mixture containing such substances as is referred to in Regulations 5 and 8 of this Annex, a Statement shall be made in the Cargo Record Book of the circumstances of, and the reason for, the discharge or escape.

(4) Each operation described in paragraph (2) of this Regulation shall be fully recorded without delay in the Cargo Record Book so that all the entries in the Book appropriate to that operation are completed. Each page of the Book shall be signed by the Officer or officers in charge of the operations concerned and when the ship is manned, by the Master of the ship. The written entries in the Cargo Record Book shall be in an official language of the relevant territory in respect of the ship, state the flag of which the ship is entitled to fly and^{16/} in English or French.

(5) Cargo Record Books shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be retained for a period of two years after the last entry has been made.

(6) The competent authority of a Contracting Government may inspect on board any ship to which the present Convention applies while within its port, the Cargo Record Book required to be carried in the ship in compliance with the

^{15/} This is a preliminary text which has been inserted only for the purpose of indicating the kinds of operations which will need to be covered. Further development will therefore be required.

^{16/} Some delegations suggested the use of the word "or" in lieu of "and". Other delegations suggested that the entry in the Oil Record Book should be either English or French, or the national language and English or French.

provisions of this Regulation, and may make a true copy of any entry in that Book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the Master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible without causing the ship to be unduly delayed.

Regulation 10

Certification and Documents

- (1) (a) A chemical tanker shall be subject to the instructions required by Regulation 11 of this Annex. In addition, the arrangements for discharge in accordance with Regulation 5 of this Annex shall be surveyed.
- (b) The Administration shall, after having satisfactorily surveyed a chemical tanker^{17/} issue a Certificate of Fitness for the Carriage of Noxious Chemicals in Bulk^{18/}. The Certificate shall be endorsed with details of any cargo tank washing procedures approved by the Administration in connexion with implementation of Regulation 5 of this Annex. Further, a note shall be inserted in the Cargo Record Book to the effect that the discharge arrangement according to Regulation 5 of this Annex has been approved by the Administration.
- (2) (a) A ship other than a chemical tanker, fitted with spaces for the carriage of noxious substances in bulk shall be subject to the surveys and inspections specified below:
 - (1) a survey before the ship enters service shall include an inspection of its structure and equipment insofar as the ship is covered by

^{17/} Consideration should be given to the need for formulating explicit requirements for surveys similar to those in paragraph (2) of this Regulation.

^{18/} Consideration should be given to the need for attaching a model form of this certificate.

this Annex. This survey shall be such as to ensure that the ship's arrangements fully comply with the requirements of this Annex.

- (ii) a periodical survey at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the arrangements continue to comply with the requirements of this Annex.
 - (iii) a periodical inspection at intervals specified by the Administration, but not exceeding two years^{19/}, which shall be such as to ensure that the equipment and associated pumps and pipings fully comply with the applicable requirements of this Annex and is in good working order.
- (b) The International Oil Pollution Prevention Certificate (1973) issued in pursuance of Regulation 5 of Annex I of the present Convention shall be endorsed to show that the ship has been surveyed in accordance with paragraph (2) of this Regulation and that the arrangements are such as to allow compliance with the provisions of this Annex.

Regulation 11

Requirements for Minimizing Accidental Pollution

- (1) The design, construction, equipment and operation of ships carrying in bulk noxious liquid substances which are subject to the provisions of this Annex shall be such as to minimize the uncontrolled release of such substances.
- (2) Pursuant to the provisions of paragraph (1) of this Regulation, each Contracting Government shall issue, or cause to be issued, detailed instructions on the design, construction, equipment and operation of such ships.

^{19/} Some delegations suggested that a two-month extension of the date of periodical inspection should be granted.

(3) In respect of chemical tankers, the instructions referred to in paragraph (2) of this Regulation shall contain at least all the provisions given in the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk^{20/} adopted by the Assembly of the Organization in Resolution A.212(VII)^{21/}.

Regulation 12

Requirements for Stationary Ships

√The discharge into the sea of any substance of Category A, B, or C as specified in Regulation 3(1) of this Annex, from any stationary ship or other craft operating in the marine environment, shall be prohibited^{7/}.

^{20/} The Code will be expanded to cover barges.

^{21/} Provision may need to be made for the adoption and implementation of future amendments to the Code. See draft Resolution 3.

APPENDIX I

GUIDELINES FOR CATEGORIZATION

Category A

Substances - Which are bioaccumulated and liable to produce a hazard to aquatic life or human health; or which are highly toxic to aquatic life as expressed by TLM less than 1 ppm; and additionally certain substances which are moderately toxic to aquatic life as expressed by a TLM greater than 1 and less than 10 ppm when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B

Substances - Which are bioaccumulated with a short retention of the order of one week or less; or which are liable to produce tainting of sea food; or which are moderately toxic to aquatic life as expressed by a TLM greater than 1 and less than 10 ppm; and additionally certain substances which are slightly toxic to aquatic life as expressed by a TLM greater than 10 and less than 100 ppm when particular weight is given to additional factors in the hazard profile or special characteristics of substance.

Category C

Substances - Slightly toxic to aquatic life as expressed by TLM greater than 10 and less than 100 ppm; and additionally certain substances which are practically non-toxic to aquatic life as expressed by a TLM greater than 100 and less than 1,000 ppm when particular weight is given to additional factors in the hazard profile or special characteristics of the substance.

Other Liquid Substances (For the purposes of Regulation 4 of this Annex)

Substances - Other than those categorized in Categories A, B and C above.

APPENDIX II

LIST OF NOXIOUS LIQUID SUBSTANCES
CARRIED IN BULK

| Substance | UN Number | Pollution Category for operational discharge (see Reg. 3 of Annex II) ^{22/} | | | Residual concentration (percent by weight) applicable to Category A substance only (see Reg. 5(a) of Annex II) |
|---|-----------|--|-----|-----|---|
| | | I | II | III | |
| Acetaldehyde | 1089 | | C | | |
| Acetic acid | 1842 | | C | | |
| Acetic anhydride | 1715 | | C | | |
| Acetone cyanohydrin | 1541 | | A | 0.1 | |
| Acetyl chloride | 1717 | | C | | |
| Acrolein | 1092 | | A | 0.1 | |
| Acrylic acid | - | | (C) | | |
| Acrylonitrile | 1093 | | B | | |
| Alkyl benzene sulfonate (straight chain) | - | | C | | |
| (branched chain) | | | B | | |
| Allyl alcohol | 1098 | | B | | |
| Allyl chloride | 1100 | | C | | |
| Ammonia (28% aqueous) | 1005 | | B | | |
| iso-Amyl acetate | 1104 | | C | | |
| n-Amyl acetate | 1104 | | C | | |
| Aniline | 1547 | | C | | |
| Benzene | 1114 | | C | | |
| Benzyl chloride | 1738 | | B | | |

^{22/} Brackets in Column II indicate that the Category shown has been provisionally assigned and that further data is needed in order to complete the evaluation of the hazard of the substance concerned.

| Substance | I | II | III |
|---|------|-----|------|
| Butyl butyrate | - | (B) | |
| n-Butyraldehyde | 1129 | B | |
| iso-Butyraldehyde | 2045 | C | |
| Butyric acid | - | B | |
| Camphor oil | 1130 | B | |
| Carbon disulphide | 1131 | A | 0.01 |
| Carbon tetrachloride | 1846 | B | |
| Caustic potash | 1814 | C | |
| Chloroacetic acid | 1750 | C | |
| n-Chlorobenzene | 1134 | B | |
| Chloroform | 1888 | B | |
| Chloroprene | 1991 | (C) | |
| Chlorosulphonic acid | 1754 | C | |
| p-Chlorotoluene | - | (B) | |
| Cresote | 1334 | A | 0.1 |
| Cresols | 2076 | A | 0.1 |
| Cresylic acid | 2022 | A | 0.1 |
| Crotonaldehyde | 1143 | B | |
| Cumene | 1918 | C | |
| Cyclo-hexane | 1145 | C | |
| Dibenzyl ether | - | (C) | |
| o-Dichlorobenzene | 1591 | A | 0.1 |
| Dichlorobenzenes | 1591 | A | 0.1 |
| Dichloroethyl ether | 1916 | B | |
| Dichloropropene - Dichloropropane mixture (D.D. Soil fumigant) | 2047 | B | |
| Diethylamine | 1154 | C | |
| Diethylbenzene (mixed isomers) | 2049 | C | |
| Diethylene triamine | 2079 | (C) | |

| Substance | I | II | III |
|---|------|-----|-----|
| Diethylene glycol monoethyl ether | - | C | |
| Di-iso-propanolamine | - | C | |
| Di-iso-propylamine | 1158 | C | |
| Dimethylamine (40% aqueous) | 1160 | C | |
| Dimethyl ethanolamine (2 Dimethylaminoethanol) | 2051 | (C) | |
| 1, 4-Dioxane | 1165 | (C) | |
| Dodecylbenzene | - | C | |
| Epichlorohydrin | 2023 | B | |
| Ethyl amyl ketone | - | (C) | |
| Ethylbenzene | 1175 | C | |
| Ethylene diamine | 1604 | C | |
| Ethylene dibromide | 1605 | B | |
| Ethylene dichloride | 1184 | B | |
| 2-Ethylhexyl alcohol | - | (C) | |
| 2-Ethyl 3-propyl-acrolein | - | (B) | |
| Formaldehyde (37-50% solution) | 1198 | C | |
| Furfural | 1199 | C | |
| Furfuryl alcohol | - | C | |
| Hexamethylene diamine | 1783 | (C) | |
| Hydrofluoric acid (40% aqueous) | 1790 | B | |
| Hydrogen peroxide (greater than 60%) | 2015 | C | |
| Isopropylamine | 1221 | C | |
| Mesityl oxide | 1229 | (C) | |
| Methyl Acrylate | 1919 | C | |
| Methylene chloride | 1593 | B | |

| Substance | I | II | III |
|--|--------------------|-----|-------|
| 2-Methyl-5-Ethyl-pyridine | - | (B) | |
| Monoisopropanolamine | - | C | |
| Monomethyl ethanolamine | - | C | |
| Mononitrobenzene | - | C | |
| Mono-iso-propylamine | - | C | |
| Naphthalene (molten) | 1334 | A | 0.1 |
| Naphthenic acids | - | (A) | (0.1) |
| Nitric acid (90%) | 2031/2032 | C | |
| o-Nitrotoluene | 1664 | C | |
| Monyl alcohol | - | (C) | |
| Monyl phenol | - | C | |
| iso-Octanol | - | C | |
| n-Octanol | - | C | |
| Oleum | 1831 | C | |
| Pentachloroethane | 1669 | (D) | |
| n-Pentane | 1265 | C | |
| Perchloroethylene (Tetrachloroethylene) | 1897 | B | |
| Phenol | 1671 | B | |
| Phosphorus (elemental) | 1338 | A | 0.01 |
| Phthalic anhydride (molten) | - | C | |
| beta-Propiolactone | - | (B) | |
| n-Propyl acetate | 1276 | (C) | |
| n-Propylamine | 1277 | C | |
| Pyridine | 1282 | B | |
| Sodium biochromate (solution) | - | C | |
| Sodium hydroxide | 1824 | C | |
| Sodium pentachlorophenate (solution) | - | A | 0.1 |
| Styrene monomer | 2055 | C | |
| Sulphuric acid | 1830/1831/ 1832 | C | |

| Substance | I | II | III |
|---|------|-----|-----|
| Tetra ethyl lead | 1649 | A | 0.1 |
| Tetrahydro naphthalene | 1540 | C | |
| Tetramethyl lead | 1649 | A | 0.1 |
| Toluene | 1294 | C | |
| Toluene diisocyanate | 2078 | (B) | |
| Trichloroethane | - | C | |
| Trichlorethylene | 1710 | B | |
| Triethylamine | 1296 | C | |
| Trimethylbenzene | - | (C) | |
| Tritolyl phosphate (Tricresyl phosphate) | - | (B) | |
| Turpentine (wood) | 1299 | B | |
| Vinyl acetate | 1301 | C | |
| Vinylidene chloride | 1303 | (B) | |
| p-Xylene | 1307 | C | |
| Xylene (mixed isomers) | 1307 | C | |

APPENDIX III

LIST OF OTHER LIQUID SUBSTANCES CARRIED IN BULK

| | |
|---|---|
| Acetone | Dutyrolactone |
| Acetonitrile (Methyl cyanide) | Calcium chloride (solution) |
| Adiponitrile | Calcium hydroxide (solution) |
| Alum (15% solution) | Castor oil |
| Aminoethylethanolamine (Hydroxyethylethylenediamine)* | Chlorohydrins (crude)* Citric acid (10%-25%) |
| n-Amyl alcohol | Citric juices |
| tert-Amyl alcohol | Cocunut oil |
| Benzyl alcohol | Cod liver oil |
| n-Butyl acetate | Cyclohexanol |
| sec-Butyl acetate | Cyclohexanone |
| iso-Butyl acrylate | Cyclohexylamine* |
| n-Butyl acrylate | p-Cymene (iso-Propyltoluene)* |
| iso-Butyl alcohol | Decahydronaphthalene (Decalin)* |
| n-Butyl alcohol | Decane* |
| Dethylene glycol(s) | iso-Decyl alcohol |
| iso-Butyl methacrylate | n-Decyl alcohol |
| Butyl methacrylate | Decyl octyl alcohol |
| | Diacetone alcohol* |

* Asterisk indicates that the substance has been provisionally included in this list and that further data is necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

| | |
|--|-------------------------------------|
| Dibutyl ether | Formic acid |
| Diethanolamine | Glycerine |
| Diethyl ether | n-Heptane |
| Diethylene glycol | Heptanoic acid* |
| Diethylketone (3-Pentanone) | Heptene (mixed isomers) |
| Di-iso-butylene* | n-Hexane |
| Di-iso-butyl ketone | Hydrochloric acid |
| Di-iso-propyl ether* | Isopentane |
| Dimethyl formamide (Form-dimethylamide) | Isophorone |
| Dipentene | Isoprene |
| Diphenyl/Diphenyloxide mixtures* | Isopropyl acetate |
| Dipropylene glycol | Isopropyl alcohol |
| 2-Ethoxyethyl acetate* | Lactic acid |
| Ethyl acetate | Ligroin |
| Ethyl acrylate | Liquid sulphur |
| Ethyl alcohol | Methyl acetate |
| Ethyl cyclohexane | Methyl alcohol |
| Ethylene chlorohydrin (2-Chloro-ethanol)* | Methylanyl acetate |
| Ethylene cyanohydrin* | Methylanyl alcohol |
| Ethylene glycol | Methyl cyanide |
| 2-Ethylhexyl acrylate* | Methyl ethyl ketone (2-butanone) |
| Ethyl lactate* | Methyl iso-butyl ketone |
| Fatty alcohols (C ₁₂ -C ₂₀) | |

| | |
|--|------------------------|
| Methyl methacrylate | Sorbitol |
| 2-Methylpentene* | Tallow |
| alpha-Methylstyrene* | Tetrahydrofuran |
| Milk | Tetramethylbenzene |
| Molasses | Titanium tetrachloride |
| Monoethanolamine | Tridecanol |
| Monoethylene glycol- monoethyl ether (Methyl cellosolve) | Triethanolamine |
| Monopropylene glycol | Triethylene glycol |
| Morpholine* | Triethylenetetramine |
| 2-Nitropropane | Trippropylene glycol |
| iso-Octane* | Water |
| Olive oil | Wine |
| Oxalic acid (10-25%) | |
| Phosphoric acid | |
| Polypropylene glycol | |
| Propionaldehyde | |
| Propionic acid | |
| Propionic anhydride | |
| n-Propyl alcohol | |
| iso-Propyl cyclohexane | |
| Propylene glycol | |
| Propylene oxide | |
| Propylene tetramer | |
| Propylene trimer | |
| Silicon tetrachloride | |

APPENDIX IV

CARGO RECORD BOOK^{23/}

Name of ship.....

Cargo carrying capacity of
each tank in cubic metres.....

Voyage from.....to.....

(a) Loading of cargo

1. Date and place of loading
2. Name and category (if applicable)
of cargo(es) loaded
3. Identity of tank(s) loaded

(b) Transfer of cargo during voyage

4. Date of transfer
5. Identity of tank(s) (i) From
(ii) To
6. Was(were) tank(s) in 5(i) emptied?
7. If not, quantity remaining

(c) Discharge of cargo

8. Date and place of discharge
9. Identity of tank(s) discharged
10. Was(were) tank(s) emptied?
11. If not, quantity remaining in tank(s)
12. Is(are) tank(s) to be cleaned?

^{23/} This is a preliminary draft of a Cargo Record Book which has been inserted only as an indication of the kinds of operations which should be recorded therein. It will therefore require further development.

13. Amount transferred to slop tank

14. Identity of slop tank

(d) Ballasting of cargo tanks

15. Identity of tank(s) ballasted

16. Date and position of ship at start of ballast

(e) Cleaning of cargo tanks

Category A substances

17. Identity of tank(s) cleaned

18. Date and location of cleaning

19. Method(s) of cleaning

20. Location of reception facility used

21. Concentration of effluent when discharge to reception facility stopped

22. Quantity remaining in tank

23. Procedure and amount of water introduced into tank in final cleaning

24. Location, date of discharge into sea

25. Procedure and equipment used in discharge into the sea

Category B and C substances

26. Washing procedure used

27. Quantity of water used

28. Date, location of discharge into sea

29. Procedure and equipment used in discharge into the sea

(f) Discharge of dirty ballast water

30. Identity of tank(s)

31. Date and position of ship at start of discharge into sea

- 32. Date and position of ship at finish of discharge to sea
- 33. Ship's speed(s) during discharge
- 34. Quantity discharged to sea
- 35. Quantity of polluted water transferred to slop tank(s) (Identify slop tank(s))
- 36. Date and port of discharge into shore reception facilities (if applicable)

(g) Discharge from slop tank/disposal of residue

- 37. Identity of slop tank(s)
- 38. Quantity disposed from each tank
- 39. Method of disposal of residue:
 - (a) Reception facilities
 - (b) Mixed with cargo
 - (c) Transferred to another(other) tank(s) (Identify tank(s))
 - (d) Other method
- 40. Date and port of disposal of residue

(h) Accidental or other exceptional discharge

- 41. Date and time of occurrence
- 42. Place or position of ship at time of occurrence
- 43. Approximate quantity, name and category (if any) of substance
- 44. Circumstances of discharge or escape and general remarks.

.....Signature of Master

.....Signature of Surveyor (if required)

ANNEX III^{1/}

REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL
SUBSTANCES CARRIED BY SEA IN PACKAGED FORM, OR IN CARGO
CONTAINERS OR IN PORTABLE TANKS

Regulation 1

Application

- (1) Unless expressly provided otherwise, these regulations apply to all ships carrying harmful substances in packaged form or in cargo containers or in portable tanks.
- (2) ^{2/}Such carriage of harmful substances is prohibited except in accordance with the provisions of this Annex.
- (3) To supplement the provisions of this Annex each Contracting State shall issue, or cause to be issued, detailed instructions on packaging, marking and labelling, documentation, stowage, quantity limitations, discharge by jettisoning and leakages for preventing or minimizing pollution of the marine environment by harmful substances.^{3/}
- (4) For the purpose of this Annex, empty receptacles, cargo containers and portable tanks which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is hazardous to the marine environment.

^{1/} Several delegations were of the opinion that this subject has not been considered in sufficient detail to incorporate the provisions of this Annex in the Convention, and therefore suggested that these provisions should be established in the form of recommendations appended to a Conference Resolution. A proposed text of such a Resolution with accompanying Recommendations is shown on page 127 of this document as an addendum to this footnote.

^{2/} Some delegations feel this provision is superfluous.

^{3/} See draft Resolution 7.

Regulation 2^{4/}

Packaging

Packaging, cargo containers and portable tanks shall be adequate to minimize the hazard to the marine environment having regard to their specific contents.

Regulation 3^{4/}

Marking and Labelling

Each package, cargo container, or portable tank containing a harmful substance shall be durably marked with the correct technical name (trade names shall not be used), and further marked with a distinctive label or stencil of label, indicating that the contents are harmful. Such identification may be supplemented by any other means, for example by the use of the UN number of the substance assigned by the United Nations Committee.

Regulation 4

Documentation

- (1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of the substances shall be used (trade names shall not be used).
- (2) The shipping documents supplied by the shipper shall include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.
- (3) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest.

^{4/} Some delegations pointed out that much further work will be required to clarify such aspects as the adequacy of packagings, cargo containers and portable tanks to minimize the hazard to the marine environment (Regulation 2), and the degree of durability required for labels relative to that of the various packagings on which they are to be affixed (Regulation 3).

(4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Annex shall be combined with those for dangerous goods.

Regulation 5

Stowage

Harmful substances shall be both properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of ship and persons on board.

Regulation 6^{5/}

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment shall either be prohibited for carriage or shall be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration shall be given to size, construction and equipment of the ship as well as the inherent nature of the substance.

Regulation 7

Exceptions

(1) Discharge by jettisoning of harmful substances carried in packaged form, or in cargo containers or in portable tanks shall be prohibited except where necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of this Convention appropriate measures based on the physical, chemical and biological properties of harmful substances, shall be taken to regulate the washing of leakages overboard provided that compliance with such measures would not impair the safety of the ship and persons on board.

.....
5/ Some delegations mentioned that this interdiction may interfere with international trade and that actually no scientific or technical reason could justify this interdiction. It was agreed that great care should be exercised when finalizing the text so as to ensure compatibility with the provisions of other Annexes.

Regulation 8

Arrangements for Recovery

Contracting States or groups of Contracting States shall make arrangements to cater for the possible need to recover or otherwise deal with harmful substances which are lost or may be lost into the sea from ships.

Regulation ^{6/}

Reports on Incidents Involving Harmful Substances

^{6/} Depending on the final text of Article 7 to be adopted by the Conference there might be a need to include appropriate requirements in this Annex.

ADDENDUM TO FOOTNOTE 1 OF ANNEX III

DRAFT RESOLUTION

RECOMMENDATION CONCERNING THE PREVENTION OF POLLUTION
BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED
FORM, OR IN CARGO CONTAINERS OR IN
PORTABLE TANKS

THE CONFERENCE,

RECOGNIZING a potential hazard to the marine environment which is involved in the carriage of harmful substances by sea in packaged form, or in cargo containers or in portable tanks,

NOTING that, whilst recognizing the need to formulate appropriate provisions for inclusion in the International Convention for the Prevention of Pollution from Ships, 1973, the present state of knowledge in this field has not advanced sufficiently enough to enable the Conference to formulate such provisions,

HAVING AGREED upon a series of recommendations relating to the carriage of harmful substances in packaged form, or in cargo containers or in portable tanks, the texts of which appear in the Appendix to this Resolution,

HAVING NOTED the Regulations relating to the safe carriage of dangerous goods by sea as set out in Chapter VII of the International Convention for the Safety of Life at Sea, 1960, in particular, Regulation 1(d) of that Chapter by which Contracting Governments are obliged to issue, or cause to be issued, detailed instructions for the safe packing and stowage of specific dangerous goods or categories of dangerous goods which shall include any precautions necessary in relation to other cargo,

NOTING FURTHER the International Maritime Dangerous Goods Code which was prepared in implementation of Recommendation 56 of the International Conference on Safety of Life at Sea, 1960, and has been recommended by the Organization as a uniform basis upon which Governments should formulate the national regulations envisaged in Chapter VII of the Safety Convention,

RECOGNIZING that provisions concerning substances discovered to be harmful to the marine environment must be specified and be complementary to those which have been adopted for the carriage of dangerous goods by sea,

RECOMMENDS that

- (a) the Organization pursue and encourage studies of the impact that the carriage of harmful substances by sea may have upon the marine environment;
- (b) the result of such studies be directed towards the revision of the scope of the International Maritime Dangerous Goods Code or the development of a harmful substance code, that takes into account
 - (i) substances that are harmful to the marine environment but which are not classed as dangerous goods;
 - (ii) the minimization of the threat to the marine environment that arises from the carriage by sea of the substances that will be enumerated in such codes; and
 - (iii) safety in maritime transport;
- (c) in such revision or development particular account be taken of
 - (i) packaging,
 - (ii) marking and labelling,
 - (iii) documentation,
 - (iv) stowage,
 - (v) quantity limitations,
 - (vi) exceptions, and
 - (vii) arrangements for recovery;
- (d) Contracting States consider adoption of the format of the International Maritime Goods Code for the systematic development of regulations and standards for the carriage of harmful substances that represent a threat to the marine environment so as to ensure compatibility between safety requirements and provisions relating to pollution abatement; and

- (e) the recommended practices and guidelines in the attached Appendix to this Resolution form the basis for the subsequent development of the provision for inclusion in an Annex to the International Convention for the Prevention of Pollution from Ships, 1973,

INVITES Governments

- (a) to adopt, pending the development of such Convention provisions, the recommendations contained in the Appendix as a basis for national measures; and
- (b) to issue or cause to be issued detailed instructions on packaging, marking and labelling, documentation, stowage, quantity limitations, discharge by jettisoning and leakages and incident reporting procedure, for preventing or minimizing pollution of the marine environment by harmful substances.

APPENDIX TO DRAFT RESOLUTION

RECOMMENDATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL
SUBSTANCES CARRIED BY SEA IN PACKAGED FORM, OR IN CARGO
CONTAINERS OR IN PORTABLE TANKS

Recommendation 1

Application

(1) Unless expressly provided otherwise, these recommendations apply to all ships carrying harmful substances in packaged form, or in cargo containers or in portable tanks.

(2) For the purpose of this Appendix empty receptacles, cargo containers and portable tanks which have been used previously for the carriage of harmful substances should themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is hazardous to the marine environment.

Recommendation 2^{1/}

Packaging

Packaging, cargo containers and portable tanks should be adequate to minimize the hazard to the marine environment having regard to their specific contents.

Recommendation 3^{1/}

Marking and Labelling

Each package, cargo container, or portable tank containing a harmful substance should be durably marked with the correct technical name (trade names should not be used), and further marked with a distinctive label or

^{1/} Some delegations pointed out that much further work will be required to clarify such aspects as the adequacy of packagings, cargo containers and portable tanks to minimize the hazard to the marine environment (Recommendation 2), and the degree of durability required for labels relative to that of the various packagings on which they are to be affixed (Recommendation 3).

stencil of label, indicating that the contents are harmful. Such identification may be supplemented by any other means, for example by the use of the UN number of the substance assigned by the United Nations.

Recommendation 4

Documentation

- (1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of the substances should be used (trade names should not be used).
- (2) The shipping documents supplied by the shipper should include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.
- (3) Each ship carrying harmful substances should have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest.
- (4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Appendix should be combined with those for dangerous goods.

Recommendation 5

Stowage

Harmful substances should be both properly stowed and secured so as to minimize the hazard to the marine environment without impairing the safety of ship and persons on board.

Recommendation 6^{2/}

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment should either be prohibited for carriage or should be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration should be given to size, construction and equipment of the ship as well as the inherent nature of the substance.

Recommendation 7

Exceptions

(1) Discharge by jettisoning of harmful substances in packaged form or in cargo containers or in portable tanks should be prohibited except where necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, appropriate measures, based on the physical, chemical and biological properties of harmful substances, should be taken to regulate the washing of leakages overboard provided that compliance with such measures would not impair the safety of the ship and persons on board.

Recommendation 8

Arrangements for Recovery

Contracting States or groups of Contracting States should make arrangements to cater for the possible need to recover or otherwise deal with harmful substances which are lost or may be lost into the sea from ships.

^{2/} Some delegations mentioned that this interdiction may interfere with international trade and that actually no scientific or technical reason could justify this interdiction. It was agreed that great care should be exercised when finalizing the text so as to ensure compatibility with the provisions of other Annexes.

Recommendation [] 3/

Reports on Incidents involving Harmful Substances

3/ Depending on the final text of Article 7 to be adopted by the Conference there might be a need to include appropriate recommendations in this Appendix.

ANNEX IV

REGULATIONS FOR THE PREVENTION OF POLLUTION
BY SEWAGE FROM SHIPS

Regulation 1

Definitions

For the purpose of this Annex:

- (1) "New ship" is as defined in Regulation 1(5) of Annex I of the present Convention, provided however that a reference to the entry into force of the present Convention shall be taken to mean a reference to the entry into force of this Annex.
- (2) "Existing ship" is as defined in Regulation 1(6) of Annex I of the present Convention.
- (3) "International voyage" is as defined in Regulation 1(8) of Annex I of the present Convention.
- (4) "Sewage" means:
 - (a) drainage and other discharges from any form of toilets, lavatory pans, urinals and WC scuppers;
 - (b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;
 - (c) drainage from holds containing living animals; or
 - (d) other waste waters including those containing the substances described in Regulation 3(1)(b) and (d) of Annex V of the present Convention when mixed with the drainages defined above.
- (5) "Holding tank" means a tank used for the collection and storage of sewage.
- (6) "Nearest land" is as defined in Regulation 1(9) of Annex I of the present Convention.

Regulation 2

Application

The requirements of this Annex shall apply to:

- (a) new ships of more than 200 tons gross tonnage^{1/} and new ships which do not have a measured gross tonnage but which have beds for more than 10 persons; and
- (b) existing ships of more than 200 tons gross tonnage^{1/} and existing ships which do not have a measured gross tonnage but which have beds for more than 10 persons, [10]^{2/} years after the date of entry into force of this Annex^{3/}.

Regulation 3

Certificate and Survey

- (1) An International Sewage Pollution Prevention Certificate (1973)^{4/}, when issued to a ship engaged on international voyages, shall be of a form which corresponds to that of the model given in the Appendix to this Annex.
- (2) Such Certificate shall be issued either by the Administration or by any person or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

^{1/} Some delegations suggested that the number of persons admitted on board is a reasonable criteria additional to gross tonnage and paragraph (a) therefore should read:

"(a) new ships of more than 200 tons gross tonnage and new ships of not more than 200 tons gross tonnage or which do not have a measured gross tonnage but which are designed to have on board more than [10] persons; and"

^{2/} Some delegations were of the opinion that this period was too long and should be reduced to 5 years.

^{3/} Some delegations suggested that provision should be made to enable Administrations to exempt certain passenger ships from the requirements of this Annex if it is satisfied that the application of those requirements would be neither reasonable nor practicable.

^{4/} Some delegations considered that the survey and issue of certificates should be made mandatory to ships engaged on international voyages.

- (3) (a) A Contracting Government may, at the request of another Contracting Government, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Sewage Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.
- (b) A copy of the certificate and a copy of the survey report shall be transmitted as early as possible to the requesting Government.
- (c) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is entitled to fly, and it shall have the same force and receive the same recognition as the certificate issued under paragraph (2) of this Regulation.
- (d) No International Sewage Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State the Government of which is not a Contracting Government.
- (4) The Certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.
- (5) The Certificate shall be issued after the survey to a ship to ensure that it is equipped with:
- (a) suitable equipment to the satisfaction of the Administration to collect and hold sewage or to treat the sewage so as to be able to meet the requirements of Regulation 4(1)(b) of this Annex; and
- (b) a pipeline leading to the exterior convenient for the discharge of sewage to a reception facility,^{5/} and that such a pipeline is fitted with a standard shore connection in compliance with Regulation 7 of this Annex.

^{5/} One delegation doubted whether the pipeline should in all cases be a mandatory requirement for the issue of a certificate.

(6) The survey of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the survey either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the survey.

(7) After any survey of the ship under this Regulation has been completed, no change shall be made in the items covered by the survey without the sanction of the Administration, except for the maintenance and repair of installed equipment.

(8) An International Sewage Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue.

Regulation 4

Discharge of Sewage^{6/}

(1) Subject to the provisions of Regulation 5 of this Annex, the discharge of sewage into the sea is prohibited, except when:^{7/}

- (a) the ship is discharging at a distance of more than 7^{8/} nautical miles from the nearest land, provided that sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; or

.....
^{6/} One delegation suggested that consideration should be given to inclusion of special requirements for fixed platforms.

^{7/} Some delegations suggested the insertion of the following words at the beginning of this sentence "Without prejudice to more stringent regulations which a coastal State may make within the limits of national jurisdiction/ in respect of areas under its jurisdiction/in respect of waters under its jurisdiction/".

^{8/} No clear majority could be reached with respect to any particular distance from land. Furthermore, the scientific information available indicated that, in view of the large number of variable factors involved, it would not be possible to establish a particular distance on a scientific basis only. It appears, however, that this would probably fall within 12 miles from the nearest land.

(b) the ship has in operation suitable sewage treatment equipment as defined in Regulation 3(5)(a) which can satisfy the following criteria:

(i)^{9/} The total coliform count of the effluent shall not exceed 10,000 per litre,^{10/} and

(ii)^{11/} The effluent shall not produce visible floating solids in, nor cause discolouration of, the surrounding water; or

(c) the ship is situated in the waters of a State and is discharging sewage in accordance with such less severe requirements as may be imposed by such State.^{12/}

(2) When the sewage is mixed with wastes or waste water having different discharge requirements specified in Annex V of the present Convention, the more severe discharge requirements shall apply.

Regulation 5

Exceptions

Regulation 4 of this Annex shall not apply to:

(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and its personnel or saving life at sea;^{13/}

(b) the escape of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken for the purpose of preventing or minimizing the escape.

^{9/} Several delegations were of the opinion that the words "under test conditions" should be inserted at the beginning of the sub-paragraph.

^{10/} Some delegations proposed the inclusion of BOD as a criterion. Other delegations felt that the coliform criteria should not be included.

^{11/} Some delegations were of the opinion that the words "when in operation aboard ship" should be inserted at the beginning of the sub-paragraph.

^{12/} Some delegations felt that the text of this sub-paragraph might need to be reviewed when the distance from the nearest land in sub-paragraph (a) of this Regulation has been established. Other delegations were of the opinion that this sub-paragraph should be deleted.

^{13/} Some delegations preferred a broader exception and proposed the addition of the following "or of avoiding damage to a ship or its cargo".

Regulation 6

Reception Facilities

Each Contracting Government shall take appropriate steps to ensure that ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of any sewage that remains on board the ship for disposal.

Regulation 7

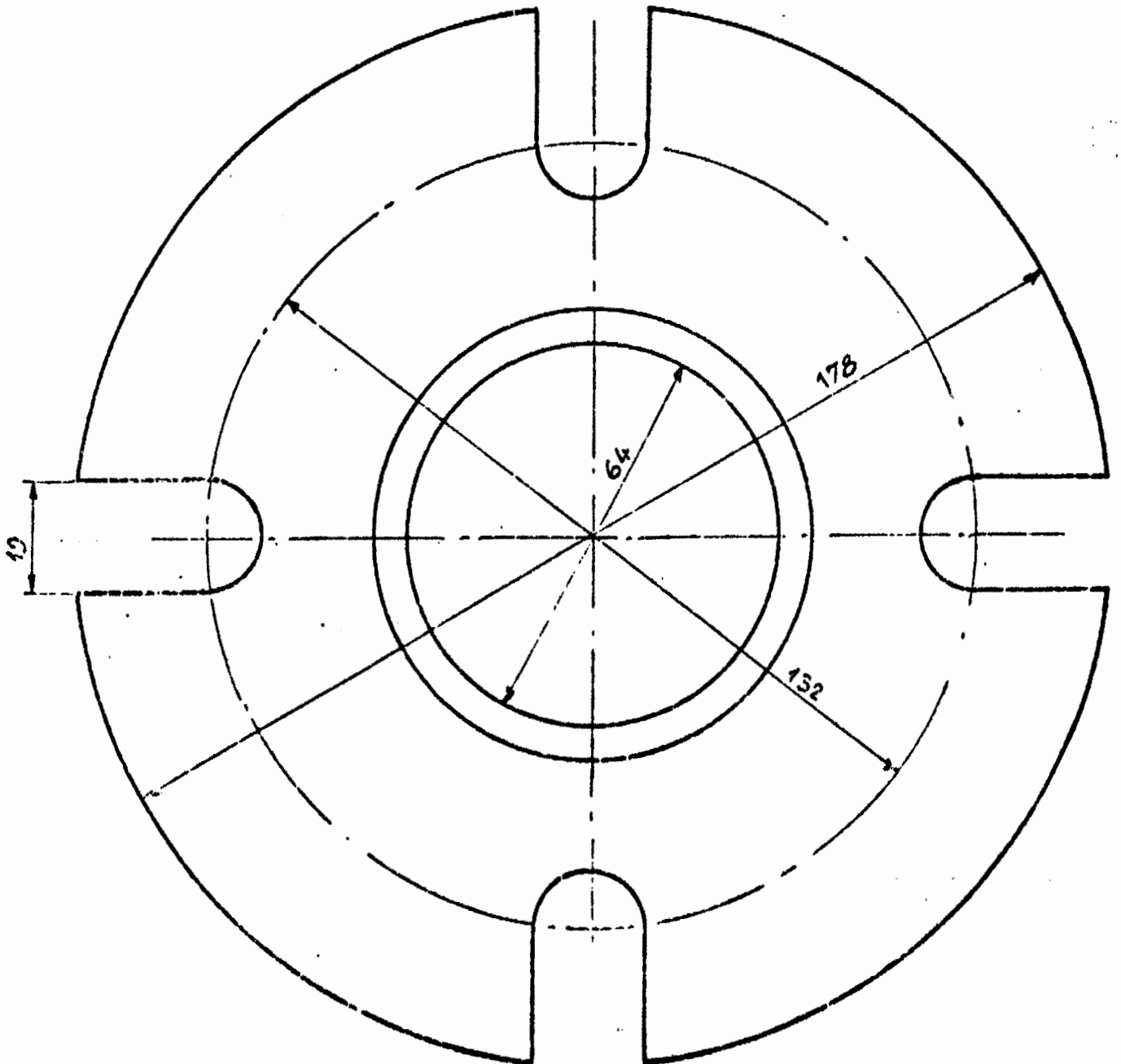
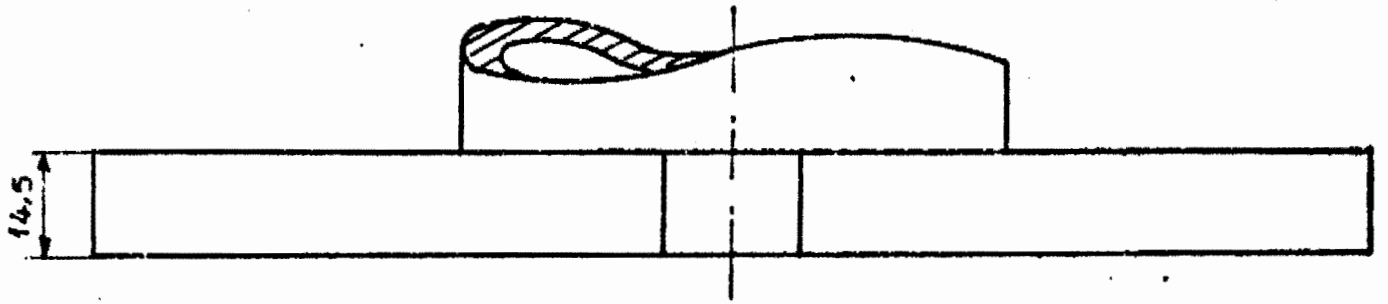
Standard Shore Connection

To enable pipes of shore reception facilities to be connected with the ship's pipe discharge line, if provided, both lines shall be fitted with a standard connection with dimensions in accordance with the following specification and appended sketch: ^{14/}

| | |
|-----------------------|---|
| Outer diameter: | 178 mm |
| Inner diameter: | 64 mm |
| Bolt circle diameter: | 132 mm |
| Holes: | 4 holes of 19 mm diameter equidistantly placed slotted to the flange periphery. |
| Flange thickness: | 14.5 mm minimum. |
| Bolts: | 4, each of 16 mm diameter and 50 mm in length. |
| Material: | Any material suited to 6 kilogrammes per square centimetre service. |
| Gasket: | Of any material suited to 6 kilogrammes per square centimetre service. |

The flange shall have a flat face on one side, and to the other shall have attached a coupling which will fit both the pipes of the reception facilities for connections on the shore side and the ship's pipe discharge line for the connections retained on board.

^{14/} This table of dimensions, which is identical to the international shore connection specified in Regulation 56(h) of Chapter II of the 1960 Safety Convention, was prepared by the French delegation but its contents have not been considered in detail.



Standard Shere Connection

APPENDIX

International Sewage
Pollution Prevention Certificate (1973)

(Official Seal)

Issued under the Provisions of the International Convention for the Prevention
of Pollution from Ships, 1973, under the Authority of the Government of

by
(full designation of the country)

.....
(full designation of the competent person or
organization recognized under the provisions of
the International Convention for the Prevention
of Pollution from Ships, 1973)

| Name of Ship | Distinctive Number or Letter | Port of Registry | Gross Tonnage |
|-----------------|------------------------------------|---------------------|------------------|
| | | | |

Type of ship.....

No. of beds on board (if no gross tonnage figure is quoted)^{15/}.....

Date of which keel was laid or ship was in a similar stage of
construction.....

Date of building contract or date of conversion.....

Date of delivery.....

15/ See footnote ^{1/} under Regulation 2.
The actual wording is conditional on decision taken on Regulation 2.

This is to certify that:

(1) The ship is equipped with

(a) a.....to:
(Description of equipment used)

(i) collect and hold the sewage*

(ii) treat the sewage so as to be able to meet the requirements of Regulation 4(1)(b) of Annex IV of the said Convention.*

(b) a pipeline for the discharge of sewage to a reception facility, and that such pipeline is fitted with a standard shore connection in compliance with Regulation [7] of Annex IV of the above said Convention 16/

(2) The ship has been surveyed in accordance with the provisions of Annex IV to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the Prevention of Pollution by Sewage, and that the survey showed that the ship complied with the applicable requirements of Annex IV of the said Convention.

This Certificate is valid until theday of
..... 19

Issued at
(Place of issue of certificate)

..... 19.....
(Date of issue)

.....
(Signature of official issuing the certificate and/or seal of issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorized by the said Government to issue this Certificate.

* Delete as appropriate

16/ See Footnote 5 in Regulation 3(5)(b).

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS

Regulation 1

Definitions

- (1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.
- (2) "Nearest land" is as defined in Regulation 1(9) of Annex I of the present Convention.

Regulation 2

Application

The requirements of this Annex shall apply to all ships.

Regulation 3

Discharge of Garbage^{1/}

- (1) Subject to the provisions of this Annex:^{2/}
 - (a) the discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;
 - (b) the discharge into the sea of food wastes is prohibited within a distance of 3^{2/} nautical miles from the nearest land;

^{1/} One delegation suggested that consideration should be given to inclusion of special requirements for fixed platforms.

^{2/} Some delegations suggested that the insertion of the following phrase at the beginning of this sentence: "Without prejudice to more stringent regulations which a coastal State may make within the limits of national jurisdiction/in respect of access under its jurisdiction/in respect of waters under its jurisdiction".

^{3/} Two delegations pointed out that this criterion might cause difficulty to some countries in relation to existing national regulations and they would prefer a figure of 12 nautical miles.

- (c) the discharge into the sea of wood dunnage, lining and packing materials which will continue to float, is prohibited:
- (i) within a distance of 25^{4/} nautical miles from the nearest land; and
 - (ii) anywhere within special areas^{5/};
- (d) the discharge into the sea of all other garbage including paper, rags, glass, metal, bottles, crockery, and similar refuse is prohibited:^{6/}
- (i) within a distance of 12 nautical miles from the nearest land; and
 - (ii) anywhere within special areas^{5/}.
- (2) When the garbage is mixed with waste or waste water having different discharge requirements specified in Annex IV of the present Convention the more severe discharge requirements shall apply.

^{4/} Some delegations expressed a preference for a distance of 50 miles from the nearest land.

^{5/} These areas have yet to be defined. Some delegations pointed out that such areas should not be established until it has been ensured that adequate reception facilities can be made available in the countries concerned.

^{6/} Some delegations felt that the types of garbage mentioned in sub-paragraph (d) could, if passed through a comminuter or grinder, be discharged under the same conditions as those mentioned in sub-paragraph (b) of this Regulation.

Regulation 4

Exceptions

Regulation 3 of this Annex shall not apply to:

- (a) the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and its personnel, or saving life at sea;^{1/}
- (b) the escape of garbage resulting from damage to a ship provided all reasonable precautions have been taken after the occurrence of the damage for the purpose of preventing or minimizing the escape; and
- (c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

Regulation 5

Reception Facilities

Each Contracting Government shall take appropriate steps to ensure that ports shall be provided with facilities adequate for the reception of garbage without causing undue delay to ships.

^{1/} Some delegations preferred a broader exception and proposed the addition of the following: "or of avoiding damage to a ship or its cargo".