



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Agenda item 7

CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Comment and proposal on Article 7 of a draft text of the Convention

Submitted by the Government of Australia

ARTICLE 7

Reasons for the proposal attached.

The amendment proposed to Article 7(2) is intended to ensure that reports are received from platforms (which do not normally have a master) as well as from other 'ships' as defined.

Australia considers that in the interests of operational efficiency the reporting procedures required to be followed by the Master should be precise and believes that the amendment of the draft text to Article 7(4) will achieve this.

The States referred to in Article 7(4)(a) and shown in draft Annex I to this Article would be the same as those proposed by the Ad Hoc Joint IHO/IMCO Committee in document PRNW I/7, 31 May 1973 (circulated under cover of IMCO document NAV XV/4) to co-ordinate promulgation of navigational warnings.

The priority of communications referred to in Article 7(4)(b) and shown in draft Annex II to this Article is that laid down in the ITU Radio Regulation 1496

modified to include "pollution incidents" in No 6 priority. In circumstances where safety of life was directly imperilled by pollution the report would of course still fall into the category of a message preceded by the distress or urgency signal as appropriate. In these circumstances the pollution message might have to be incorporated into a general distress or urgency message.

If the proposal is adopted it would be desirable for the Conference to invite the ITU to consider modification of Radio Regulation 1496 and Additional Radio Regulation Article 4, Section II in line with this Article.

The proposed modification to Article 7(5) reflects desirable operational priorities, it being desirable that States which may have to initiate pollution control measures should be advised before the Administration of the ship concerned where that Administration is geographically remote from the scene of the incident.

The amendments proposed to Article 7(6), (7) and (8) are considered to be desirable on editorial grounds.

The amendment proposed to Article 7(9) is believed to reflect what is likely to be practicable in operational conditions.

MARINE POLLUTION CONVENTION

DRAFT

ARTICLE 7

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.
- (2) The master or person in charge of a ship 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.
- (4) Reports shall be made in the following manner:
 - (a) reports shall be addressed to the State designated in Annex J to this Article, as the area control for promulgation of navigation warnings and, if the ship is within the limits of the jurisdiction of a State, also to that State;
 - (b) reports by radio shall be given a priority in accordance with Annex II to this Article.
- (5) When a State designated as area control receives the report under the provisions of the present article, that State shall relay the report without delay to any States that may be affected and shall advise the Administration of the ship involved.
- (6) A report shall be made pursuant to this Article whenever an incident involves:
 - (a) an actual or probable discharge other than a discharge permitted under the present Convention; or
 - (b) an actual or probable discharge permitted under this present Convention by virtue only 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
- (c) the discharge into the sea of any package, cargo container or portable tank containing harmful substances or the contents thereof.

(7) The report shall 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:

- (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 into the sea, the description of the packaging and, if possible, any identifying marks and the name of the consignor/consignee or manufacturer.

(8) The Master or person in charge shall:

- (a) supplement the initial report as necessary, by communicating 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 and the Master failing to report, the owners, charterers or their agents shall where possible make the report and give 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.

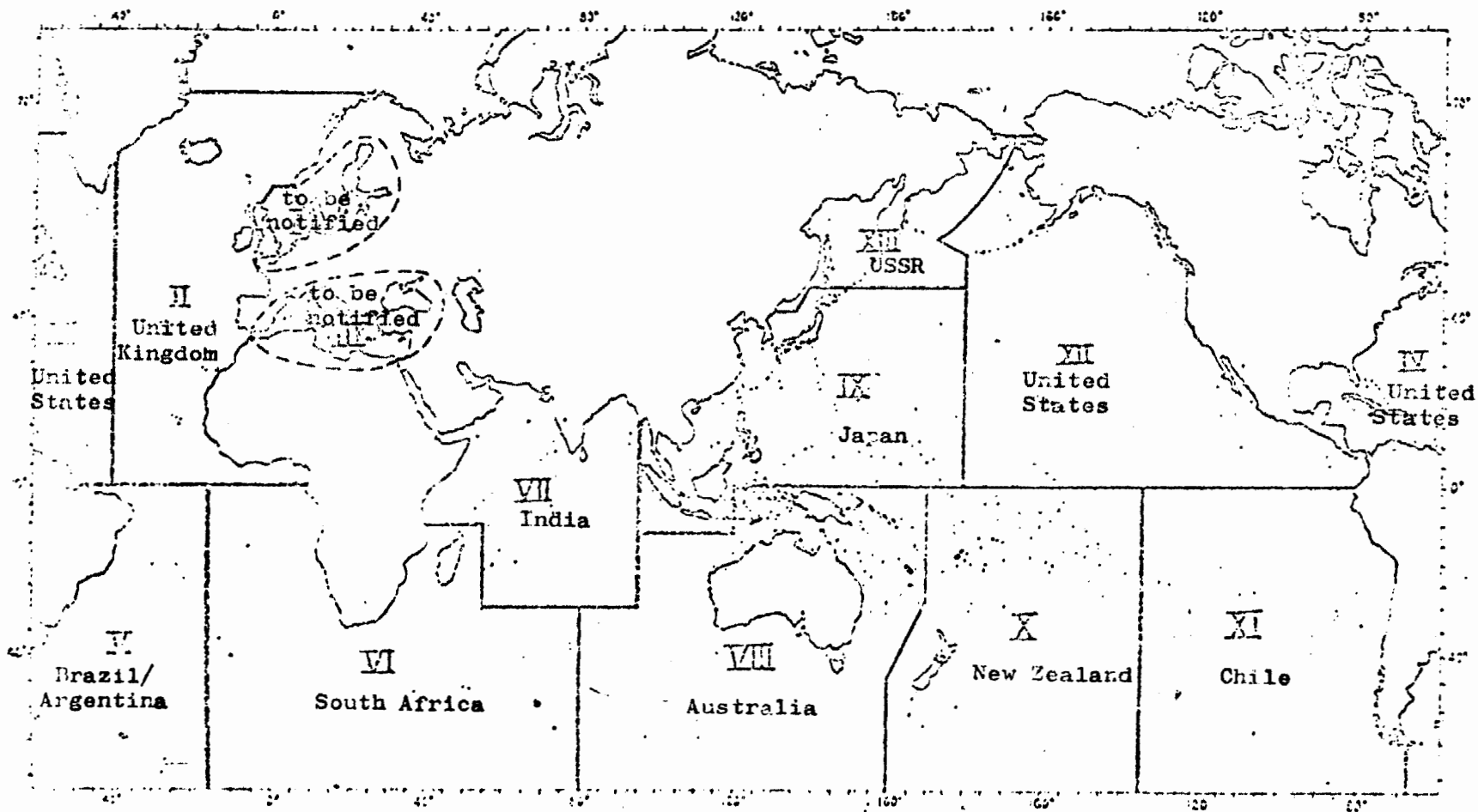
(10) Each Contracting State shall:

- (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 Organisation with complete details of such arrangements for circulation to other Contracting States and Member States

MARINE POLLUTION CONFERENCE

ANNEX I TO ARTICLE 7

- States to be reported to in the event of a Pollution Incident
in the circumstances laid down in Article 7(4) (iii)



Area I

The Baltic and North Seas and Channel limited to the north by rhumb lines joining the following co-ordinates:

61°00'N 5°00'E
61°00'N 0°00'
58°40'N 3°00'W

and to the southwest by a rhumb line joining the following co-ordinates:

50°00'N 5°30'W
48°00'N 5°00'W

Area II

The area bounded by the following co-ordinates:

71°00'N 26°00'E
71°00'N 21°30'W
Coastline to
65°00'N 40°00'W
0°00'N 40°00'W
0°00'N 9°20'E
thence coastline to
71°00'N 26°00'E
excluding Areas I and III

Area III

The Black and Mediterranean Seas east of longitude

5°30'W

Area IV

The area bounded by the following co-ordinates:

65°00'N 40°00'W
thence coastline to
67°00'N 53°30'W
67°00'N 61°00'W
thence coastline to
0°00'N 49°20'W
0°00'N 40°00'W
65°00'N 40°00'W

Area V

The area bounded by the following co-ordinates:

0°00'S 15°00'W
 0°00'S 49°20'W
 thence coastline to
 56°00'S 68°00'W
 thence south to Antarctica,
 thence coastline eastward to 15°00'W
 0°00'S 15°00'W

Area VI

The area bounded by the following co-ordinates:

0°00'S 9°20'E
 0°00'S 15°00'W
 thence south to Antarctica,
 thence coastline eastward to 80°00'E
 30°00'S 80°00'E
 30°00'S 55°00'E
 10°00'S 55°00'E
 10°00'S 40°00'E
 thence coastline around southern Africa to
 0°00'S 9°20'E

Area VII

The area bounded by the following co-ordinates:

16°00'N 95°00'E
 thence coastline westward to
 10°00'S 40°00'E
 10°00'S 55°00'E
 30°00'S 55°00'E
 30°00'S 95°00'E
 16°00'N 95°00'E

Area VIII

The area bounded by the following co-ordinates:

0°00'S 170°00'E
 0°00'S 120°00'E
 12°00'S 120°00'E
 12°00'S 95°00'E
 30°00'S 80°00'E
 thence south to Antarctica,
 thence coastline eastward to 160°00'E
 45°00'S 160°00'E
 30°00'S 170°00'E
 0°00'S 170°00'E

Area IX

The area bounded by the following co-ordinates:

45°00'N 180°00'E
45°00'N 138°00'E
41°00'N 135°00'E
41°00'N 130°00'E

thence coastline southward to

16°00'N 95°00'E
12°00'S 95°00'E
12°00'S 120°00'E
0°00' 120°00'E
0°00' 130°00'E
45°00'N 180°00'E

Area X

The area bounded by the following co-ordinates:

0°00'S 135°00'W
0°00'S 170°00'E
50°00'S 170°00'E
45°00'S 160°00'E

thence south to Antarctica,
thence coastline eastward to 135°00'W
0°00'S 135°00'W

Area XI

The area bounded by the following co-ordinates:

0°00'S 90°00'W
0°00'S 135°00'W

thence south to Antarctica,
thence coastline eastward to 68°00'W

56°00'S 68°00'W

thence coastline westward to

0°00'S 80°00'W

Area XII

The area bounded by the following co-ordinates:

67°00'N 162°30'W
67°00'N 168°00'W

thence arc of a great circle to

53°00'N 172°00'E
51°00'N 180°00'
0°00'N 80°00'W

thence coastline northward to

67°00'N 162°30'W

Area XIII

The area bounded by the following co-ordinates:

67°00'N 168°00'W
67°00'N 172°00'W

thence coastline southward to

41°00'N 130°00'E
41°00'N 135°00'E
45°00'N 138°00'E
45°00'N 150°00'E
51°00'N 180°00'E
53°00'N 172°00'E

thence arc of a great circle to

67°00'N 168°00'W

Note

The co-ordinates given are approximate and subject to checking and agreement with those for the areas mentioned in Document PRIN/1/7.

MARINE POLLUTION CONFERENCE

ANNEX II TO

ARTICLE 7

- Order of priorities of radio communications

1. Distress calls, distress messages and distress traffic.
2. Communications preceded by the urgency signal.
3. Communications preceded by the safety signal.
4. Communications relating to radio direction finding.
5. Communications relating to the navigation and safe movement of aircraft.
6. Communications relating to the navigation, movements and needs of ships, pollution incidents and weather observation messages destined for an official meteorological service.
7. Government radiotelegrams: Priorite Nations.
8. Government communications for which priority has been requested.
9. Service communications relating to the working of the radiocommunication service or to communications previously exchanged.
10. Government communications other than those shown in 7 and 8, and all other communications.