



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973

Agenda item 7

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

Comments and proposals on a draft text
of the Convention

Submitted by the Government of Norway

Attached hereto are the comments and proposals on a draft text of the
Convention proposed by Norway.

INTERNATIONAL CONFERENCE OF MARINE POLLUTION 8 OCTOBER -
2 NOVEMBER 1973 - COMMENTS ON THE DRAFT CONVENTION

The Preamble

After the second paragraph insert an additional paragraph stating:

"RECOGNIZING the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first international instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution."

The Articles

Article 2

Definitions.

Paragraph (2).

Delete the square brackets.

Article 3

Application.

Paragraph (2).

Replace the first sentence by the following:

"The present Convention shall not apply to warships".

Comment:

It is important to limit the exceptions from the application of the Convention as much as possible, and we cannot see why the Convention should not apply to for example ships owned by the Government such as research ships, and ships belonging to the lighthouse service etc.

Article 4

Penalties.

If alternative II is accepted replace the words "it shall cause such proceedings to be taken as soon as possible" in paragraph (1) by:

"it shall submit the matter to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence under the law of the state."

Comment:

The present wording is not in accordance with our system of law and is therefore not acceptable.

Article 5

Certificates and Special Rules on Inspection of Ships.

Paragraph (2).

For the sake of clarification replace the second sentence by:

"Any such inspection shall be limited to verifying that there is on board a valid Certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not corres-

pond substantially with the particulars of that certificate."

In the eleventh line delete the word "State" and insert "officer".

Replace the last words "the nearest repair yard available" by: "a repair yard" as the wording in the draft is unduly restrictive.

Paragraph (4).

Delete the square brackets at the beginning and at the end of the paragraph.

Delete the word "shall" and the square brackets in the third last line.

Comment:

It is in our opinion not practicable to make this provision mandatory as we think a State should have the possibility to distinguish between a substantial and a purely formal non-compliance with the provisions in question, as the latter may not justify such a serious sanction as to deny a ship access to a port. Furthermore it could be that the best solution from a pollution point of view was to have a ship, which does not comply with the provisions of the Regulations, into a port so that the ship could be unloaded as soon as possible or otherwise be taken care of to prevent or minimize pollution of the sea.

Paragraph (5).

Delete the square brackets at the beginning and at the end of the paragraph. Delete the word "shall" and the square brackets in the third line.

Comment:

The reason is the same as expressed under paragraph (4).

Article 6

Detection of Offences Against and
Enforcement of the Convention.

Delete the word may and the square brackets in the first line of paragraph (5) as there should be an obligation for a State to investigate a ship in such cases.

Replace the words "it shall cause such proceedings to be taken as soon as possible" in paragraph (4) by:

"it shall submit the matter to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence under the law of the state."

Comment:

See comments under Article 4.

Article 8

Power of Contracting States.

Delete all the square brackets.

Amend paragraph (2) as follows:

"(2). A Contracting State shall not within its jurisdiction in respect of ships to which the Convention applies other than its own ships, impose regulations in respect of pollution control regarding ship design, equipment and manning, which are not in accordance with the provisions of the Regulations."

Comment:

It is believed that also "equipment" should be included in the paragraph.

Article 13

Signature, Ratification, Acceptance, Approval and Accession.

Delete the square brackets in paragraph (1).

Article 14

Reservations.

Delete Alternative II.

Article 15

Optional Annexes.

Delete the square brackets in paragraph (1).

Article 16

Entry into Force.

Delete the square brackets in paragraph (1) and insert "15 States" instead of "10 States".

ANNEX I - REGULATIONS FOR THE PREVENTION OF POLLUTION
BY OIL

Regulation 1 - Definitions.

- (1) Norway supports the view that two lists of products should be provided, one for persistent oil and the other for non-persistent oil.

- (5) (b) should read: "the delivery of which is five years or more after the date of entry into force of the present Convention."

- (8) Delete the words within the square brackets.

- (16) In the 9th line delete the brackets.

Regulation 4 - Inspection and Survey.

- (1) Delete the brackets in the first sentence.

Regulation 5 - Issue of Certificate.

- (1) Delete the brackets in the first sentence.

Regulation 9 - Control and Discharge of Oil.

Amend the heading to read: "Control of Discharge of Persistent Oil."

- (1) The sub-paragraph should read: "Subject to the provisions of Regulation 10 of this Annex any discharge into the sea of oil or oily mixtures as listed in Appendix [TA] from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:"

Comments: Norway is of the opinion that the requirements proposed for the persistent oils in this Regulation are not appropriate for the non-persistent oils.

The present Appendix I to Annex I should be divided into two lists, one for persistent oils and the other for non-persistent oils. A new Regulation should be introduced to cover control of discharge of non-persistent oil.

(1)(a)(ii): Delete the brackets.

(1)(a)(iv): Delete the brackets.

(1)(a)(v): Delete the brackets.

(1)(b)(ii): Delete the brackets.

(1)(b)(iii): Delete the brackets.

(1)(b)(iv): Delete the brackets.

(1)(b)(vi): Delete the words: "--- oil discharge monitoring and control system or ---".

Comments: An oily water separator or a filtering system is required by Regulation 16(2) for any ship of 400 gross tons and above, and a monitoring system is felt to be of no importance.

The view expressed in footnote 20 to the effect that ships less than 400 tons gross tonnage engaged only on coastal voyages may be granted exemption, is supported.

(3) The wording as drafted in footnote 21 is not acceptable.

Regulation 11 - Methods to effect the Control of Discharge of Oil from Oil Tankers.

Amend the heading to read: "Methods to effect the Control of Discharge of Persistent Oil from Oil Tankers".

Comments: See comments under Regulation 9(1).

(2) This paragraph should be deleted.

Comments: It is recognized that one of the main objectives of the 1973 Conference on Marine Pollution should be to achieve the complete elimination of intentional pollution by oil. That is to eliminate the likely damage to marine resources caused by operational discharge of oily water mixtures. To achieve this goal it is believed that any of the methods listed under 1(a), (b) and (c) or a combination thereof are possible solutions in this respect.

It is recognized that the construction of tankers with sufficient segregated ballast capacity will contribute substantially to the reduction of pollution caused by operational discharge. However, one should realize that also this provision has some major shortcomings:

- Unless requiring a segregated ballast tank capacity up to 60 - 70% of the dw capacity the segregated ballast tanker, on occasion, will have to load ballast in cargo tanks to achieve an acceptable ballast operation condition. As a consequence of this, a segregated ballast tanker must be equipped with a complete arrangement for application of the Load-on-Top system.
- Even with segregated ballast tanks, it will periodically be necessary to clean the cargo tanks in order to remove sludge build-up and to prepare the ship for dry docking inspection and repairs. Tank-cleaning before dry-docking and repairs is found to be one of the major pollution causes.
- The segregated ballast tanker will have an increased freeboard which may effect the ship controllability. This will influence the ship's seaworthiness in an unfavourable way, particularly in wind at low speeds as occurs in harbour and docking situation.

Even if it is realized that the "load-on-top" system cannot be operated under all circumstances, it will

contribute substantially to a reduced discharge of oil into the sea, and as an overall consideration will give the best result obtainable at the present stage of development.

Studies on possible improvements in the operation of crude oil tankers shows that:

- with two slop tanks in series and with a high liquid level in the slop tanks during the washing operation the oil content in the water that is discharged overboard, can be kept as low as 25 - 100 ppm,
- when using a conical expanding outlet on the pipe that discharge the slop into the tank, better results can be obtained than when discharging the slop through a regular cut-off pipe,
- using three slop tanks in series will result in lower oil concentrations in the separated water compared with the use of two slop tanks in series provided the settling period is the same,
- the use of moderate heating in both the primary and the secondary slop tank improves the oil/water separation,
- by increasing the volume of the primary slop tank better results can be obtained.

Regulation 13 - Segregated Ballast Oil Tankers.

- (2) The view expressed in footnote 33 is not supported.
- (3) Amend the first sentence to read as follows: "The capacity of the segregated ballast tanks shall be such as to achieve in the ballast condition sufficient forward and after draught to ensure propeller and rudder immersion provided that ---".

Comments: The present requirement for a minimum forward draught of 0,025 L represents for the larger ships a much more severe requirement than the proposed minimum segregated ballast capacity. The requirement should therefore be deleted.

Regulation 14 - Segregation of Oil and Water Ballast in Ships other than Oil Tankers.

- (1) Delete the brackets in the first line.

Regulation 15 - Retention of Oil on Board.

- (1) Delete the brackets in the third line.

- (3) (a) Amend to read: "In this system arrangements shall be provided to transfer the oily waste into two or more 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."

Comments: Tests have proved that at least two slop tanks should be provided.

- (3) (b) Norway is not in agreement with the proposal that the capacity of the slop tanks shall be based on a certain percentage of the oil carrying capacity. The capacity should be based on the maximum quantity of water in tons per hour used during normal tanks washing procedure at sea. Investigations have shown that the primary slop tank should have a volume at least four times the quantity of water in tons per hour used during normal tank washing procedure. The secondary slop tank should have a volume at least twice the volume of the primary slop tank. The third slop tank should have a volume at least twice the volume of the primary tank. This tank may also be used as a reservoir for driving water to the ejectors and for washing water.

The last sentence in (3)(b) should be deleted. See comments under (3)(a).

- (3) (d) Delete the brackets in the first sentence.
Delete the last sentence.

Regulation 16 - Oil Discharge Monitoring System and Oily Water Separating Equipment in ships other than Oil Tankers.

- (1) Delete this paragraph.

Comments: An oily water separator or a filtering system is required by paragraph (2) for any ship of 400 gross tons and above, and a monitoring system is felt to be of no importance.

- (2) Delete the brackets in the first line.
- (3) Delete the brackets in the first line.
In the second line delete the wording "as far as practicable".
- (5) Delete this paragraph.

Comments: See comments under paragraph (1).

Regulation 17 - Tanks for Oil Residues (Sludges).

Delete the brackets in the first line.

Regulation 18 - Pumping and Piping Arrangements of Oil Tankers for the Discharge to Reception Facilities or to the Sea.

- (3) The view expressed in footnote 42 is supported.

Regulation 21 - Oil Record Book.

- (1) Delete the brackets in the first and second line.

Regulation 24 - Limitation of Size and Arrangement of Cargo Tanks.

- (1) (a) Delete the brackets.
- (1) (b)(i) Delete the brackets.
- (1) (b)(ii). The wording should be: "the building contract is placed after 30 June 1974, 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 1 January 1975."

Comments: As the dates proposed in (b)(ii) in the draft Convention are prior to the Conference, these dates must be changed.

Regulation 25 - Subdivision and Stability.

- (1) Add a new sub-paragraph (d) reading as follows:

"A ship of more than 150 metres which fulfills the requirements under (a) and (b) above when on summer load line with empty tanks throughout the ship's length, and with no trim and with center of gravity above the base line equal to a homogeneous full-load condition, is regarded to be in compliance with these requirements."

Comments: Based on experience with similar calculations according to Regulation 27 of 1966 Load Line Convention and the IMCO Bulk Chemical Code the proposed clarification is found justified.

ANNEX II - REGULATION FOR THE CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

Regulation 2 - Application.

- (1) Delete the square brackets.

Regulation 3 - Categorization and Listing of Noxious Substances.

- (1) (c) In the fourth line the wording should be:
"--- or other legitimate uses of the sea ---".
- (3) Delete the square brackets.

Regulation 5 - Discharge of Noxious Substances.

- (1) Delete the brackets in the last sentence. The view expressed in footnote 5 is not supported.

- (1)(a) Delete the brackets.
(1)(b) The view expressed in footnote 6 is not supported.
(1)(d) Delete the brackets.
(2)(a) Delete the brackets.
(2)(c) Delete the brackets.
(2)(e) Delete the brackets.
(3)(a) Delete the brackets.
(3)(b) Delete the brackets.
(3)(c) Delete the brackets.
(3)(e) Delete the brackets.

Regulation 8 - Measures of Control.

The view expressed in footnote 14 is not supported.

Regulation 9 - Cargo Record Book.

- (4) The last sentence should read:
"The written entries in the Cargo Record Book shall be in an official language of the state the flag of which the ship is entitled to fly, and in English or French".

Regulation 10 - Certification and Documents.

- (1)(b) Amend the first sentence to read: "The Administra-

tion shall, after having surveyed a chemical tanker and ensured that the provisions given in the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk are complied with, issue a Certificate of Fitness for the Carriage of Noxious Chemicals in Bulk."

Comments: It is felt essential that the survey is carried out to ensure compliance with the IMCO Bulk Chemical Code.

New (1)(c). Insert the following new paragraph:

"A Chemical tanker shall further be subject to the surveys and inspections specified below:

- (i) Insert the wording of (2)(a)(ii).
- (ii) Insert the wording of (2)(a)(iii).

ANNEX III - REGULATION FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM, OR IN CARGO CONTAINERS OR IN PORTABLE TANKS

One of the objectives of the forthcoming pollution conference is to develop regulations for the minimization of accidental discharge into the sea of harmful substances. In our opinion this objective has not fully been achieved if such discharge from harmful substances carried by sea in the packaged form, in cargo containers or in portable tanks is not covered by the 1973 Pollution Convention. It is felt essential that the Marine Pollution Convention embraces all aspects of marine pollution. The marine pollution aspects of packaged harmful substances should be subject to the provisions of a short Annex which sets out in general terms the principles which shall be applied to such cargoes when carried by sea in order to minimize the hazard to the marine environment. Detailed recommendations in the International

Maritime Dangerous Goods Code will reflect these principles when the review of that Code has been completed.

Regulation 1 - Application.

(2) Delete the brackets.

Regulation 6 - Quantity Limitations.

Very careful consideration should be given to the proposed possible prohibition of the carriage of harmful substances very hazardous to the marine environment. In our opinion one must face the fact that dangerous goods are needed and must be transported, either by sea or by land, and in many cases sea transportation may be the safer mode of transport. With respect to quantity limitation due consideration should also be given to the size and construction of the package itself, not only to the ship.

ANNEX IV - REGULATION FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

Regulation 2 - Application.

(b) Delete the square brackets.

Regulation 3 - Certificate and Survey.

(1) The sub-paragraph should read:

"An International Sewage Pollution Prevention Certificate (1973) shall be issued to ships engaged on international voyages, and shall be of a form which corresponds to that of the model given in the Appendix to this Annex".

Comments: The issue of certificates should be mandatory for ships engaged on international voyages.

Regulation 4 - Discharge of Sewage.

(1) The wording should be retained.

Comments: It is felt that the wording in an international convention should cover the needs of all governments which become parties to the convention to avoid the difficulties which occur when a state impose more stringent regulations in their own waters than those put down in the convention itself.

Norway therefore do not agree to the views expressed in footnote 7. Furthermore, the proposal in footnote 7 seems to be incompatible with Article 8(2).

(a) Insert the figure "3" within the square brackets and delete the brackets.

Comments: A distance of 3 nautical miles is considered an adequate distance in this context.

(b)(i) The sub-paragraph should read:

"Under test conditions the total coliform count of the effluent shall not exceed 10 000 per litre, and ---".

(c) Comments: The text should be reviewed when the distance from the nearest land in sub-paragraph (a) has been established as mentioned in footnote 12.

ANNEX V - REGULATION FOR THE PREVENTION OF POLLUTION BY
GARBAGE FROM SHIPS

Regulation 3 - Discharge of Garbage.

(1) The wording should be retained.

Comments: It is felt that the wording in an international convention should cover the needs of all governments which become parties to the convention to avoid the difficulties which occur when a state impose more stringent regulations in their own waters than those put down in the convention itself.

Norway therefore do not agree to the views expressed in footnote 2. Furthermore, the proposal in footnote 2 seems to be incompatible with Article 8(2).

(b) Delete the square brackets.

(c)(i) Delete the square brackets.

(ii) Comments: If special areas are to be defined, adequate reception facilities have to be made available in the countries concerned before such areas are established.

(d)(i) Delete the square brackets.

(ii) Comments: If special areas are to be defined, adequate reception facilities have to be made available in the countries concerned before such areas are established.
