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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 Denmark

Attached hereto are the comments of the Government of Denmark (which consist of Annex A and Annex B) on the draft text of an International Convention for the Prevention of Pollution from Ships, 1973. Annex A concerns the Baltic Sea as a "Special Area" and is identical with the proposals of the Protocol of 31 May 1973 from the meeting of Government Experts for the Preparation of the Baltic Sea Conference on the Marine Environment held in Helsinki from 28 May to 2 June 1973. Annex B concerns the draft Convention apart from questions related to "Special Areas".

Comments of the Government of Denmark on the draft text of an International Convention for the Prevention of Pollution from Ships, 1973, (as regards the Baltic Sea as a "Special Area").

Existing text	Proposed amendment	Remarks
<p>Annex I <u>Regulation 9</u> <u>Control of Discharge</u> <u>of Oil</u></p> <p>(1)(b)(v) the ship, if of [] tons gross etc.</p>	<p>(1)(b)(v) the ship, if of <u>400</u> tons gross etc.</p>	<p><u>Regulation 9</u> The draft provisions 9(1)(a)(iii) and 9(1)(b)(v) imply total prohibition against discharge of oil or oily mixtures other than mixtures equivalent to clean ballast within Special Areas for all tankers and for all other ships above a certain size limit.</p> <p>It is desirable to apply the same size limit as that for ships other than oil tankers in Regulation 4 regarding Inspection and Survey, i.e. 400 tons gross tonnage. Such a limit is justified because the bilge water in ships smaller than 400 tons normally amount to not more than 300-500 litres per day and ship and contains normally not more than one or two per cent of oil.</p> <p>Moreover, the provisions under Regulation 9(1)(b) will regulate the discharges of bilge water of such smaller ships for which the requirements for special areas do not apply.</p>
<p>(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.</p>	<p>(2) Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate <u>additional</u> requirements of Regulation 12 of this Annex.</p>	<p>The addition is made in order to avoid misinterpretation of this paragraph.</p> <p>The need of this paragraph should be reconsidered.</p>

Existing text	Proposed Amendment	Remarks
<u>Regulation 12</u>	<u>Regulation 12</u>	<u>Regulation 12</u>
<u>Methods for the Prevention of Oil Pollution from Oil Tankers While Operating in Special Areas</u>	<u>Special Areas and related requirements</u>	The following special circumstances are mentioned in order to indicate that the Baltic Sea Area needs a special protection and satisfies the conditions for designation as a Special Area.
(1) Special Areas	(1) Special Areas	(1) The Baltic Sea is an enclosed water body with extremely slow and irregular exchange of deep water with the ocean waters.
(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, the Baltic Sea and Black Sea	(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, the <u>Baltic Sea Area</u> and the Black Sea	(2) The water in the Baltic Sea is cold, which markedly slows down chemical and biological degradation of certain pollutants.
		(3) Aeration of the deep water in the Baltic Sea is very slow because of marked stratification of water masses. This also slows down degradation of certain pollutants.
		(4) The stagnation of the deep water in the different basins of the Baltic Sea proper causes accumulation among other substances, especially of persistent pollutants. These pollutants are reintroduced into the surface layers during eventual turnover periods
		(5) The concentration of certain pollutants in organism of the Baltic Sea are much (in certain cases ten times) higher than in the true marine environment of the seas.

Existing text	Proposed Amendment	Remarks
		<p>(6) Organisms in the Baltic Sea are of either true marine or true fresh water origin. Living in the brackish water of the Baltic Sea constitutes in itself an environmental stress upon which all other stresses are added. Environmental pollutants even in low concentrations could be such additional stresses.</p>
		<p>(7) It is very difficult to carry out oil combat operations in complex archipelagoes such as in Finland and Sweden. The main part of the stretch of coast in these countries is involved.</p>
		<p>The characteristics of the Baltic Sea will be further explained in a note submitted to the Conference.</p>

Existing text	Proposed Amendment	Remarks
(c) <u>Every Oil tanker</u> :-:-:-:- this Regulation.	(c) <u>Ships</u> :-:-:- this regulation.	The proposed text of Regulation 12(3) deals also with ships other than oil tankers.
(3) <u>Baltic Sea</u> /to be prepared/	(3) <u>Baltic Sea Area</u> (a) For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Fin- land and the entrance to the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak. (b) Ships, while operating in the Baltic Sea Area, are subject to all applicable provisions of this Annex, especially the prohibi- tion of discharge as pro- vided for in Regulation 9(1)(a)(iii) and 9(1)(b)(v).	The border line is the same as that used in Regulation 51 of the International Convention on Load Lines, 1966. No requirements supplementing Regulation 9 (total prohibition for Special Areas) are necessary. Para- graph (b) is introduced for clarification. Obligations for all Coastal States to provide adequate reception facilities for ships operating in the Baltic Sea Area will be laid down in a regional agreement.

Existing text	Proposed Amendment	Remarks
Annex II =====		
<u>Regulation 1</u> :--:--:--	<u>Regulation 1</u> :--:--:--	New sub-paragraph added, Cf. Annex I, Regulation 1(10)
	(6) "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 noxious liquid substances in bulk is required. Special areas are those listed in Regulation 5 A of this Annex.	Obligations for all Coastal States to provide adequate reception facilities for ships operating in the Baltic Sea Area will be laid down in a regional agreement.
<u>Regulation 3</u> :--:--:--	<u>Regulation 3</u> :--:--:--	
	(2a) For the special areas a special categorization is set out in Appendix II to this Annex.	

Existing text	Proposed Amendment	Remarks
<u>Regulation 5</u>	<u>Regulation 5</u>	It is desirable to indicate in Regulation 5 that the special categorization for special areas shall be observed by ships operating in such areas.
<u>Discharge of Noxious Substances</u>	:--:--:--	
Subject to the provisions of Regulation 6 of this Annex.	Subject to the provisions of Regulations <u>5 A</u> and <u>6</u> of this Annex.	
(1) :--:--:--	(1) :--:--:--	
	(3a) Ships while operating in a special area, shall be subject to appropriate additional requirements of Regulation 5 A of this Annex.	
	<u>Regulation 5 A</u>	
	<u>Special Areas and related requirements.</u>	New regulation added, Cf Annex I, Regulation 12.
	(1) For the purpose of this Annex "special areas" shall include the Baltic Sea Area.	Cf Annex I, Reg 12, paragraph (1)(a), cf Annex I, Reg 9(2)
	(2) For the purpose ^{Sea} of this Annex the Baltic Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak.	Cf Annex I, Reg 12, proposed new sub-paragraph (1) The border line is the same as that used in Regulation 51 of the International Convention on Load Lines 1966.

Existing text	Proposed Amendment	Remarks
	<p>(3) For the special areas an additional Category A0 is established.</p> <p>Discharge into the sea of Category A0 substances is prohibited within the Special areas.</p>	
	<p>(4) Ships, while operating in the special areas shall observe the special categorization of noxious liquid substances set out in Appendix II, Column II a, to this Annex</p>	Cf Annex I, Reg 12, paragraph 1(c) and (3)(b).

Appendix I to Annex II

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Additional Guidelines for categorization for Special Areas

Particular weight shall be given to such special factors that may result in greater harm if a substance is released into a special area than into other waters.

New paragraph added at the end of the Appendix.

The special categorization for the Special Areas should be carried out by upgrading all Category A substances to Category A0, all Category B substances to Category A and all Category C substances to Category B.

Existing text	Proposed Amendment	Remarks
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Appendix II to Annex II

<u>List of noxious liquid substances carried in bulk</u>	<u>List of noxious liquid substances carried in bulk</u>
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<u>Pollution Category for operational discharge (see Reg 3 of Annex II) 22/</u>	<u>Pollution Category for operational discharge (see Reg 3 and 5A of Annex II)</u>
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II	II Valid out- side spe- cial areas	IIa Valid within special areas
A	A	AO
B	B	A
C	C	B

Existing text	Proposed Amendment	Remarks
<u>Annex V</u> <u>Regulation 1</u>	(3) "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 garbage is required. Special areas are those listed in Regulation 3A of this Annex.	New sub-paragraph added, Cf Annex I, Reg 1(10) and Annex II, Reg 5A. Obligations for all Coastal States to provide adequate reception facilities for ships operating in the Baltic Sea Area will be laid down in a regional agreement.

Regulation 3

Discharge of garbage

(1) Subject to the provisions of this Annex:	(1) Subject to the provisions of Cf Annex I, Reg 9(1) and Annex II. Reg 5A. Regulation 3 A and 4 of this Annex:
(1)(c)(ii) [anywhere within special areas]	(ii) anywhere within special areas. Brackets to be deleted.
(d)(ii) [anywhere within special areas]	(ii) anywhere within special areas. Brackets to be deleted.

Existing text

Proposed Amendment

Remarks

Regulation 3 A.

List of Special Areas and related requirements.

(1) For the purpose of this Annex special areas shall include the Baltic Sea Area.

(2) For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak.

The border line is the same as that used in Regulation 51 of the International Convention on Load Lines 1966.

MP/CONF/8/12

Comments of the Government of Denmark on the
Draft Text of the International Convention
for the Prevention of Pollution from Ships,
1973, (apart from questions related to
"Special Areas").

The Government of Denmark offers the following **provisory comments and proposals for consideration at the scheduled International Conference:-**

ARTICLES

Article 5 (Certificates and Special Rules on
Inspection of Ships)

Amend the final sentence of paragraph (2) to read
"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
suitable repair yard."

The Danish Government agrees with the view recorded in
footnote 16 that "nearest repair yard available" is
unduly restrictive and might in some instances defeat the
object of the provision - to ensure that the vessel is
restored to a satisfactory condition as quickly as
possible.

Article 6 (Detection of Offences Against and Enforcement
of the Convention)

Amend paragraph (2) to read-

"A ship to which the present Convention applies may be
subject in ports and off-shore terminals to inspection by
officers appointed or authorized by Contracting States for
the purpose of determining whether harmful substances have
been discharged in contravention of the provisions of the
Regulations. If it appears from such inspection that
harmful substances have been thus discharged, the report

of the inspection shall be forwarded to the Administration for appropriate action."

The Danish Government believes that the right of inspection should be exercised in all ports, and not simply loading ports, and thus subscribes to the proposal in footnote 21 (i). However, it would seem likely that Administrations should only be notified of cases of apparent contravention of the Regulations, and not - as the final sentence of paragraph (2) as drafted suggests - of all inspections, both satisfactory and otherwise.

Article 8 (Powers of Contracting States)

Amend the Article to read-

- "(1) Subject to the provisions of paragraph (2) of this Article, 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.
- (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 any matter to which the Convention relates regarding ship design, associated equipment and manning which are not in accordance with the provisions of the Regulations."

The Danish Government believes that the wording of this Article is critical to the success of the convention. The goal of the Conference must be an international agreement on measures which will effectively curb pollution from ships. If each Contracting State were to impose its own distinct national regulations on the design, equipment and manning of foreign vessels within its jurisdiction, the practical advantages of the convention, would be nullified. The Danish Government therefore submits that recognition of the integrity

of international agreements is of paramount importance.

With reference to the wording, the Danish Government suggests that the proposed amendments remove the possibility of inconsistency between the two paragraphs.

ANNEX I

Regulation 1 (Definitions)

1. "Oil"

Reference is made to comments under Regulation 9(i) (Controls of Discharge of Oil).

5. "New Ship"

Amend sub-paragraph (b) to read-

"the delivery of which is three years or more after the date of entry into force of the present Convention; or"

The Danish Government believes that, taking into account the time which must elapse between the Conference and the date on which the Convention enters into force, a figure of three years is fair and realistic.

Regulation 9 (Controls of Discharge of Oil)

(i) Amend paragraph (1) to reflect the approach set out in the addendum to footnote 14 (See page 92 of the text).

The Danish Government strongly supports the development of special requirements for non-persistent oils. The controls in Regulation 9 as drafted are based on the 1969 Amendments, which - as far as tankers are concerned - gave recognition to the use of the load-on-top system. The oils listed in Category II in the addendum to footnote 14 (page 95) behave differently from those in Category I, and the load-on-top process is inappropriate for Category II oils. The Danish Government submits that the outline of a procedure as presented on page 93 is more realistic and merits general support.

(ii) Amend paragraph (1) (b) (iv) to read-

"the discharge is made as far as practicable from the land."

The Danish Government believes that the requirement to fit an approved separator on all but the very smallest vessels (see Regulation 16 (2) should be an adequate safeguard against pollution from discharge of oil or oily mixtures from machinery space bilges, and that a 10 mile prohibited zone should not be necessary.

(iii) Amend paragraph (1) (b) (vi) to read-

"the ship has in operation an oily water separating or filtering system or other installation as required by Regulation 16 of this Annex."

As explained in comments under Regulation 16, the Danish Government believes that a monitoring and control system ought not to be required on ships other than tankers. The wording above also includes a suggested amendment to bring it into line with that in Regulation 16.

Regulation 11 (Methods to effect the Control of Discharge of Oil from Oil Tankers)

(i) Delete paragraph (2).

The Danish Government doubts whether there is a need for a mandatory requirement for segregated ballast, and that a policy of alternative options should be maintained.

(ii) The Danish Government is inclined to feel that the requirements in Regulation 15 are inappropriate for non-tankers with oil-carrying capacity, and that these vessels should only have to be able to comply with the method referred to in paragraph (1) (c) of Regulation 11 (in-port disposal).

It is suggested that this point might be met by suitable amendment to Regulation 11.

Regulation 13 (Segregated Ballast Oil Tankers)

Reference is made to the above comments under Regulation 11(i).

It is suggested, however, that there might be a case for considering special requirements for segregated ballast tankers which might be constructed for certain specific trades, but in this context the Danish Government believes that further studies on segregated ballast designs should be undertaken.

Regulation 15 (Retention of Oil on Board)

(i) Amend paragraph (3) (b) to read-

"For new oil tankers, 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. For existing oil tankers, the arrangements shall be the same as for new oil tankers, except where the Administration is satisfied that a slop tank or combination of slop tanks of lesser capacity is such that the oil content of any effluent will comply with the provisions of Regulation 9 of this Annex".

The Danish Government believes that, with the safeguards afforded by Regulation 3 (Equivalents) the percentage figures are quite realistic for new tankers, but submits that-

(a) The provision of at least two slop tanks on oil tankers of over 100.000 tons deadweight is not universally accepted as being the most effective system.

(b) There are a considerable number of existing tankers with slop tanks which, though satisfactory in operation, do not have such a large capacity as those specified for new tankers, and Administrations could be given discretion to approve the continued operation of such tankers without structural alteration.

Regulation 16 (Oil Discharge Monitoring System and Oil
Water Separating Equipment in Ships other than
Oil Tankers)

Delete the words "Oil Discharge Monitoring System and" from the title, and delete paragraphs (1) and (5).

Under paragraph (2) of this Regulation, all but the smallest vessels must be fitted with an approved separator. Separators manufactured in accordance with the specification in Part A of the recommendation annexed to Resolution A.233 (VII) are designed to meet the limit of 100 p.p.m. Furthermore, there is as yet no solution to the problem of a wide variety of oils passing through an oil monitoring system. The Danish Government therefore submits that the requirement to fit a monitoring system to ships other than tankers of 10,000 tons gross tonnage and above should be withdrawn.

ANNEX II

Regulation 3 (Categorization and Listing of Noxious Substances)

Delete the square brackets in paragraph (3).

The Danish Government agrees that until agreement is reached on the categorization of any given substance, it should be carried under the most severe conditions proposed. As a consequence, however, it is felt essential that all substances known to be carried in bulk by sea should be evaluated before the convention enters into force; only new substances would then require subsequent evaluation.

ANNEX IV

Regulation 1 (Definitions)

Add a new definition-

"Passenger ship" means a ship which carries more than one hundred passengers as defined in Regulation 2 (e) of Part A of the International Convention for the Safety of Life at Sea, 1960.

This addition is consequential upon acceptance of the change proposed to Regulation 2.

Regulation 2 (Application)

(i) Amend sub-paragraph (b) to read as follows-

"(b) existing ships, other than passenger ships, of more than 200 tons gross tonnage and existing ships which do not have a measured gross tonnage but which have beds for more than 10 persons, 10 years after the date of entry into force of this Annex."

The reference to passenger ships is consequential upon acceptance of the suggested new sub-paragraph (c), below. The removal of the square brackets reflects the view that a 10-year period after the date of entry into force of the Annex is reasonable and realistic to carry out the necessary adaptation of existing vessels.

(ii) Add a new sub-paragraph (c) as follows-

"(c) existing passenger ships of more than 200 tons gross tonnage, 10 years after the date of entry into force of this Annex, or, where the Administration is satisfied that compliance would be technically or economically impracticable, at such later date as the Administration may decide."

The Danish Government is convinced that at the end of the 10 year 'period of grace' there will be very few such vessels still in operation and thus the pollution hazard they would present is so small as to justify a special concession.

Regulation 4 (Discharge of Sewage)

Insert the figure '3' in the square brackets in paragraph (1) (a).

The Danish Government believes that 3 miles is an adequate limit in this context. The adoption of a 12 mile limit would be unduly restrictive for the smaller vessels operating primarily in coastal or short-sea voyages.

ANNEX VRegulation 3 (Discharge of Garbage)

Delete square brackets around all the figures in paragraph (1), and additionally amend sub-paragraphs (b) and (d) to read-

"(b) the discharge into the sea of food wastes, and also of paper rags, glass, metal, bottles, crockery and similar refuse if such garbage is passed through a comminuter or grinder, is prohibited within a distance of 3 nautical miles from the nearest land;"

"(d) subject to the provisions of sub-paragraph (b) of this paragraph, the discharge of all other garbage, including paper, rags, glass, metal, bottles, crockery and similar refuse is prohibited:

(i) within a distance of 12 nautical miles from the nearest land; and

(ii) ~~anywhere within special areas.~~"

The Danish Government believes that the off-shore limits, as drafted, are satisfactory. It is submitted, however, that where a comminuter or grinder is fitted, the garbage mentioned in Sub-paragraph (d) could be subjected to the conditions in sub-paragraph (b).
