



## 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 the  
Federal Republic of Germany

Attached hereto are the comments on the draft text of the International Convention for Prevention of Pollution from Ships, 1973 proposed by the Federal Republic of Germany.

INTERNATIONAL CONFERENCE ON MARINE  
POLLUTION, 1973

C O M M E N T S

by the Federal Republic of Germany

on the Draft Convention and its proposed Annexes submitted by  
the Note - A 1/O/1.02 (NV.1) - of the Secretary-General of IMCO  
dated 12 April 1973.

A. Draft Convention

I. General Remarks:

It should be noted, that it is renounced of repeating all comments brought forward orally or written in the foregoing meetings of the appropriate IMCO bodies. However, the right is reserved to come back to these matters.

II. Particular Remarks:

1. Ad Article 7:

This Article should read:

"(1) The master of a ship involved in an incident which has given or may give rise to spillage or loss of packages or containers of harmful substances and which is likely to cause a significant hazard to the marine environment shall communicate the information by all the means at his disposal to the first point on the coast which he can contact with the request to transmit it to the competent authorities of the State concerned. In the event of the disability of the master, the report shall be made by the owners or charterers of the ship or their agents as soon as possible. Such reports shall contain as much relevant details as possible.

(2) Each Contracting State shall make all arrangements necessary to ensure that reports which have been received will be promptly communicated to its appropriate authorities and to all States likely to be affected.

(3) Each Contracting State shall advise the Organization with complete details of arrangements specified in paragraph 2 for circulation to other Contracting States and Member States."

Remarks:

The new wording depends on those prepared until now in the different drafts and moreover takes care of Regulation 2, Chapter V, SOLAS 1960 which - as far as is known - has proven good in practice.

2. Ad Article 8:

This Article should read:

"(1) A Contracting State shall not within its jurisdiction in respect of ships to which the Convention applies other than its own ships impose additional regulations regarding ship design, equipment and manning.

(2) Any additional regulations regarding operational matters which may be imposed by a Contracting State within its jurisdiction shall be limited to such that can be fulfilled by a ship meeting the appropriate international requirements."

Remarks:

Facilitation of international seagoing traffic by uniform requirements on ships used for this purpose is one of the principal objects of all international agreements sponsored by IMCO. All efforts should be undertaken at minimizing special national regulations. In this respect the proposed wording seems to be necessary and adequate.

B. Annex II. General remarks

1. The main objective of this Annex is - as expressed in the preamble - the complete elimination of intentional pollution by oil. The present draft text provides for an approach in three steps:

- (i) General provisions on "Control of Discharge of Oil",
- (ii) Specification of "Methods to effect the Control of Discharge",
- (iii) Detailed technical regulations for these various methods.

This approach can only be accepted

- (a) if it does not lead to a kind of "redundancy in determination", and
- (b) if it leaves the necessary minimum of flexibility for design and construction.

These conditions are not met by the present draft regulations for mandatory segregated ballast tanks which therefore should be deleted or made optional.

2. In the case of ships other than oil tankers propelling power seems to be a better criterion than gross tonnage for oil consumption and potential pollution by oil. The proposed size limit of [400] tons gross tonnage for these ships should therefore be substituted or supplemented by a size limit of propelling power.
3. All proposals and remarks regarding Special Areas have jointly been prepared during the so called "Helsinki Meeting" (28.5 to 2.6.1973) by Government Experts from Denmark, Finland, the German Democratic Republic, the Federal Republic of Germany, Poland, Sweden and the Union of Soviet Socialist Republics. All mentioned Governments agreed to send comments of the same tenor to IMCO. The relevant explanations under II are marked by an asterisk<sup>\*)</sup>.  
(It should be noted that this is likewise valid for Annexes II and V).

II. Particular Remarks:1. Ad Regulation 4:

(a) The first sentence of para (1) should read:

"(1) Every oil tanker of [150] tons gross tonnage and above, and every other ship [of [400] tons gross tonnage and above] [and/or] [with a propelling power of [1,000] HP and above] shall be ..."

Remarks:

Cf. paragraph B, I, 2.).

(b) Sub-paragraph (c) of paragraph (1) should provide for a period "not exceeding two and a half years" instead of "two years".

Remarks:

The period should be half of that provided for under sub-paragraph (b) and furthermore correspond with the survey periods of Classification Societies.

2. Ad Regulation 5:

Paragraph (1) should read:

"(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] [and/or] [with a propelling power of [1,000] HP and above] which are ..."

Remarks:

Cf. paragraph B, I, 2.).

3. Ad Regulation 8:

Paragraph (5) should read:

"(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 twelve months or ..."

Remarks:

The proposed period of three months seems to be considerably too short especially in cases when the transfer to another flag takes place anywhere in a foreign port and the ship is engaged in a fixed service.

4. Ad Regulation 9:

This Regulation should read:

"Control of Discharge of Oil<sup>14/</sup>

(1) Subject to the provisions of Regulation 9A and 10 of this Annex, any discharge into the sea of oil or oily mixture, other than mixture equivalent to clean ballast, from ships to which this Annex applies shall be prohibited:

(a) regarding an oil tanker, subject to the provisions of sub-paragraph (b) of this Regulation:

(i) within any Special Area defined in Regulation 1(10) of this Annex,

(ii) without Special Areas at a distance of 50 nautical miles or less from the nearest land, and

(iii) anywhere else except when all the following conditions are satisfied:

1. the tanker is proceeding en route;
  2. the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;
  3. 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/ does not exceed the relevant following fraction of the total quantity of the cargo of which the residue formed a part:
    - 1/15,000 for existing tankers;
    - 1/15,000 for new tankers of 150,000 tdw or less;
    - 1/30,000 + 5 for new tankers between 150,000 and 375,000 tdw;
    - 1/50,000 + 10 for new tankers of 375,000 tdw or more;
  4. the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex;
  5. the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex;
- (b) regarding a ship other than an oil tanker and the discharge from machinery space bilges, excluding cargo pump room bilges, of an oil tanker:
- (1) within any Special Area defined in Regulation 1(10) of this Annex, if the ship is [of 400\*] tons gross tonnage or above [and/or] [has a propelling power of [1000] HP and above],



- (ii) without Special Areas at a distance of ~~/10/~~ nautical miles or less from the nearest land ~~20/~~, and
- (iii) anywhere else except when all the following conditions are satisfied:
1. the ship is proceeding en route;
  2. the oil content of the discharge is less than ~~/100/~~ parts of oil per 1,000,000 parts of effluent;
  3. the instantaneous rate of discharge of oil content does not exceed ~~/60/~~ litres per nautical mile;
  4. 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) [ ] ~~/~~ 21/

(3) 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.

Remarks:

The new wording - without major changes in substance - has been proposed to make this principal general provision more clear and to avoid any misinterpretation. Especially the intended total prohibitions of discharge should be clearly expressed and not be indicated by a double negative.

Regarding sub-paragraph (1)(a)(iii) 3. Cf. footnote 19.

The drafted paragraph (2) could be deleted as the new wording of Regulation 12 proposed by the Helsinki Meeting does not include any additional requirements but only the reference to the prohibition of discharge now clearly expressed in Regulation 9. Further alterations proposed by the Helsinki Meeting are overruled by this new wording and could therefore be deleted.

5. Ad Footnote 14:

A new Regulation 9A should be developed on the concept lined out on page 93 of the Draft containing special requirements for "non-persistent oil" which better should be designated as "white refined product" as opinions on the conception of "persistence" are widely divided. The "List of Oils in Category II" on page 95 of the Draft should further be considered.

6. Ad Regulation 11:

This Regulation should read:

"(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 paragraph (2) 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 reception facilities specified in Regulation 20 of this Annex.

(2) 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)(iii)4 and 5 of this Annex which shall be provided before the expiry of a period of 2 years from that date."

Remarks:

For the deletion of the drafted sub-paragraph (2) cf. general remarks under B, I, 1.).

The new sub-paragraph (2) has been adjusted to the proposed new wording of Regulation 9.

7. Ad Regulation 12:

(a) The heading should read:

"Special Areas and Related Requirements"\*)

Remarks:

The proposed wording is more adequate to the purport of this Regulation.

(b) Sub-paragraph (1) should read:

"(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, the Baltic Sea Area and the Black Sea."\*)

Remarks:

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) The Baltic Sea is an enclosed water body with extremely slow and irregular exchange of deep water with the ocean waters.
- (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 organisms of the Baltic Sea are much (in certain cases ten times) higher than in the true marine environment of the seas.
- (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.
- (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.

The characteristics of the Baltic Sea will be further explained in a note submitted to the Conference.\*)

- (c) Sub-paragraph (1)(c) should start: "Ships" instead of "Every oil tanker".\*)

Remarks:

The proposed text of Regulation 12(3) deals also with ships other than oil tankers.\*)

- (d) Paragraph (3) should read:

(3) Baltic Sea Area

(a) 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.

(b) Ships, while operating in the Baltic Sea Area, are subject to all applicable provisions of this Annex, especially the prohibition of discharge as provided for in Regulation 9(1)(a)(1) and 9(1)(b)(i).

Remarks:

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. Paragraph (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.

8. Ad Regulation 13:

(a) Delete paragraph (3).

Remarks:

The proposed conditions lead to a kind of redundancy in determination and could probably hamper future technical development. Furthermore greater freedom regarding design and construction could rather more encourage ship-owners to install segregated ballast tanks on an optional basis.

(b) Delete paragraph (4).

Remarks:

As it is proposed to delete the former paragraph (2) in Regulation 11 and thus making segregated ballast tanks optional instead of mandatory this provision is superfluous.

(c) Renumber paragraph (5) to be (3).

9. Ad Regulation 14 paragraph (1):

Replace the words "of not less than 4,000 tons gross tonnage" by "of 4,000 tons gross tonnage and above".

Remarks:

Adjustment to the wording generally used.

10. Ad Regulation 16:

Paragraphs (1) to (3) should read:

"(1) Any new ship of 10,000 tons gross tonnage and above and/or with a propelling power of 10,000 HP and above shall before the expiry of a period of 5 years from the date of the entry into force of the present Convention be fitted...

(2) Any new ship of 400 tons gross tonnage and above and/or with a propelling power of 1,000 HP and above shall before the expiry of a period of 5 years from the date of the entry into force of the present Convention be fitted ...

(3) The Administration shall ensure that new ships of less than 400 tons gross tonnage and/or with a propelling power of less than 1,000 HP are equipped with installations, as soon and as far as practicable, ..."

Remarks:

The installation of oil discharge monitoring or oily water separating systems in existing ships would cause a lot of work and cost due to the necessary alteration. Besides it seems to be questionable that it could be done in a short time after the entry into force of the convention.

These provisions therefore should be limited to new ships or possibly contain a longer period of grace for existing ships.

Regarding the proposed size limits cf. Para B,I,2.).

11. Ad Regulation 17:

This Regulation should read:

"Every ship of 400 tons gross tonnage and above and/or with a propelling power of 1,000 HP and above shall ..."

Remarks:

Cf. Para B,I,2.).

C. Annex IIParticular Remarks1. Ad Regulation 1:

A new Subpara (6) to be added as follows:

"(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 5A of this Annex."\*)

Remarks:

Cf. Annex I, Regulation 1(10).

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.\*)

2. Ad Regulation 2:

Delete phrase in square brackets. (If this phrase should be retained "Regulation 12" shall be substituted by "Regulations 1, 2, 3, 4, 6, 11 and 12").

Remarks:

In contrast to Annex I it seems to be unnecessary to have special provisions for stationary ships with respect to noxious liquid substances in bulk, for those substances are unlikely to be found in the marine environment or subsoil or generated on stationary ships or platforms. Therefore the general provision of Reg.12 refers almost only to ships lying at anchor.



3. Ad Regulation 3:

(a) Designate the drafted paragraph (2) as sub-paragraph (2)(a) and add a new sub-paragraph (b) as follows:

"(b) For the special areas a special categorization is set out in Appendix II to this Annex."\*)

Remarks:

Cf. New Regulation 5A.

(b) Delete square brackets in paragraph (3).

Remarks:

An arrangement for the time when full agreement has not yet been reached is necessary.

4. Ad Regulation 5:

(a) Start this Regulation reading:

"Subject to the provisions of Regulations 5A and 6 of this Annex, ..."\*)

Remarks:

Reference to the proposed new Regulation 5A.

(b) Insert a new paragraph (4) as follows:

"(4) Ships while operating in a special area, shall be subject to appropriate additional requirements of Regulation 5A of this Annex."\*) Renumber paragraphs (4) to (6) as (5) to (7).

Remarks:

It is desirable to indicate in Regulation 5 that the special categorization for special areas shall be observed by ships operating in such areas. \*)

(c) Add a new Regulation 5A.\*)

(i) The heading should read:

"Special Areas and related requirements."\*)

Remarks:

New regulation added, Cf. Annex I, Regulation 12.

(ii) Paragraph (1) should read:

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

Remarks:

Cf. Annex I, Regulation 12, paragraph (1)(a),  
cf. Annex I, Regulation 9(2).\*)

(iii) Paragraph (2) should read:

"(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."\*)

Remarks:

Cf. Annex I, Regulation 12, proposed new sub-paragraph (3)(a).\*)

(iv) Paragraph (3) should read:

"(3) For the special areas an additional Category A0 is established. Discharge into the sea of Category A0 substances is prohibited within the Special Areas."\*)

Remarks:

Proposed new provision for proposed new Category A0.

(v) Paragraph (4) should read:

"(4) Ships, while operating in the special areas shall observe the special categorization of noxious liquid substances set out in Appendix II, Column IIa, to this Annex."\*)

Remarks:

Cf. Annex I, Regulation 12, paragraph 1(c) and (3)(b).\*)

5. Ad Regulation 6:

Add "and 12" after "Regulation 5".

Remarks:

The exceptions of Regulation 6 have to be extended to cover stationary ships as they are generally under the same weather and sea conditions as ships en route.

6. Ad Regulation 10:

Add a new sub-paragraph (1)(c) which should read:

"(c) 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.

Remarks:

Cf. Annex I, Regulation 7(1).

7. Ad Footnote 17:

This footnote should be deleted.

Remarks:

A chemical tanker shall be constructed and equipped in accordance with the "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk"; therefore further requirements are considered unnecessary.

8. Ad Regulation 12:

This Regulation should be deleted.

Remarks:

Cf. Regulation 2.

If this Regulation should be retained Regulation 6 has to be extended as proposed to cover stationary ships.

9. Ad Appendix I<sup>\*)</sup>:

A new paragraph should be added at the end of the Appendix as follows:

"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."<sup>\*)</sup>

Remarks:

The special categorization for the Special Areas should be carried out by upgrading all Category A substances to Category AO, all Category B substances to Category A and all Category C substances to Category B.<sup>\*)</sup>

10. Ad Appendix II<sup>\*)</sup>:

Column II of the list should be split up as follows:

Pollution Category for operational discharge (see Regulations 3 and 5A of Annex II)	
II Valid outside special areas	IIa Valid within special areas
A	AO
B	A
C	B

D. Annex III

General Remarks:

It should be noted that there is quite a need to formulate appropriate provisions regarding the carriage of harmful substances in packaged form for inclusion in the Convention although the present state of knowledge in this field has not advanced sufficiently enough to enable the Conference to formulate final and detailed provisions.

The proposed solution therefore - may it be an Annex to the Convention, may it be a Resolution with annexed Recommendations - shall in any case only be a framework to be filled out by an appropriate Code. This Code however should not be a specially developed new "Harmful Substance Code" but rather a Revision of the existing "International Maritime Dangerous Goods Code". This would probably avoid a lot of double work and the necessity to look into two different codes for the proper treatment of one substance.

As a second point of importance should be referred to Footnote 5 on page 125 regarding "Quantity Limitations". It should indeed be exercised greatest care in this context. Otherwise one could easily come to the result he should better stay in, to be in any case on the safe side.

E. ANNEX IV (SEWAGE)I. General Remarks:

The discharge of sewage is one source of coastal pollution from ships. Although the ship-generated sewage is - in comparison with sewage pollutants originated on land and entering into the sea by rivers - of less importance the measures to be taken by ships have to correspond to the broad endeavours by many countries to reduce or even to prevent pollution of the coastal regions by municipal sewage in establishing sewage treatment plants ashore. The reduction of untreated sewage-discharge from ships within a special coastal area will reduce or control the detrimental effects of sewage.

With respect to the effectiveness of this particular Annex the Federal Republic of Germany is of the opinion that several amendments to the draft should be taken into account. The following points are of special importance:

1. The "Anti-Pollution" Certificate should be issued for all ships on international voyages which have a suitable equipment (holding tank or sewage treatment plant) for handling sewage.
2. The effluent standards should be specified in order to have a clear definition of the qualifications for a sewage treatment plant aboard which shall prevent any damage of the coastal environment by the discharge of sewage. At present the effluents of several types of sewage treatment plants are tested in the FRG.
3. The reception facilities required by Reg. 6 in ports for untreated sewage collected in holding tanks are aimed to be used only by a small number of ships on the understanding that the majority of ships will be equipped in futures with sewage treatment plants. By this the costs of investment in the ports for installation of **reception facilities will be reduced.**

**Notice: The proposed amendments of the Federal Republic of Germany are underlined in the following text.**

II. Particular Remarks:

1. Ad Regulation 1:

a) Insert new sub-paragraph:

(6) "Sewage treatment plant" means an installation for treating sewage before discharge in restricted waters.

Remarks:

As there is a definition of "Holding tank" this proposed amendment is desirable.

b) change of numbering:

drafted subpara (6) will change to subpara (7).

2. Ad Regulation 2:

a) Subpara (a) and (b) 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 ~~20~~ persons; and

(b) existing ships of more than 200 tons gross tonnage and existing 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 ~~20~~ persons, ~~10~~ years after the date of entry into force of this Annex,

Remarks:

As additional criteria for ships of less than 200 tons gross tonnage the fixed number of persons admitted on board seems to be necessary because the marine pollution by ship-generated sewage is mainly dependent on number of persons.

b) Footnote 2/ to be deleted.

Remarks: A reduction to 5 years will force many ships to expensive conversions.

- c) Footnote 3/ to be deleted.

Remarks:

Each national Administration has the possibility to exempt certain ships engaged only on national voyages from the requirements of this Annex.

3. Ad Regulation 3:

- a) Subpara (1) should read:

- (1) ... Certificate (1973), shall be issued to a ship
- (i) using special equipment for handling sewage (holding tank or sewage treatment plant) and
- (ii) engaged on international voyages,
- shall be of a form which corresponds to that of the model given in the Appendix of this Annex.

Remarks:

Following the words of footnote 4/ the survey and issue of certificates should be made mandatory to ships using a special equipment and engaged on international voyages. Moreover the Certificate can play an essential role for the Administrations when it is necessary to prove whether the requirements of this Annex are implemented or not.

- b) Subpara (5) should read:

- (5) The Certificate shall be issued after a survey and inspection of the ship which shall be such as to ensure that the following items are in accordance with the aims of this Annex:

- (a) when the ship is equipped with a sewage treatment plant it is regarded as a suitable equipment when the following effluent requirements can be met:
- (i) Total coliform count shall not exceed 10.000 per litre,
- (ii) Total Biological Oxygen Demand (BOD) shall not exceed 100 mg/litre of Oxygen at 20° C
- (iii) Suspended solids shall not exceed 150 mg/litre

The results of a test under normal operation conditions are laid down in the Certificate.

Remarks:

From the great number of polluting elements in a sewage system discharge there are measurements of certain elements that yield enough information to ascertain whether a discharge has a potential of polluting the surrounding water. These are measurements of bio-chemical oxygen demand (BOD), suspended solids and number of coliform bacteria.



Preliminary standards are put into brackets. The Federal Republic of Germany is eager to give more substantive explanation for these standards at the October Conference. At present the effluents of several types of sewage treatment plants are tested.

It is necessary to define special figures for these measurable standards to have a guideline for the construction of the various types of sewage plants which are used aboard of different ships to meet the same effluent standards when discharging in restricted areas. When issuing a Certificate to a ship there should be 2 figures with respect of the effluent standards of sewage plants:

1. results of a manufacturer's test to qualify the equipment for using aboard.
2. results of a test under conditions that simulate operation at sea conducted by the issuing Administration  
(see amendment to the model Certificate given in the Appendix).

c) Subpara (5) (b) should read:

(b) when the ship is equipped with a system to collect and hold sewage before discharge into the sea or in shore reception facilities it is regarded as a suitable equipment when the following specifications are available:

- (i) Total capacity of the holding tank
- (ii) Visible mark of the holding tank's actual charge
- (iii) a pipeline leading to the exterior and an additional pump to pump the sewage up to the deck's height both convenient for the discharge .... (following 5(b) of the draft).

Remarks to (iii):

The proposed Amendment seems to be important to demonstrate that the ship is able to manage the discharge of sewage to a reception facility by shipborne means.

d) Subpara (8) should read:

... shall be issued for a period of two and a half years. For prolongation a new survey with tests are necessary.

Remarks:

The period of validity should be only two and a half years instead of five years. The Certificate gives more evidence for the master of the ship and the surveyor.

4. Ad Regulation 4:a) Footnote 6/ to be deleted.Remarks:

Special requirements for fixed platforms are not necessary. See definition of ship in Article 2(5) which includes fixed platforms.

b) Footnote 7/ to be deleted.Remarks:

The rights of the Contracting States are fixed in Article 8(1). Besides the need of uniform requirements for easy implementation by the ship's masters don't want the encouragement for more stringent regulations which a coastal State may make.

c) Subpara (1) should read:

(1) ..., the discharge of sewage into the water is prohibited, except when:

Remarks:

The expression "water" is more general, because the discharge is prohibited in coastal waters including rivers and harbours.

d) Subpara (a) should read:

(a) the ship is discharging sewage stored in holding tanks at a distance of more than 3 nautical miles from the nearest land. Holding tanks shall not be discharged instantaneously but at a moderate rate ...

Remarks:

A distance of 3 nautical miles will be sufficient in the next decade (for the rate of dilution) to protect the coastal waters against the detrimental effects of sewage-discharges from ships. Moreover any greater distance from the nearest land will trouble smaller vessels engaged in coastal trade in their normal operations.

e) Subpara (b) should read:

(b) the ship has in operation a suitable sewage treatment plant which can satisfy the general effluent standards as defined in Regulation 3(5) (a) and

(i) the test results of the plant are laid down in the ship's valid International Sewage Pollution Prevention Certificate.

(ii) Additionally the effluent shall not produce visible floating solids ...

Remarks to (i):

The hygienic effluent standards which indicate, that the discharge has been chlorinated (reduction of coliform bacteria), treated with oxygen (to prevent a reduce of free oxygen in the surrounding water) and sufficiently settled (to prevent settlement of sludge on the bottom) are listed in Reg 3(5)(a).

Remarks to (ii):

The additional effluent criteria show whether the discharge of treated sewage meet the esthetic requirements of the anti-pollution campaign. Conclusions on the effect of the sewage treatment plant in operation are possible.

f) The drafted subpara (b)(i) "The total coliform count...." should be deleted at this place.

Remarks:

The effluent requirements are mentioned in the amended version of Reg 3(5)(a) of this Annex.

5. Ad Regulation 6:

This regulation should read:

... without causing undue delay and undue extra costs to ships.

Ports should generally be obliged only to receive sewage under the afore mentioned conditions from those ships whose actual remaining capacity of the holding tank is not large enough to enter the non prohibited zone.

Remarks:

The operators (private or public) of reception facilities should try to carry out their service in such a way causing for the ship owners a minimum of time and costs.

The possibility to use reception facilities should be limited to a small number of ships because the investment for providing reception facilities for every ship entering the harbour and which does not have a sewage treatment plant in operation would be too high.

F. APPENDIX TO ANNEX IVI. General Remarks

The International Sewage Pollution Prevention Certificate should be issued to all ships engaged on international voyages and which have a suitable equipment (holding tank or sewage treatment plant) for handling sewage.

The Certificate shall contain special technical details (including effluent standards). This will be desirable for the ship's master as well as for the surveyor.

II. Particular remarks:

- a) Besides the listing of  
Name of Ship, Distinctive Number or Letter,  
Port of Registry, Gross Tonnage,  
the Number of Persons admitted on Board should be added.

Remarks:

C.f. change of Reg. 2 where the criteria "Number of persons admitted on Board" is proposed to be amended.

- b) Paragraph 1 (on top of page 141 of the draft) should read:

"This is to certify that:"

- (1) The ship is equipped with a sewage treatment plant/holding tank <sup>+)</sup>

(a) Description of holding tank equipment:

- (i) Total capacity of the holding tank ..... m<sup>3</sup>  
(ii) additional technical data:.....

- (b) Description of the sewage treatment plant, that is able to meet the requirements of Regulation 3(5)(a) and of Regulation 4(1)(b) of ANNEX IV of the said Convention.

Type (name of manufacturer):.....

The sewage plant is designed to reach the following effluent standards (results of a manufacturer's test):

+) Delete as appropriate

- (i) Total Coliform count ..... per litre
- (ii) BOD (Biochemical Oxygen Demand) ..... mg/litre
- (iii) Suspended solids ..... mg/litre

By the test, conducted by the issuing Administration, the following results were achieved:

Date of test	1974	1976
(i) Total Coliform Count	.... per litre	.... per litre
(ii) BOD (Biochemical Oxygen Demand)	.... mg/litre	.... mg/litre
(iii) Suspended solids	.... mg/litre	.... mg/litre

(c) a pipeline and an additional pump for the discharge of sewage ..... (text from subpara (b) of the draft)

Remarks:

- a) Cf. ANNEX IV Reg. 3(5)(b)
- b) Cf. ANNEX IV Reg. 3(5)(a)

G. ANNEX V (Garbage)

I. General Comments

The Pollution of the sea and the coasts by garbage is a permanent growing problem which affects especially the amenities of coastal regions.

Semi-closed sea areas with a high sea-traffic have to be protected by more stringent regulations.

In Helsinki (28. May - 2. June 73) the riparian countries of the Baltic have decided unanimously on a concept to give the Baltic the status of a special area, because of the alarming oceanographical and ecological facts of this brackish water area. For further details cf. our remarks ad. ANNEX I, Reg. 12. The proposed amendments in connection with the Helsinki-Conference are especially marked in our comments by an asterisk \*/.

Additionally the Federal Republic of Germany suggests to discuss the following arrangements for areas other than special areas taking into account the use of comminuters or grinders:

If passed through a comminuter or grinder the discharge of

- a) Food waste (Reg. 3 (1)(b)),
- b) dunnage, lining and packing material (Reg. 3(1)(c)),
- c) paper, rags, glass, metal, bottles, crockery and similar refuse (Reg. 3 (1)(d))

is permitted in a distance of more than 3 nautical miles from the nearest land.

It is anticipated that the ships will make use of comminuters or grinders on a broad scale.

Doing this the proposed minimum distance of 3 nautical miles instead of different minimum distances (3, 12, 25 nautical miles) will aid ships in implementing the regulations.

## II. Particular Remarks:

### 1. Ad Regulation 1

a) The new subpara (3) should read:

✓ (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.

#### Remarks:

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.

### 2. Ad Regulation 3

a) The amended subpara (1) should read:

✓ (1) Subject to the provisions of Regulation 3 A and 4 of this Annex:

#### Remarks:

Cf. Annex I, Reg. 9(1) and Annex II Reg. 5A.

- b) The amended subpara (c) should read:
  - e) the discharge into the sea of dunnage, lining and packing material including wood which will continue to float, is prohibited:
    - (i) within a distance of 50 nautical miles from the nearest land; and
    - \* / (ii) anywhere within special areas

Remarks:

Dunnage is not only made of wood; for this reason we would like to use dunnage in a more broader sense.

- (i) To prevent damage of amenities a larger distance from land is suitable. (see footnot.4)
- (ii) Brackets to be deleted.

- c) The subpara (d)(ii) should read:
  - \* / d) ii) anywhere within special areas

Remarks:

Brackets to be deleted.

- d) A new subparagraph (2) should be added:
  - (2) If passed through a comminuter or grinder the discharge of garbage specified in subparagraph (c) and (d) can outside of special areas be discharged under the same conditions as those mentioned in sub-paragraph (b) of this regulation.

Remarks:

Cf. footnot 6/. If such an installation is in operation there is less separation of different types of garbage necessary aboard. The possibility of using comminuter or grinders will be advantageous for the crew handling with garbage. Moreover the coasts will hardly be affected by floating garbage.

- e) change the numbering of (2) into (3) and amend:
  - (3) When the garbage including that which passed through a comminuter or grinder is mixed with.....

Remarks:

Cf. new subpara(2) Reg. 3

3. Ad Regulation 5

This regulation should be amended as follows:

..... for the reception of garbage without causing undue delay and undue extra costs to ships.

Remarks:

The operators (private or public) of reception facilities should try to carry out their service in such a way causing for the ship owners a minimum of time and costs.

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