



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Agenda item 7

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

Comments and proposals on a draft text of the Convention

Submitted by the Government of the United Kingdom

Further to document MP/CONF/8/16 attached hereto are the comments of the Government of the United Kingdom on the Articles and Annex I of the draft Convention for the Prevention of Pollution from Ships, 1973.

COMMENTS ON THE ARTICLES AND ANNEX I SUBMITTED
BY THE GOVERNMENT OF THE UNITED KINGDOM

Preamble

The United Kingdom believes that the Conference should base its work upon the draft composite Convention annexed to paper PCMP/8/3 and that the alternatives of a separate Convention dealing with oil pollution and of expressing provisions relating to oil pollution in the form of amendments to the 1954 Convention should not be further considered. It considers that the Conference should recognise in an appropriate way the significant contribution made by the 1954 Convention as the first international instrument directly aimed at protecting the environment but believes that this could be achieved equally well by a paragraph in the Preamble or by an appropriate Resolution.

Article 2

The United Kingdom finds the definitions in this Article generally satisfactory but considers that the wisdom of including fixed platforms in the definition of "ship" requires further consideration.

Article 3

The United Kingdom finds this Article satisfactory as drafted and proposes the deletion of the square brackets (but not the words within them) in paragraphs (1)(a) and (1)(b).

Article 4

The United Kingdom prefers alternative I of this Article as set out on page 4 of the Annex to PCMP/8/3 and considers that the conjunction separating sub-paragraphs (a) and (b) of paragraph (1) should be "and". It does not at this stage support the inclusion in the text of the Article of the paragraph proposed in footnote 9, believing that the 1973 Conference should not, in drawing up its draft Convention, prejudge matters which will be more appropriately settled at the Law of the Sea Conference in 1974.

Article 5

To meet the points made in Footnotes 12 and 13, the first two sentences of paragraph (2) of this Article might be reworded as follows:

"Without prejudice to any general right of a contracting State to inspect the ships of other Contracting States while in ports or off shore terminals under its jurisdiction, any inspection of a ship concerning the implementation of the provisions of a certificate held in accordance with this regulation carried out by a Contracting State within its territory or in off shore terminals under its jurisdiction shall be limited to verifying that there is on board a valid certificate unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate".

In the last sentence of this paragraph the insertion of the word "suitable" before the words "repair yard" is proposed.

The United Kingdom favours replacing the provisions of paragraphs (3), (4) and (5) of this Article by the text proposed in Footnote 19.

Article 6

The right of inspection should not be limited to ships in loading ports but should apply to ships in any port or off shore terminal within the jurisdiction of a Contracting State. Only reports which disclose a possible breach of the Convention provisions should be sent to the Administration. The opening words of paragraph (5) should read "A Contracting State may investigate ...". The United Kingdom does not agree that the consent of the Administration should be required for such an investigation, as proposed in Footnote 20.

Article 7

The United Kingdom believes that this Article should be retained and opposes the suggestion in Footnote 29 that reporting requirements should form a separate mandatory Annex. It also opposes both limiting the scope of paragraph (1) to "significant discharges" and the alternative which has been suggested of setting a lower limit to the amount of harmful substances which have to be discharged before an incident need be reported. Paragraph (6) should be retained as drafted but a further sub-paragraph (d) should be added, calling for the reporting of

casualties to ships which involve a threat of discharge of the kind referred to in sub-paragraph (a), (b) or (c). The words "as far as possible" should not be inserted in paragraph (7), as proposed in Footnote 34, since this might encourage the sending of inadequate reports. If a particular piece of information is not available a statement to that effect in the report would suffice.

Article 8

The United Kingdom regards the principles to which this Article seeks to give expression as most important. It does not, however, regard the present wording as satisfactory and hopes at the Conference to propose an alternative text which will overcome the difficulties to which the Article as now drafted gives rise.

Article 10

The United Kingdom prefers the first of the three versions as set out in the Annex to PCMP/8/3.

Article 12

This Article is broadly satisfactory as drafted but the United Kingdom believes that reports on all casualties investigated in accordance with the Article should be forwarded to IMCO.

Article 14

The United Kingdom considers that some provision should be made for reservations to Articles of the Convention only, the specific Articles concerned to be decided by the Conference.

ANNEX I

Regulation 1

Definition of "Oil"

The United Kingdom considers that discharge of animal and vegetable oils should be regulated but that it might be more appropriate to do so under Annex II. It will express a firm view on this point at the Conference.

Attention is also drawn to paper MP/CONF/8/18 submitted jointly by the Delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom, on the question of having separate lists, and different conditions governing the discharge of "persistent" and "non-persistent" oils.

Definition of "new ship"

The United Kingdom would be content with a period of 3 years in paragraph (5)(b).

Definition of "major conversion"

Whilst sympathetic to the intention of Footnote 4 the United Kingdom believes that the motive which it seeks to impute would be impossible to prove in a Court of Law and that the words proposed should not be incorporated in the definition.

Regulation 2

This Regulation is generally satisfactory but the United Kingdom may wish to revert at the Conference to such questions as the use of the term "stationary ship" and the definition of "novel craft" in paragraph (4)(a).

Footnote 13

The United Kingdom considers that Article 7 should be fully comprehensive as regards reporting requirements so as to eliminate the need for additional requirements in this and other Annexes.

Regulation 9

See paper MP/CONF/8/18 submitted by the Delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom, which contains a redraft of parts of this Regulation.

The United Kingdom does not support proposals to increase the figure in square brackets in paragraph (1)(a)(ii) and reduce that in paragraph (1)(a)(iv).

It is accepted that some provision for facilitating enforcement of paragraphs (1) and (2) could usefully be included in paragraph (3) but the United Kingdom remains opposed to any provision which does not require the prosecution to prove that oil causing visible traces on the surface of the sea near a suspected ship was in fact discharged from that ship.

Regulation 11

The United Kingdom does not agree that certain ships should be exempted from the requirements of paragraph (2), as proposed in Footnote 26. It takes the view that exemptions from the requirements for new tankers to be constructed for segregated ballast operation should be kept to the absolute minimum.

Regulation 12

The United Kingdom has reservations about the creation of special areas since it believes that rigorous enforcement of the Convention's provisions will give adequate protection to those areas for which special treatment is claimed.

Recognizing, however, that this appears to be a minority view the United Kingdom proposes that the following conditions should govern the creation of special areas:

- (a) the additional restrictions on discharge of oil, over and above those imposed by the Convention generally, applying in each special area should be the minimum necessary to meet the special characteristics of the area concerned. In no circumstances should the creation of a special area enable less stringent requirements than those of the Convention generally to be applied within that area.
- (b) No area should be designated as a special area for the purposes of the Convention except by a majority decision, taking into account all available information about the special features of the area concerned on which the case for special treatment is based, of (a) the International Conference on Marine Pollution 1973 or (b) the Marine Environment Protection Committee, if and when created by IMCO.
- (c) Where the only permitted method of discharging oil residues within a special area is to reception facilities, the requirements of the Convention in respect of that area shall not come into operation until the Organization is satisfied on the basis of information supplied by the Governments of all the States surrounding that area, and by any other interested Government, that adequate reception facilities are available throughout the area.

Regulation 13

The United Kingdom is not in favour of the proposals in Footnotes 31, 32 and 33. It believes that a more satisfactory formula for defining the minimum segregated ballast requirements should be sought. It suggests that the Conference should take into account in this connexion the formula proposed by OCIMF in MP/CONF/8/2, and any other relevant proposals.

Regulation 15

It is understood that some existing ships may be unable to meet the requirement in paragraph (3)(b) that the slop tanks should have a minimum capacity of 2% of the oil carrying capacity of the ship. The United Kingdom suggests that discretion should be allowed to administrations to accept less than 2% on existing ships when satisfied that this is necessary.

It is suggested that the opening words of paragraph (3)(d) should be amended to read "the tanker shall be fitted with an instrument, approved by the Administration, which continuously monitors the oil content of any effluent, etc". In the last line of this sub-paragraph the word "permanent" should be amended to "continuous".

Regulation 16

The United Kingdom sees no need for oil discharge monitoring systems to be fitted to ships which are also fitted with an oily water separating or filtering system. It therefore suggests either that paragraph (1) should be deleted or that there should be a substantial increase in the size limits specified in paragraph (1) so that the requirement applies only to the very largest non-tankers.

Regulation 18

The United Kingdom does not regard paragraph (3) as satisfactory. It hopes to propose to the Conference a form of words which spells out more precisely the form which visual supervision should take.

Regulation 26

See comment under Article 2.

Appendix 1

See paper MP/CONF/8/18 submitted jointly by the Delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom.
