



## 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 Polish  
People's Republic

Attached hereto are the comments of the Polish People's Republic on the draft text of the International Convention for the Prevention of Pollution from Ships, 1973.

## COMMENTS OF THE POLISH PEOPLE'S REPUBLIC

Question of Preparation of the International Convention for the Prevention of Pollution from Ships, 1973

The Polish People's Republic is pleased to forward the following comments concerning the draft Convention for the Prevention of Pollution from Ships which was enclosed in your letter under reference:

Article 4

The Polish authorities are in favour of Alternative II as a basis of the Conference's deliberations. It is regarded as of importance that concept of Violation of the requirements of the Convention is more appropriate than that of Penalties, in this Article.

Article 14

The Polish authorities are in favour of Alternative II. Reservations to specified provisions should be permitted.

Article 15(1)

No Annex should be considered as "optional Annex". Therefore Article 15 should be deleted and replaced by provisions stating that all Annexes constitute an integral part of the Convention (subject to the different amending procedure specified in Article 17).

Article 19

The Polish authorities are against inclusion of such provisions in the Convention. Therefore it is proposed to delete Article 19.

Furthermore the Polish authorities are against these provisions in the Annexes which indicate that any Contracting State may introduce more stringent regulations than those provided in the Convention itself.

Simultaneously you will find enclosed with these comments proposed amendments to the Convention resulting from the Meeting of Government Experts on the Preparation of the Baltic Sea Conference on the Marine Environment, which shall be considered as proposals of the Polish People's Republic.

Recommendation to the Governments of the Baltic Sea States on uniform comments 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.

To be considered as an official comments of the Polish People's Republic

Existing text

Proposed amendment

Remarks

Annex I  
Regulation 9  
Control of Discharge  
of Oil

(1)(b)(v) the ship,  
if of [ ] tons  
gross etc.

(1)(b)(v) the ship, if of  
400 tons gross etc.

Regulation 9

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.

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 amounts to not more than 300-500 litres per day and ship and contains normally not more than one or two per cent of oil.

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.

(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.

(2) Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate additional requirements of Regulation 12 of this Annex.

The addition is made in order to avoid misinterpretation of this paragraph.

The need of this paragraph should be reconsidered.

Existing text	Proposed Amendment	Remarks
<p><u>Regulation 12</u></p> <p><u>Methods for the Prevention of Oil Pollution from Oil Tankers while Operating in Special Areas</u></p>	<p><u>Regulation 12</u></p> <p><u>Special Areas and related requirements</u></p>	<p><u>Regulation 12</u></p> <p>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.</p>
<p>(1) Special Areas</p> <p>(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, the Baltic Sea and Black Sea</p>	<p>(1) Special Areas</p> <p>(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, the Baltic Sea <u>Area</u> and the Black Sea</p>	<p>(1) The Baltic Sea is an enclosed water body with extremely slow and irregular exchange of deep water with the ocean waters.</p> <p>(2) The water in the Baltic Sea is cold, which markedly slows down chemical and biological degradation of certain pollutants.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

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Existing text

Proposed Amendment

Remarks

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(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.

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.

MP/CC/9/8/79

Existing text

Proposed Amendment

Remarks

Annex II  
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Regulation 1

Regulation 1

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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.

Regulation 3

Regulation 3

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(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 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.	Cf Annex I, Reg 12, proposed new sub-paragraph (3)(a)  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

(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.

(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

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 Append...

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

Appendix II to Annex II

List of noxious liquid  
substances carried in  
bulk

List of noxious liquid  
substances carried in bulk

Pollution Category for  
operational discharge  
(see Reg 3 of Annex  
II) 22/

Pollution Category for  
operational discharge  
(see Reg 3 and 5A of  
Annex II)

II	II Valid out- side spe- cial areas	IIa Valid within special areas
A B C	A B C	AO A B

Existing text

Proposed Amendment

Remarks

Annex V  
Regulation 1

- (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.

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Existing text

Proposed Amendment

Remarks

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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.