



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 International Chamber of Shipping

ARTICLES

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

Recommendation

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."

Comment

ICS agrees with those delegations whose view is 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 authorised 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."

Comment:

ICS 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 (1). However, it would seem likely that Administrations will only wish to be notified in 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)

Recommendation

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."

Comment

ICS believes that the wording of this Article is critical to the success of the convention. The goal of the Conference must be international agreement on measures which will effectively curb pollution from ships. If such 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, and of international agreement, would be nullified and the very purpose of IMCO technical regulatory conventions called in doubt. ICS therefore submits that recognition of the integrity of international agreement is of paramount importance.

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

ANNEX I

Regulation 1 (Definitions)

1. "Oil"

Comment

ICS supports a comprehensive definition of oil in Regulation 1, but believes that a distinction should be drawn within the Annex between persistent and non-persistent oils. ICS submits that the behaviour of most non-persistent products is very different from that of the persistent oils which are the subject of the existing Oil Pollution Convention, and that they should be differently controlled. ICS therefore suggests the division of oils into two categories, either by two separate lists in an Appendix to the Annex or by two additional definitions of a generic nature in Regulation 1.

5. "New Ship"

Recommendation

Amend sub-paragraph (b) to read:

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

Comment

ICS 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 (Control of Discharge of Oil)

A. Recommendation

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

Comment

ICS 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. ICS submits that the outline of a procedure as presented on page 93 is more realistic and merits general support.

ICS is currently considering a clearer distinction between the two categories of oil, and hopes to offer further advice on this matter shortly.

B. Recommendation

Delete all square brackets in paragraph (1).

Comment

ICS believes that the figures in square brackets in paragraph (1) should not be revised. The figures are realistic in the context of all practical operating conditions, and although technical development is obviously to be encouraged, ICS submits that the essential is to ensure adherence to these limits, which were selected on the basis that they avoided pollution.

C. Recommendation

Amend paragraph (1) (b) (iv) to read:

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

Comment

ICS believes that the requirement to fit an approved separator on all but the very smallest vessels (see Regulation 16 (2)) should be 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.

D. Recommendation

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."

Comment

As explained in comments under Regulation 16, ICS believes

that a monitoring and control system should not 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)

A. Comment

Consistent with its remarks under Regulations 1 (1) and 9, ICS believes that this Regulation as a whole needs revision to take account of the division of oils into two categories. As drafted, the Regulation should be restricted to persistent oils (Category I), and new wording introduced to deal with non-persistent oils (Category II).

B. Recommendation

Delete paragraph (2).

Comment

The general view of ICS continues to be that there is no need for a mandatory requirement for segregated ballast, and that the concept of alternative options should therefore be reflected in the Regulations.

C. Comment

ICS believes that there is some inconsistency between Regulation 2(2) and Regulation 11. Regulation 2(2) explains that non-tankers capable of carrying a certain quantity of oil as cargo shall for most purposes (including those in Regulation 11) be regarded as oil tankers. Thus under paragraph (3) of Regulation 11 such non-tankers must be able to operate under both the retention on board and in-port disposal methods. ICS feels that the requirements in Regulation 15 are quite 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). Any non-tanker wishing to discharge oil residues at sea in accordance with the provisions of Regulation 9 would, of course, still have to comply with the terms of Regulation 15, but would not of necessity be constructed to do so.

It is suggested that this point might be met by amendment to Regulation 11 along the following lines;

(1) Amend the opening words of the fourth line of paragraph (1) to read;

"paragraphs (2), (3) and (4) of this Regulation:..."

(ii) Add to the beginning of paragraph (3) the words:

"Subject to the provisions of paragraph (4) of this Regulation, as from the date..."

(iii) Add a new paragraph (4) as follows:

"As from the date of entry into force of the present Convention every ship, other than an oil tanker, fitted with cargo spaces which are capable of carrying oil in bulk of [200] cubic metres or above shall be capable of operating under the method specified in sub-paragraph (1) (c) of this Regulation, and may operate under the method specified in sub-paragraph (1) (b) of this Regulation only if equipped in accordance with the requirements of Regulation 9 (1) (a) (vi) and 9 (1) (a) (vii) of this Annex."

D. Comment

As far as oil tankers themselves are concerned ICS strongly supports the requirement in paragraph (3). Recognizing that improvement of the procedures associated with retention of oil on board is of major importance, several constituents of ICS are currently engaged upon studies and further development of this method.

Regulation 13 (Segregated Ballast Oil Tankers)

Comment

At this stage, ICS would merely record that it does not believe that the requirements as drafted have received sufficient consideration. Certain studies on segregated ballast requirements are being **conducted** by ICS Constituents, and it is hoped to submit further comments later.

It is suggested that footnote 31 merits further study, and **that** there might be a case for considering special arrangements for vessels constructed for certain specific trades.

Regulation 15 (Retention of Oil on Board)

A. Recommendation

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.

Comment

ICS believes that, with the safeguards afforded by Regulation 3 (Equivalents) the percentage figures are quite realistic for new tankers, but submits that:

(1) 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, and the requirement should therefore be deleted as being too restrictive on design;

(11) There is a considerable number of existing tankers with slop tanks which, though satisfactory in operation in terms of the discharge criteria in Regulation 9 (1) (a) of this Annex, do not have such a large capacity as that specified for new tankers, and Administrations should be given discretion to approve the continued operation of such tankers without structural alteration.

The suggested revised wording is intended to take account of these points.

B. Recommendation

Amend the opening words in paragraph (3) (d) to read:

"The tanker shall be fitted with an oil content monitoring instrument approved by the Administration ..."

Comment

ICS believes that this wording reflects more accurately the intention behind the requirement.

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

Recommendation

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

Comment

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 monitor available or anticipated capable of dealing with the wide variety of oils which may be present in the bunkers or machinery space bilges. ICS 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 IIRegulation 3 (Categorization and Listing of Noxious Substances)Recommendation

Delete the square brackets in paragraph (3).

Comment

ICS accepts 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 at sea should be evaluated before the convention enters into force; only new substances would then require subsequent evaluation. ICS offers its assistance in preparing a comprehensive list of substances currently being transported by sea in bulk.

Regulation 5 (Discharge of Noxious Substances)A. Recommendation

Delete all square brackets.

Comment

ICS believes that all the figures concerning the conditions under which discharge is permitted are realistic and should be supported.

B. Recommendation

Reword the fourth and fifth lines of both paragraph (2) and paragraph (3) as follows.

"such substances shall be prohibited except when all the following conditions are satisfied:"

Comment

ICS suggests that this wording is neater than that in the draft and is in line with the language used in Regulation 9 of Annex I.

Regulation 7 (Reception Facilities)

Comment

ICS would stress the important nature of the obligation which paragraph (1) places on Contracting Governments. The provision of reception facilities for substances in Category A is a prerequisite for the continued carriage of those substances. In certain areas shore reception facilities will also be required for cargoes in Categories B and C. Shipowners are anxious that the necessary facilities, which are at present very scarce, should be provided without undue delay, since failure to do so could greatly hamper or even inhibit the carriage of Annex II cargoes by sea, and might delay the entry into force of the convention - to the detriment of all concerned - since acceptance of Annex II is implicit in acceptance of the convention.

Regulation 8 (Measures of Control)

A. Comment

ICS strongly supports the retention of paragraph (4) (b) (ii) as drafted, and submits that the proposal in footnote 14 is **impracticable**. Shipowners fully accept that the discharge of substances in **Category A**, which are known to be particularly hazardous, should **be subject** to stringent controls involving the presence of an authorized surveyor. For substances in the less hazardous Categories B and C, however, **ICS** believes that the basic responsibility for compliance with the **procedures** should rest with the Master. A considerable number of substances are listed as falling within Categories B and C, and the employment of surveyors to calculate cargo residues of all such substances would involve many more surveyors than is apparently envisaged in the text as drafted. ICS, while fully supporting the "spot-check" system for Categories B and C, is concerned that too great a reliance on surveyors could on occasion involve vessels in serious delays where surveyors are not readily available.

B. Recommendation

Amend paragraph (6) to read;

"Any residues retained on board in a slop tank including those from pump room bilges, which contain substances of

Category B and C in excess of the aggregate of the maximum quantities ..."

Comment

ICS believes this wording explains more clearly the relationship between the quantity of residues in the slop tank and the quantities in each of the cargo tanks as specified in Regulation 5.

ANNEX IV

Regulation 1 (Definitions)

Recommendation

Add a new definition:

"A passenger is every person other than:-

- (i) the master and the members of the crew and other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (ii) a child under one year of age."

Comment

This additional definition, which comes from the SOLAS Convention, is consequential upon acceptance of the changes proposed by ICS to Regulation 2.

Regulation 2 (Application)

A. Recommendation

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

"existing ships, other than those which carry more than 100 passengers, 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."

Comment

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 of ICS 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.

Recommendation

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

"existing ships of more than 200 tons gross tonnage which carry more than 100 passengers, 10 years after the date of entry into force of this Annex, or, where the Administration is satisfied that compliance with the requirements of this Annex would be technically or economically impracticable, at such later date as the Administration may decide."

Comment

ICS is convinced that there is a small number of passenger vessels which would be driven out of service if faced with compliance with the requirements of the Annex. At the end of the 10 year 'period of grace' there will be very few such vessels still in operation and ICS therefore believes that the pollution hazard they would present is so small as to justify a special concession.

Regulation 4 (Discharge of Sewage)

Recommendation

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

Comment

ICS believes that 3 miles is an adequate limit in this context. The adoption of a 12 mile limit would create particular problems for the smaller vessels operating primarily in coastal or short-sea voyages.

ANNEX V

Regulation 3 (Discharge of Garbage)

Recommendation

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 2 nautical miles from the nearest land;"

- "(d) subject to the provisions of sub-paragraph (b) of this paragraph, the discharge into the sea 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]."

Comment

ICS 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) should be subject to the conditions in sub-paragraph (b). Certain vessels - cruise vessels used on coastal voyages, for example - would welcome such a provision.

ICS also supports the view expressed in footnote 5: if special areas are to be defined, shore reception facilities for the disposal of those substances whose discharge at sea is prohibited must be provided before the regulations are introduced.
