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INTERNATIONAL CONFERENCE ON
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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 Sweden

The comments and proposals of the Government of Sweden with respect to the draft text of the Convention are set out in the attachment hereto.

Swedish comments to the draft text of an International Convention
for the Prevention of Pollution from Ships, 1973

Existing text	Proposed amendment	Remarks
<u>Article 2 (3)</u>		The wording "if introduced into the sea" should be deleted as not necessary. Furthermore the wording of this paragraph and of Annex II Reg. 3(1), 4(1), Appendix I, Annex III, Reg. 1, 5 and 6 should be harmonized in respect of the expression for "liable to create harm".
<u>Article 3</u>		It should be added that the Convention is applicable on the high seas and on the territorial seas. Thereby Governments can apply more strict provisions for internal waters in order to protect them e.g. when used for domestic purposes. Cf article III 3 of the London dumping convention and the remarks to article 8.
<u>Article 5</u> (2)		In order to avoid the impression that inspection will be allowed only to ships required to hold a certificate paragraph (2) should be reworded along the lines indicated in footnote 12.
(3), (4), (5)	(3) If a Contracting State denies a foreign ship access to ports in its territory or to off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions in the present Convention, the State shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly. The State may before taking	The proposed text is intended to replace paragraphs (3), (4) and (5). The States already have the right to deny a foreign ship access to ports in its territory. Paragraph (5) could give the impression that such a right does not exist until five years after the entry into force of the Convention. The question when such a right shall be used could be dealt with in recommendations by IMCO. Observe also the additional last sentence of the proposed text.

(cont.)

Existing text	Proposed amendment	Remarks
	such action request consultation with the Administration. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.	
<u>Article 6</u> (2)		The reporting should not be limited to inspections made in loading ports. Furthermore the paragraph should cover also the situation when a Government does not allow other Governments to carry out, in the territory of the first said Government, inspection of ships flying the flag of other States. Cf footnote 22.
(5) A Contracting State [may/shall] investigate a ship entitled to fly the flag of another Contracting State when it enters the ports or off-shore terminals under its jurisdiction, if a report is received from any Contracting State that the ship has discharged harmful substances or effluent containing these substances or has otherwise contravened the Convention in any place, and shall send the report of such investigation to the State first reporting the offence and to the Administration so that the appropriate action may be taken under the present Convention.	(5) A Contracting State shall investigate etc. (5) <u>Alternative</u> If a Contracting State investigates a foreign ship [due to a report from any state] the State shall send a report of such investigation to the State etc.	"Shall" is the preferable alternative. If that solution is not acceptable, the paragraph should be redrafted. A State has already the right to investigate foreign ships within its own territory.

Existing text	Proposed amendment	Remarks
<u>Article 8</u>		Article 8 should be deleted. Cf the remarks to article 3 as to the geographical application of the convention.
<u>Article 9</u>		Paragraph (2) of article 9 should be deleted.
<u>Article 14</u>		In principle no reservations should be allowed.
<u>Article 17</u>		Delete paragraph (2). The provisions in paragraph (3) (a) should provide the possibility to amend articles by the tacit method, when the amendment is considered as not of a great importance. Cf on the other side (3) (b) (VII).

Existing text

Proposed amendment

Remarks

Annex I

Regulation 1

(1)

Proposed requirements relevant to the black oil (persistent) group in Regulation 11 is not appropriate for the white oil (non-persistent) group. In order to make it possible to differentiate between the two groups a definition of "persistent oil" should be inserted.

(4 A) "Stationary ship" means a ship or craft designed for such special purpose as drilling or similar work, when stationary.

A definition of "stationary ship" mentioned in Reg 2 and 26 should be inserted.

(7)

It is understood that work caused by a normal classification shall not be considered as a "major conversion".

(9)

The main definition of "nearest land" should be transferred to an article.

(16) "Clean ballast" means the ballast in a tank which : - : - : - : - : - of visible traces.

(16) "Clean ballast" means ballast water in a tank or compartment which : - : - : - : - : - of visible traces.

Existing text	Proposed amendment	Remarks
(23)		<p>The following definition is used for Swedish Trim and Stability books:</p> <p>The Light Ship Weight is the weight of ship complete and ready for sea in every respect. It includes anchors, cables, hawsers, according to class regulations, all stationary equipment, furniture, silver, linen and china, stationary and loose instruments for navigation, fully equipped workshops for engineers, electrician and carpenter. Water in one donkey boiler, main and auxiliary machinery in working condition i.e. oil and water in machinery systems. Spare parts according to class regulations and respective makers standard.</p> <p>The following items are not included: fuel oil in settling and storage tanks, lubricating oil, fresh water in culinary or feed water tanks, consumable, refrigerated or dry stores, crew or their effects.</p>
<u>Regulation 3</u>		<p>This regulation contains provisions which are equally applicable to all annexes and could therefore be transferred to an article. Cf SOLAS Chapter I, Reg 5.</p>
<u>Regulation 4</u>		<p>The difference between "survey" and "inspection" should be clarified. The first word in the last sentence of paragraph 1(c) should be "such" and not "some".</p>

Existing text	Proposed amendment	Remarks
<u>Regulation 6</u>		This regulation contains provisions which are equally applicable to all annexes and could therefore be transferred to an article.
<u>Regulation 8</u>		
(5) Upon transfer : - : - : - : - time of transfer.	(5) Upon transfer : - : - ; - : - time of transfer <u>and</u> of the relevant survey report.	The new survey to be carried out upon the transfer would be simplified if the new Administration received a copy of the relevant survey report.
<u>Regulation 9</u>		
(1)(a)(iv)		It should be considered to insert in addition to existing condition, 60 liters per nautical mile, the condition that the oil content shall be less than 100 ppm.
(1)(a)(v) 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 shall not ex- ceed:	(v) the total quantity of oil residues discharged into the sea during the cleaning ope- ration and/or the ballast operation following the un- loading of a tanker shall not exceed [1/15 000] of the to- tal quantity of the cargo of which the residue formed a part or [5] ton, whichever quantity is the smaller;	Reference to first and second voyages is difficult to understand. An alternative text is proposed for consideration. Cf Annex II Reg 5(2) and 5(3).
(1) for the new tankers of less than 100 000 tons dead- weight and for ex- isting tankers		

(cont.)

Existing text	Proposed amendment	Remarks
<p>[1/15 000] of the total quantity of the cargo of which the residue formed a part; and (2) for new tankers of [100 000] tons dead-weight of more, [1/30 000] of the total quantity of the cargo of which the residue formed a part;</p>	<p>(1)(a) last paragraph</p>	<p>It might be necessary to include a new paragraph to clarify that the limit 60 liters per nautical mile should be applied to the total quantity discharged from cargo tanks <u>and</u> machinery space bilges.</p>
<p>1(b)(iv) the discharge is made as far as practicable from the land, but in no case less than 10 nautical miles from the nearest land;</p>	<p>(iv) The discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land;</p>	<p>For reasons of simplicity the more common limit 12 nautical miles should be used.</p>
<p>1(b)(v) the ship, if of () tons gross tonnage or above, is not within any of the areas defined in Regulation 1(10) of the Annex;</p>	<p>(v) the ship, if of 400 tons gross tonnage or above, is not within any of the areas defined in Regulation, 1 (10) of this Annex;</p>	<p>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</p>

(cont.)

Existing text	Proposed amendment	Remarks
<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>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.</p>
<p>(3)</p>	<p>(3) If it is proven that oil, making visible traces on or below the surface of the water in the vicinity of a ship or its wake, has been discharged from that ship, a violation of this Regulation or Regulation 12 of this Annex, as applicable, shall be deemed to have been committed, unless it has been made likely</p>	<p>The addition is made in order to avoid misinterpretation of this paragraph. The need of this paragraph should be reconsidered.</p> <p>The proposed text corresponds to alternative (iii) of footnote 21. However a change has been made in the last part of the sentence concerning the degree of counter-evidence demanded.</p>

(cont.)

Existing text

Proposed amendment

Remarks

that the discharge of oil did not violate the provisions of this Regulation or Regulation 12.

Regulation 11

Any agreement on shipping of oil should include an agreement on the method for disposal of oil residues.

(2)

Reasons for proposed size limits have not been given. Segregated ballast seems to be equally or even more effective for the reduction of oil spillages in smaller ships.

It should be noted that a segregated ballast system alone is not sufficient, it must be combined with one or both of the other methods.

(3)

For new ships Regulations 9(1)(a)(vi) and 9(1)(a)(vii) should apply as from the date of the entry into force of the Convention. For existing ships a transitional period of 2 years seems to be too short.

Regulation 12

Methods for the Prevention of Oil Pollution from Oil Tankers while Operating in Special Areas

Regulation 12

Special Areas and related requirements

Regulation 12

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.

Existing text	Proposed Amendment	Remarks
<p>(1) Special Areas</p> <p>(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, the <u>Baltic Sea</u> and <u>Black Sea</u></p>	<p>(1) Special Areas</p> <p>(a) For the purpose of this Annex special areas shall include the Mediterranean Sea, <u>the Baltic Sea Area</u> and the <u>Black Sea</u></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> <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>

Existing text	Proposed amendment	Remarks
(c) <u>Every Oil tanker</u> : - : - : - : - : - : - : - this Regulation. this Regulation.	(c) <u>Ships</u> : - : - : - : - : - : - : - this regulation.	The characteristics of the Baltic Sea are further explained in a note attached to these comments.
(2)		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 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)(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. 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.
<u>Regulation 13(3)</u>		The formula for minimum draught should be reconsidered. A combination of draught requirements and displacement requirement should be avoided.

Existing text	Proposed amendment	Remarks
<u>Regulation 15</u>		<p>Improved requirements for slop tank arrangements should be worked out based on documents PCMP/2/4 and PCMP/2/8.</p> <p>The question of standardized shore connections for slop tanks should be considered.</p> <p>A control system connected to the discharging pump could be a simple and effective measure of control for existing ships during a transitional period.</p>
<u>Regulation 16</u>		<p>The provisions of Reg 9(1)(b)(vi) and 16 should be harmonized. Regulation 9 seems to provide for monitoring <u>or</u> separating. Regulation 16 provides for monitoring <u>and</u> separating or filtering for ships of at least 10 000 tons.</p>
<u>Regulations 24, 25</u>		<p>Provisions for the extent of damages and spacing of bulkheads should be harmonized with corresponding provisions in other Conventions. In the future work for improvement of the Convention it should be considered if lower figures for the tank size limitation could be introduced.</p>
<u>Pumping and Piping Arrangements for Cargo Transfer</u>		<p>Provisions should be inserted covering the ideas indicated in footnote 52.</p>

Existing text	Proposed Amendment	Remarks
<u>Annex II</u>		
<u>Regulation 1</u>		
:--:--:-	<u>Regulation 1</u>	
:--:--:-	:--:--:-	
	(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.	New sub-paragraph added, 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.
<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>	
<u>Discharge of Nosious 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.	It is desirable to indicate in Regulation 5 that the special categorization for special areas shall be observed by ships operating in such areas.
(1) The discharge and the tank is as empty as <u>practicable</u> . Provided that, etc. :-	(1) The discharge and the tank is as empty as <u>technically possible</u> . Provided <u>that</u> etc. :-	Amendment proposed in order to be sure that the total amount of category A substances discharged into the Sea will be as small as <u>technically possible</u> .
(2) (c) the maximum quantity of cargo discharged into the sea from each tank and its associated piping system does not exceed <u>[1] cubic metre or [1/3,000]</u> of the tank capacity in cubic metres, whichever is the greater;	(c) the maximum quantity of cargo discharged into the sea from each tank and its associated piping system does not exceed <u>0,6 cubic metre or 1/5000</u> of the tank capacity in cubic metres, whichever is the greater;	Proposed amended figures are still much higher than those in Annex I.
(3) (b) procedures and arrangements for the discharge shall be such as to assure the Administration on the basis of reliable calculation that the concentration of the substance discharged maybe expected not to exceed <u>[10 parts per million]</u> in the wake immediately astern of the ship;	(3) (b) procedures etc. :- :- not to exceed 3 part per million in the wake :- :-	

Existing text	Proposed Amendment	Remarks
<p>(3) (c) the maximum of cargo discharged from each tank and its associated piping system does not exceed [3] cubic metres or [1/1,000] of the tank capacity in cubic metres, whichever is the greater;</p>	<p>(3) (c) the maximum etc. : - : - : - :-:-- 1 cubic metre of [1/3000] of the tank capacity</p>	See remark to Reg. 5 (2) (c)
(6)	<p>(3a) Ships while operating in a special area, shall be subject to appropriate additional requirements of Regulation 5 A of this Annex</p>	A new paragraph inserted Cf Reg. 9 (2) of Annex I
<p><u>Regulation 5 A</u> <u>Special Areas and related requirements</u></p>	<p>(1) For the purpose of this Annex "special areas" shall include the Baltic Sea Area</p> <p>(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.</p>	<p>The question of segregated ballast should be discussed.</p> <p>New regulation added, Cf Annex I, Regulation 12</p> <p>Cf Annex I, Reg. 12, paragraph (1) (a), cf Annex I, Reg. 9 (2)</p> <p>Cf Annex I, Reg. 12, proposed new sub-paragraph (3) (a)</p> <p>The border line is the same as that used in Regulation 51 of the International Convention on Load Lines 1966</p>

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>	<p>Cf Annex I, Reg. 12, paragraph 1(c) and (3)(b).</p>
<p><u>Appendix I to Annex II</u></p> <p>:-:-:-</p>	<p><u>Additional Guidelines for categorization for Special Areas</u></p> <p>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</p>	<p>New paragraph added at the end of the Appendix</p> <p>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.</p>

Existing text	Proposed Amendment	Remarks
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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)

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

II
A
B
C

II Valid outside special areas	IIa Valid within special areas
A	A0
B	A
C	B

Existing text

Proposed amendment

Remarks

Annex IV

Regulation 2

A period of 10 years seems to be too long.

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.

Existing text	Proposed amendment	Remarks
(1)(d)(ii) (any- where within special areas)	(ii) anywhere within special areas.	Brackets to be deleted.
<u>Regulation 3 A.</u>		
<u>List of Special Areas and related requirements.</u>		
	(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.
