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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 Finland

Attached hereto are the comments and proposals on a draft text
of the Convention proposed by the Government of Finland.

Comments of the Government of Finland on the draft text of an International Convention for the Prevention of Pollution from Ships, 1973

Existing text	Proposed amendment	Remarks
<u>Article 2. Definitions</u>		
(5) "Ship" means a vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operating in the marine environment.	(5) "Ship" means a vessel of any type and includes hydrofoil boats, air-cushion vehicles, submersibles and floating craft. (5A) "Stationary platform" means a platform physically supported by the seabed or the subsoil thereof, or a platform capable of retaining its position by dynamic anchoring.	The extension of the word "ship" to cover all kinds of platforms, drilling rigs etc. causes unnecessary confusion. These items should be separated, and Regulation 26 of Annex I should be extended to cover all the necessary provisions for stationary platforms.
<u>Article 4. Violation</u>		
Alternative I Alternative II	Alternative II Delete footnote 9.	The formulation of Alternative II is clearer, however, the substance of footnote 11 should be inserted in paragraph (1)
<u>Article 5. Certification and Special Rules on the Inspection of Ships</u>		
(2) ... proceeding to the nearest repair yard available.	(2) ... proceeding to the nearest <u>sufficiently equipped</u> repair yard available.	The wording at present is unduly restrictive and does not cover all eventualities.

Existing text	Proposed amendment	Remarks
<u>Article 5</u>		
(4) If a Contracting State ...		This paragraph should be retained with alternative "may".
(5) Notwithstanding ...		This paragraph should be deleted.
<u>Article 6, Detection of Offences and Enforcement of the Convention</u>		
(3) Any Contracting State ...		It is not sufficiently clear where the words "former state" in the second sentence refer to.
(5) A Contracting State <u>[may/shall]</u> ...	A Contracting State may ...	
<u>Article 7, Reports on Incidents Involving Harmful Substances</u>		
(6) The Report ...		The appropriateness of the whole paragraph (6) should be reconsidered.
<u>Article 8, Powers of Contracting States</u>		
(2) A Contracting State shall not ...	Add a new sentence: The requirements of this subparagraph do not apply to the internal waterways of a State which can be reached by sea-going ships.	Paragraphs (1) and (2) should be considered together. There is the Saimaa inlake water area in Finland where sea-going ships can go through a channel, and in that inlake area special constructional requirements to minimize the risk of pollution are deemed necessary.

Existing text	Proposed amendment	Remarks
<u>Article 17, Amendments</u>		
(3)(a)(vi) and (3)(b)(vi)	Delete the words: "including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly"	All Contracting States should be given the right to vote in all matters concerning amendments to the present Convention.
ANNEX I		
<u>Regulation 1, Definitions</u>		
(1) "Oil" means petroleum ... (other than petrochemicals, which are subject to ...)	"Oil" means petroleum ... (other than petrochemicals, <u>i.e. petroleum derived chemicals</u> , which are subject to ...)	This clarification was already accepted at PCMP.
<u>Regulation 9, Control of Discharge of Oil</u>		
	Delete the words "Control of" from the heading.	These words do not reflect correctly the contents of y the Regulation.
<u>Regulation 15, Retention of Oil on Board</u>		
(3)(b) ... Oil tanks over...	Oil <u>tankers</u> over...	
<u>Regulation 20, Reception Facilities</u>		
		The term "reception facilities" should be used everywhere in the Convention. Wrong expressions appear at least in Regulations 11(1)(c), 12(2)(a), 14(2) and 18(1).

Existing text	Proposed amendment	Remarks
<p>Annex I <u>Regulation 9</u> <u>Control of Discharge</u> <u>of Oil</u></p>	<p>(1)(b)(v) the ship, if of <u>400</u> tons gross etc.</p>	<p><u>Regulation 9</u> 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.</p> <p>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. <u>400</u> 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.</p> <p>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>(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>The addition is made in order to avoid misinterpretation of this paragraph.</p> <p>The need of this paragraph should be reconsidered.</p>

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>

Existing text

Proposed amendment

Remarks

- (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.

Existing text	Proposed amendment	Remarks
<u>Regulation 21, Oil Record Book</u>		
(4) Each operation ... The written entries in the Oil Record Book shall be in an official language of the State the flag of which the ship is entitled to fly and in English or French.	... In English or French <u>in ships engaged on international voyages.</u>	It is unnecessary to have written entries in an international language in ships engaged only on domestic traffic.

Existing text	Proposed amendment	Remarks
ANNEX II		
<p>This Annex deals with "noxious liquid substances" and this wording should be used everywhere. Wrong expressions appear at least in Regulations 3(heading), 5(heading) and 6(a,b and c).</p>		
<u>Regulation 10. Certification and Documents</u>		
(1)(b) ... issue a Certificate of Fitness for the Carriage of Noxious Chemicals in Bulk issue a Certificate of Fitness for the Carriage of Noxious <u>Liquid Substances</u>	This for the Certificate better corresponds to the contents of such a Certificate.

Existing text	Proposed amendment	Remarks
Annex II =====		
<u>Regulation 1</u>	<u>Regulation 1</u>	
:--:--:--	:--:--:--	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.
<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>	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 ^{Sea} this Annex the Baltic 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

New paragraph added at the end of the Appendix.

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.

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
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Appendix II to Annex II

<p><u>List of noxious liquid substances carried in bulk</u></p>	<p><u>List of noxious liquid substances carried in bulk</u></p>
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<p>Pollution Category for operational discharge (see Reg 3 of Annex II) <u>22/</u></p>	<p>Pollution Category for operational discharge (see Reg 3 and 5A of Annex II)</p>
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II	II Valid out- side spe- cial areas	IIa Valid within special areas
A B C	A B C	A0 A B

Existing text	Proposed amendment	Remarks
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ANNEX III

Finland supports the inclusion of the requirements of the present draft Annex III as an Annex to the Convention.

Existing text	Proposed amendment	Remarks
ANNEX IV		
<u>Regulation 5. Exceptions</u>		
(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and its personnel or saving life at sea.	Add the following words: "or of avoiding damage to a ship or its cargo".	The requirement as presently drafted is unnecessarily strict.

Existing text	Proposed amendment	Remarks
<u>Annex V</u> <u>Regulation 1</u>	(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.
<u>Regulation 3</u>		
<u>Discharge of garbage</u>		
(1) Subject to the provisions of this Annex:	(1) Subject to the provisions of Regulation 3 A and 4 of this Annex:	Cf Annex I, Reg 9(1) and Annex II, Reg 5A.
(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.	

Existing text

Proposed amendment

Remarks

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.
