



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
States of America

Attached are redrafts of certain articles and regulations of the draft Convention. Changes to the draft text are indicated by underlining. Portions of the text of the Convention draft have been reproduced with these changes for purposes of clarity and continuity. The reproduced portions of the draft do not necessarily imply endorsement by the United States.

Article 4Violation

- (1) Any violation of the requirements of the present Convention shall be prohibited under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available in the form required by its law to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible.
- (2) Any Contracting State may cause proceedings to be taken when any ship to which the present Convention applies enters its ports or off-shore terminals, in respect of any violation by that ship, or its owner or master, of the requirements of the Convention, wherever the violation occurred, provided, however, that such proceedings are commenced no later than three years after the violation occurred. Whenever one Contracting State has commenced such proceedings, no other proceedings in respect of the same violation may be commenced by any other Contracting State except for the Administration of the ship or any State within whose territorial sea the violation occurred. A report of any such proceedings shall be sent to the Administration of the ship.
- (3) Any violation of the requirements of the present Convention within the territorial seas of any Contracting State shall be prohibited under the law of that State. Whenever such a violation occurs, that State shall either:
- (a) cause proceedings to be taken with respect to such violation, or
 - (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.
- (4) Where information or evidence with respect to any violation of the Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the State which has furnished the information or evidence and the Organization, of the action taken.
- (5) The penalties provided for under the law of a Contracting State in respect of any violation of the requirements of the present Convention shall be adequate in severity to discourage any such violation. The penalties provided for in respect of violation outside the territorial seas of a Contracting State shall be no less severe than the penalties provided for under the law in respect of the same infringement within its territorial seas.

Article 8 - Powers of Contracting States

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.

ANNEX I

Regulation 9

(1) Subject to the provisions of Regulation 10 of this Annex, any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker

(i) the tanker is proceeding en route;

(ii) the tanker is more than 100 nautical miles from the nearest land;

(iii) the tanker is not within any of the areas defined in regulation 1(10) of this Annex;

(iv) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;

(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 exceed:

(1) for new tankers, 1/30,000 of the total quantity of the cargo which the residue formed a part; and

(2) for existing tankers, 1/15,000 of the total quantity of the cargo which the residue formed a part;

(vi) the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex;

(vii) the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex.

(viii) the discharge of oil or oily mixture, other than mixture equivalent to clean ballast, from machinery space bilges, excluding cargo pump room bilges shall be governed by subparagraph (b) of this paragraph unless they are combined with cargo tank residues.

(b) for a ship other than an oil tanker:

(i) the ship is proceeding en route;

(ii) the oil content of the discharge is less than 100 parts of oil per 1,000,000 parts of effluent;

(iii) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;

(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;

(v) the ship is not within any of the areas defined in Regulation 1(10) of this Annex;

(vi) the ship has in operation an oil discharge monitoring and control system or oily water separating equipment or other installation as required by Regulation 16 of this Annex.

(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.

(3) Evidence of visible traces of oil on or below the surface of the water in the vicinity of a ship or its wake which, taking into account existing wind and sea conditions and the track and speed of the ship, may reasonably be attributed to a discharge from that ship, shall be evidence sufficient to establish a violation of this Regulation or Regulation 12 of this Annex, as applicable, unless probative evidence is presented that the ship did not discharge oil or that any discharge of oil did not violate the provisions of this Regulation or Regulation 12.

(4) As in Fifth Draft.

(5) As in Fifth Draft.

Regulation 11(2)

Every oil tanker (including combination carriers) of 20,000 tons deadweight and above, for which the building contract is placed on or after 1 January 1974 or in the absence of a building contract the keel of which is laid or which is at a similar state of construction on or after 1 January 1976, or the delivery of which is on or after 1 January 1977, shall be designed, constructed and equipped in accordance with the requirements of Regulation 13 of this Annex.

Regulation 13

(1) Oil tankers provided with segregated ballast tanks in accordance with paragraph (2) of Regulation 11 of this Annex shall comply with the requirements of this Regulation.

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages under weather and sea conditions it may normally be expected to encounter having regard to its draught, freeboard, stability and maneuverability without recourse to the use of oil tanks for water ballast. This segregated ballast capacity shall be achieved in part by fitting throughout the cargo length a double bottom height of at least B/15. The double bottom height may be reduced to a value of B/21 when a double skin is provided throughout the cargo length.

(3) The capacity of the segregated ballast shall be such as to secure propeller immersion with a trim no greater than $C_a L^1$ in the ballast condition and provided further that the mean draft (d_m) using segregated ballast only can be such as to satisfy the following:

$$d_m = C_b + C_c L^1$$

where d_m is the mean draft in metres and L is the length in metres as defined in Regulation 1(18) of this Annex.

(4) Any oil tanker which is not subject to the provisions of Regulation 11(2) of this Annex shall be qualified as a segregated ballast tanker referred to in Regulation 11(1)(a) of this Annex provided it complies fully with the requirements of this Regulation.

¹ The constants C_a , C_b , and C_c are being finalized pending the outcome of model tests.

(5) Where abnormally severe weather conditions render it necessary to carry additional water ballast in oil tanks, such water shall be processed and disposed of in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 21 of this Annex.

All connections between the ship's ballast system and cargo tanks shall be sealed and arranged in such a manner that they may be rapidly brought into operation when necessary. The seal arrangement, however, shall be sufficient to indicate when the seals have been broken.

(6) The ballast condition specified in paragraphs (2) and (3) of this Regulation shall be achieved with bunker tanks empty.

ANNEX II, REGULATION 8(4)

The master of a vessel which has carried a category B or C cargo shall ensure that the following operations are carried out subject to such surveillance by the authorized surveyor as required by Subparagraphs (4)(b)(i) and (ii) of this Regulations and as may be deemed necessary by the contracting Government:

- (a) If a tank is partially unloaded or unloaded but not cleaned, the Master shall make an appropriate entry in the Cargo Record Book.
- (b) If the tank is to be cleaned at sea, the Master shall:
 - (i) ensure that the cargo piping system serving that tank has been drained under the supervision of the authorized Surveyor and that the appropriate entries have been made in the Cargo Record Book and certified by the Surveyor.
 - (ii) ascertain under the supervision of the authorized Surveyor that the quantity remaining in the tank does not exceed the maximum quantity which may be discharged for that substance under Regulation 5(2)(c) of this Annex in the case of Category B and 5(3)(c) of this Annex for Category C substances, and make the appropriate entry in the Cargo Record Book and certified by the Surveyor.

- (iii) }
 - (iv) } as per 5th draft
 - (v) }
- (c)

Annex IV, Regulation 2(b)

existing ships 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, 5 years after the date of entry into force of this Annex.

Annex V, Regulation 3(1)(b)

the discharge into the sea of food wastes is prohibited within a distance of 12 nautical miles from the nearest land;

Annex V, Regulation 3(1)(c)(i)

within a distance of 50 nautical miles from the nearest land; and

Annex V, Regulation 4(a)

the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and its personnel, or saving life at sea.

Annex V, Regulation 4(c)

delete in its entirety.
