



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Committee I
Agenda item 3

CONSIDERATION OF THE DRAFT ARTICLES OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

New Article 4 bis

Submitted by Canada

- (a) In addition to proceedings under paragraph - above, 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 Regulations relating to the discharge of harmful substances or effluents containing these substances, wherever such violation occurred, including areas within the jurisdiction of another State at its request, provided however:
- (1) that such proceedings are commenced no later than [6 months] after the violation was alleged to have occurred;
 - (2) that only monetary fines or penalties may be imposed;
 - (3) that the ship must be promptly released under reasonable procedures such as bail or other financial security, subject to the provisions of Article V;

- (4) that the State initiating proceedings shall terminate them in the event that the Administration initiates proceedings in respect of the same violation within [60] days.
- (b) 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 jurisdiction the violation occurred where the latter State had requested such proceedings.
- (c) A report of any such proceedings shall be sent to the Administration of the ship and to any coastal State which provided information or evidence.
-