



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

Proposed amendments to Articles 5 and 6

Submitted jointly by Canada and Spain

Article 5

1. Subject to the provisions of paragraph 2 of the present Article, a Certificate issued under the authority of a Contracting State in accordance with the provisions of the Regulations shall be accepted by the other Contracting States and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.
2. Each Administration, and the owner and master of the ship required to hold a certificate issued in accordance with the provisions of the Regulations, shall co-operate fully with the officers duly authorised by any Contracting State desiring to conduct an inspection of any ship of that Administration, for the purpose and to the extent necessary to ascertain whether that ship is in compliance with the requirements of the present Convention.
3. If the ship inspected does not carry a valid certificate in accordance with the provisions of the Regulations, or if there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, the inspecting State shall take such steps as will ensure that the ship shall not sail until it can do so without presenting an unreasonable threat of harm to the marine environment.

4. In the event that an inspection gives rise to action of any kind by the inspecting State, that State shall immediately inform in writing the consul or diplomatic representative of the State whose flag the ship is entitled to fly of this action and of the circumstances thereof.

Article 6

1. Contracting States shall co-operate in the detection of offences and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, in addition to adequate reporting procedures and the securing of evidence.

2. A Contracting State shall investigate a ship entitled to fly the flag of another Contracting State when it enters its 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 effluents 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.

3. IMCO draft Article 6 but add "and if proceedings by that State in respect of any violation within its jurisdiction" after words "...if any..."

4. IMCO draft Article 6.

Article 6 bis

1. All possible efforts shall be made to avoid a ship being unduly detained or delayed under Articles 5 and 6 of the present Convention.

2. When a ship is unduly detained or delayed under Articles 5 and 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.
