



## IMCO

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

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

New Article 4 bis

Submitted by Australia, Canada and New Zealand

1. 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 of the requirements of the Regulations relating to the discharge of harmful substances or effluents containing these substances, wherever such violation occurred, provided however:
  - (a) that in respect of discharges prohibited by another Contracting State pursuant to Article 4 (2) of the Convention, no proceedings pursuant to the present Article shall be undertaken except, in each case, at the express request of such other State;
  - (b) that such proceedings are commenced no later than 6 months after the violation was alleged to have occurred;
  - (c) that only monetary fines or penalties may be imposed;
  - (d) that the ship must be promptly released under reasonable procedures such as providing bond or other financial security;
  - (e) that the State intending to initiate proceedings shall inform the Administration of its intentions. Such proceedings shall not be initiated, except insofar as they relate to sub-paragraph (d) of this Article, if the Administration within 3 months of receipt of such information undertakes proceedings of its own.

2. Whenever one Contracting State has commenced proceedings pursuant to this Article, no other proceedings in respect of the same violation may be commenced pursuant to this Article by any other Contracting State except by the Administration of the ship.

3. A report of any such proceedings shall be sent to the Administration of the ship and to any Contracting State which provided information or evidence.

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