



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

Proposed amendment to Article 17

Submitted by France

Article 17

1. The present Convention may be amended by any of the procedures specified below:
2. Amendment after consideration in the Organization:
 - (i) Any amendment proposed by a Contracting Party shall be submitted to the appropriate body in the Organization for consideration. If adopted by a two-thirds majority of those present and voting in that body, in whose work all the Contracting Parties shall have been invited to participate with voting rights, and if that majority includes two-thirds of the Contracting Parties present and voting, the amendment shall be communicated to all Members of the Organization and all Contracting Parties at least (six) months prior to its consideration by the Assembly of the Organization. Any Contracting Party which is not a Member of the Organization shall be entitled to participate when the amendment is considered by the Assembly.
 - (ii) If adopted by a two-thirds majority of those present and voting in the Assembly, including the votes of two-thirds of the Contracting Parties, the amendment shall be communicated by the Organization to all Contracting Parties for acceptance.

- (iii) The amendment shall be deemed to have been accepted in the following circumstances:
- (a) An amendment to an Article of the Convention shall be deemed to be accepted on the date on which it is accepted by two-thirds of the Contracting Parties, or by Contracting Parties the combined merchant fleets of which constitute not less than (fifty) per cent of the gross tonnage of the world's merchant fleet, whichever condition is first achieved.
 - (b) An amendment to an Annex shall be deemed to have been accepted at the end of a period to be determined by the Assembly at the time of its adoption, unless within that period an objection is communicated to the Organization by not less than one-third of the Contracting Parties or by the Contracting Parties the combined merchant fleets of which constitute not less than (fifty) per cent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled.
- (iv) The amendment shall enter into force under the following conditions:
- (a) In the case of an amendment to an Article of the Convention, the amendment accepted in conformity with the foregoing provisions shall enter into force (six) months after the date of its acceptance with respect to the Contracting Parties which have declared that they have accepted it.
 - (b) In the case of an amendment to an Annex to the Convention, the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force (six) months after its acceptance for all the Contracting Parties with the exception of those which, before that date, have made a declaration that they do not accept it.

- (v) Notwithstanding the provisions of sub-paragraphs (iii)(b) and (iv)(b) above, the Assembly may decide by a two-thirds majority of the Members present and voting, that a given amendment to an Annex shall be accepted and shall enter into force in accordance with the procedures specified in sub-paragraph (iv)(a) above.

3. Amendment by a Conference:

- (a) Upon the request of a Contracting Party, concurred in by at least one-third of the Contracting Parties, the Organization shall convene a Conference of Contracting Parties to consider amendments to the present Convention.
- (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Contracting Parties shall be communicated by the Organization to all Contracting Parties for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph 2(iii) and (iv) above. For the purpose of implementing these provisions, the word "Assembly" shall be deemed to denote the Conference.

4. In the case of an amendment to an optional Annex, a reference in this paragraph to a "Contracting Party" or "Party to the present Convention" shall be deemed to mean a reference to a Party to that Annex.

5. The adoption of a new Annex shall take place under the conditions specified in paragraph 2(i) and (ii) above. It shall enter into force for the States which have accepted it twelve months after the date on which it shall have been accepted by not less than ten States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet.

6. The Organization shall inform all Contracting Parties of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.

7. Any acceptance, declaration or objection under this Article shall be made by notification in writing to the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Contracting Parties.
