



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 amendments to Articles 5 and 6

Submitted by the United States

Article 5

Amend to read as follows:

"(1) Subject to the provisions of this Article and Articles 4 and 6, a Certificate issued under the authority of a Contracting State in accordance with the provisions of the Convention shall be accepted by other Contracting States for the purposes of the present Convention as having the same validity as a Certificate issued by them.

(2) Each Contracting State shall conduct an inspection of any ship in ports or off-shore terminals under its jurisdiction:

- (a) to verify that there is on board a valid Certificate, if required by the Convention, where such Contracting State has reasonable grounds to believe that the ship does not have such a Certificate;
- (b) to verify the compliance of the ship with the requirements of the Convention or the particulars of its Certificate where the State has reasonable grounds to believe that the ship does not so comply;

- (c) to determine whether the ship or its master has violated any provisions of the Convention where the State has reasonable grounds to believe that the ship or its master has committed such a violation.
- (3) Where an inspection is based on information provided by another Contracting State, the State conducting the inspection shall notify such other State of the results of the inspection and any actions taken as a result thereof.
- (4) 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, adequate reporting procedures and accumulation of evidence.
- (5) Any Contracting State shall furnish to the Administration and the ship's next port of call evidence, if any, that a ship has discharged harmful substances or effluent containing such substances in contravention of the provisions of the Convention, including any visible traces on or below the surface of the water in the vicinity of that 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 of harmful substances by that ship. If it is practicable to do so, the competent authority of the former State shall notify the master of the ship of the alleged contravention."

Article 6

Amend to read as follows:

"(1) Whenever a Contracting State has determined that a ship does not have on board a valid Certificate where such a Certificate is required by the Convention, or that the condition of such a ship does not comply with the requirements of the Convention, that State shall deny the ship access to or permission to leave ports or off-shore terminals under its jurisdiction until the deficiency is corrected, except:

- (a) to proceed to the nearest suitable repair facility;
- (b) to save life at sea;

(c) where the safety of the port or the marine environment requires the ship's entry or departure. If the ship is permitted to leave, all reasonable steps must be taken prior to departure to minimize any threat to the marine environment.

(2) Notwithstanding the provisions of Article 3(1), five years after the entry into force of the present Convention, each Contracting State shall deny access to or permission to leave ports or off-shore terminals under its jurisdiction, under the circumstances described in paragraph (1), to ships not entitled to fly the flag of a Contracting State."
