



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Committee II
Agenda item 2

CONSIDERATION OF THE DRAFT TEXT OF ANNEX I OF THE
INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973

Proposed Paragraph (3) of Regulation 9 of Annex I

Submitted by the United States of America

At the Preparatory Meeting for the International Conference on Marine Pollution, 1973, delegations unanimously agreed that it would be desirable to include a provision facilitating enforcement of paragraphs (1) and (2) of Regulation 9, provided that such a provision could be cast in terms compatible with the various legal systems in Contracting States. See footnote 21, page 47 of the draft text. Several versions of such a provision were submitted by various delegations for consideration by governments.

The United States proposes adoption of the paragraph which appears below in order to facilitate enforcement of Regulation 9. The proposal represents a revision of MP/CONF/C.2/WP.3, prepared after consultations with various other delegations, and attempts to accommodate the requirements of differing legal systems.

"Whenever visible traces of oil are observed on or below the surface of the water in the vicinity of a ship or its wake, Contracting States should, to the extent reasonable and practicable, promptly investigate all facts bearing on the issue of whether there has been a violation of the provisions

of this Regulation or Regulation 12 of this Annex, in particular, the wind and sea conditions, the track and speed of the ship, and the possible other sources of the visible traces such as other ships in the vicinity. If such facts clearly indicate that the visible traces originated from that ship, proof of such facts and such traces, will to the extent permissible under the fundamental law of a Contracting State undertaking proceedings pursuant to Article 4, be sufficient to establish that the conditions stated in [paragraphs (1)(a)(i), (ii), (iv) and (vi); (1)(b)(i), (ii), (iii), (iv) and (vi); (2); and (5) of this Regulation, as applicable] were not satisfied, unless evidence is presented tending to establish that the discharge did not violate the present Convention."
