



## IMCO

INTERNATIONAL CONFERENCE ON  
MARINE POLLUTION, 1973  
Committee II  
Agenda item 4

CONSIDERATION OF THE DRAFT TEXT OF ANNEXES IV AND V OF THE DRAFT  
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION  
FROM SHIPS, 1973

Report of the Working Group on Annex V

A Working Group consisting of delegations of Australia, Federal Republic of Germany, Greece, Japan, Liberia, Netherlands, Norway, Sweden, the Union of Soviet Socialist Republics, the United Kingdom and United States of America, and observers from ICS, under the Chairmanship of Mr. K.B. Schumacher (USA), as requested by the Committee, revised Annex V of the Convention as is given in Annex to this Report, and attention is drawn to the following:

Definition of "Special Area"

1. The Working Group considered it necessary to provide for special areas and the majority of the group suggested that Regulation 1(9) of Annex I could be used as a model. The Swedish delegation proposed that Regulation 1(6) of Annex II should be used as a model for the Annex V definition on special areas, since in both Annexes II and V only two special areas have as yet been suggested, while in Annex I not only more areas have been suggested but also different kinds of special areas. The delegations represented in the Working Group could only justify inclusion of the Baltic and Black Seas. However, there is a possibility that other special areas may be proposed in Committee II. Special Areas are defined here on the assumption that Article 15, Optional Annexes, will not be a bar to the establishment of special areas in an optional annex, which assumption may require further discussion.

### Application

2. The draft text has been left unaltered. There was, however, discussion of possible amendments concerning fixed and floating platforms and implications arising from the optional character of this annex.

### Discharge of Garbage

3. Because of the introduction of words to give credit for grinding garbage, the format of Regulation 3 has been changed. There was some expression of preference for the fifth draft format. Regulation 3A has been added to define the requirements within special areas. There was some concern expressed regarding the relaxation of the discharge limits for garbage which is ground down or comminuted. A minority of delegations felt that such treatment did not warrant a relaxation of the discharge limits and suggested that this issue be investigated further by the Organization.

### Exception

4. Sub-paragraph (a) has had the words "and the health of its personnel" placed in square brackets. The Working Group felt that this was a substantial consideration but was unsure if the rest of the wording, which is modelled on Annex I, would be interpreted to cover the point if the words in brackets were to be deleted. Sub-paragraph (b) was left as it was in the draft Annex since the Working Group understood that the wording on the same subject in Annex I was still under discussion.

### Reception Facilities

5. The wording of Regulation 5 has been modelled on that in Annex I with changes to take account of the fact that Annex V is optional and may not come into force with the mandatory portions of the Convention. The Swedish delegation expressed the view that any reference to reception facilities in Regulation 3A is not necessary because the problem is amply covered by Regulation 5. A problem was pointed out with regard to the non-mandatory aspect of this Annex. Contracting parties to this Annex, when it comes into force, may be faced with cases of insufficient reception facilities for their vessels operating in sea areas and trading to ports and terminals of Coastal States who have not adopted this Annex and may not have established the necessary reception facilities.

6. It must be realized that the problem of garbage shore reception facilities is not restricted to a limited number of special ports which is the case for oil and noxious substances, but is a world wide problem concerning most ports and terminals.

ANNEX V  
REGULATIONS FOR THE PREVENTION OF POLLUTION  
BY GARBAGE FROM SHIPS

Regulation 1

Definitions

- (1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.
- (2) "Nearest land" is as defined in Regulation 1(9) of Annex I of the present Convention.
- (3) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to its peculiar transportation traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas shall include those listed in Regulation 3A of this Annex.

Regulation 2

Application

The requirements of this Annex shall apply to all ships.

Regulation 3

Discharge of Garbage outside Special Areas

- (1) Subject to the provisions of this Annex:
  - (a) the discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;
  - (b) the discharge into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than:

- (i) 3 nautical miles for food wastes;
  - (ii) 25 nautical miles for dunnage, lining and packing materials which will float;
  - (iii) 12 nautical miles for all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;
- (c) the discharge into the sea of garbage specified in sub-paragraph (b)(iii) of this Regulation when passed through a comminuter or grinder should be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.
- (2) When the garbage is mixed with other discharges having different discharge requirements specified in this Annex or in any Annex in force of the present Convention, the more severe discharge requirements shall apply.

#### Regulation 3A

##### Discharge of Garbage within Special Areas

- (1) For the purpose of this Annex special areas are:
- (a) the Baltic Sea Area, which means the Baltic sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of the Skaw in the Skagerrak;
  - (b) the Black Sea, which means the Black Sea proper bounded by the east entrance to the Strait of Bosphorus.
- (2) Subject to the provisions of this Annex:
- (a) the discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;
  - (b) the discharge into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 3 nautical miles from the nearest land; and
  - (c) the discharge into the sea of all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials is prohibited.

- (3) When the garbage is mixed with other discharges having different discharge requirements as specified in this Annex or in any Annex in force of the present Convention the more severe discharge requirements shall apply.
- (4) Reception facilities within special areas.
- (a) Each Contracting Government being a Coastal State of a Special Area undertakes to ensure that adequate reception facilities are provided in accordance with Regulation 5 of this Annex, taking into account the special needs of ships operating in these areas.
- (b) The Contracting Governments being coastal states of these special areas shall among themselves establish a date from which the requirements of this Regulation in respect of the area in question shall take effect and notify the Organization at least six months before such date will become effective. The Organization shall notify all Contracting Governments of such established date.
- (c) If the date of entry into force of the Convention is earlier than the date established in accordance with sub-paragraph (b) of this paragraph, the requirements of Regulation 3 of this Annex shall apply for the special area in question during the interim period.

#### Regulation 4

##### Exception

Regulations 3 and 3A of this Annex shall not apply to:

- (a) the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship [and the health of its personnel] or saving life at sea;
- (b) the escape of garbage resulting from damage to a ship provided all reasonable precautions have been taken after the occurrence of the damage for the purpose of preventing or minimizing the escape.

#### Regulation 5

##### Reception Facilities

- (1) Each Contracting Government undertakes to ensure the provisions of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.
- (2) As regards paragraph (1) of this Regulation, each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned all cases where the facilities are alleged to be inadequate.