



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Committee I

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

Text of Article 7 as agreed by the Committee

Article 7

Reports on Incidents Involving Harmful Substances

- (1) For the purposes of the present Article an "incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluent containing a harmful substance.
- (2) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol 1.
- (3) Each Contracting State shall
 - (a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and
 - (b) advise the Organization with complete details of such arrangements for circulation to other Contracting States and Member States.
- (4) Whenever a Contracting State receives a report under the provisions of the present Article, that State shall relay the report without delay to
 - (a) the Administration of the ship involved; and
 - (b) any other State which may be affected.

(5) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol 1. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other party concerned.

Protocol 1^{*/}

Regulations Concerning Reports on
Incidents Involving Harmful Substances

Regulation 1

Duty to Report

- (1) The Master of a ship involved in an incident referred to in Regulation 3, or other person having charge of the ship, shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.
- (2) In the event of the ship referred to in paragraph (1) of this Regulation being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible, assume the obligations placed upon the Master under the provisions of this Protocol.

Regulation 2

Methods of Reporting

- (1) Each report shall be made by radio whenever possible, but in any case by the fastest channels available at the time the report is made. Reports made by radio shall be given the highest possible priority.
- (2) Reports shall be directed to the appropriate officer or agency specified in paragraph (3) of Article 7.

Regulation 3

When to Make Reports

The report shall be made whenever an incident involves:

- (a) a discharge permitted under the present Convention by virtue of the fact that:

^{*/} The Drafting Committee is requested to insert at the appropriate place in the Convention, a suitable paragraph to provide that amendments to Protocol 1 shall be made under the same conditions as apply to amendments to mandatory Annexes to the Convention.

- (i) it is for the purpose of securing the safety of a ship or saving life at sea; or
- (ii) it results from damage to the ship or its equipment; or
- (b)* a discharge of a harmful substance for the purpose of combating a specific pollution incident or for purposes of legitimate scientific research into pollution abatement or control; or
- (c) a discharge other than as permitted under the present Convention; or
- (d) the probability of a discharge referred to in sub-paragraphs (a), (b) or (c) of this Regulation.

Regulation 4

Contents of Report

- (1) Each report shall contain in general:
 - (a) identity of ship;
 - (b) the time and date of the occurrence of the incident;
 - (c) the position of the ship when the incident occurred;
 - (d) the wind and sea conditions prevailing at the time of the incident; and
 - (e) relevant details respecting the condition of the ship.
- (2) Each report shall contain, in particular:
 - (a) a clear indication or description of the harmful substances involved, including if possible the correct technical names of such substances (trade names should not be used in place of the correct technical names);
 - (b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea; and where relevant
 - (c) a description of the packaging and identifying marks; and if possible

* Under the present Convention, such substances may only be used with the approval of the Administration and of the Government having the jurisdiction over the waters in which the substance is discharged.

- (d) the name of the consignor, consignee or manufacturer.
- (3) Each report shall clearly indicate whether the harmful substance discharged, or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance or a noxious gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.
- (4) Each report shall contain any other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.

Regulation 5

Supplementary Report

Any person who is obliged under the provisions of this Protocol to send a report shall when possible

- (a) supplement the initial report, as necessary, with information concerning further development; and
- (b) comply as fully as possible with requests from affected States for additional information concerning the incident.
