



## 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 17 as agreed by the Committee

Article 17

Amendments

- (1) The present Convention may be amended by any of the procedures specified in the following paragraphs.
- (2) Amendments after consideration by the Organization:
  - (i) any amendment proposed by a Contracting Party shall be submitted to the Organization and circulated by the Organization to all Members of the Organization and all Contracting Parties at least 6 months prior to its consideration;
  - (ii) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;
  - (iii) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;
  - (iv) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;

- (v) if adopted in accordance with paragraph (iv) above, amendments shall be communicated by the Organization to all the Parties to the Convention for acceptance;
- (vi) an 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 have been accepted on the date on which it is accepted by two-thirds of 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.
  - (b) an amendment to an Annex shall be deemed to have been accepted in accordance with the procedure specified in paragraph (d), unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of 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.
  - (c) under the procedure specified in paragraph (d), at any time before the entry into force of an amendment to an Annex, a Contracting Party may inform the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it.
  - (d) an amendment to an Appendix to an Annex shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than 10 months, 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.

- (vii) the amendment shall enter into force under the following conditions:
  - (a) in the case of an amendment to an Article of the Convention or to an Annex to the Convention not under the procedure specified in sub-paragraph (vi)(d), the amendment accepted in conformity with the foregoing provisions shall enter into force 6 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 Appendix to an Annex or to an Annex to the Convention under the procedure specified in sub-paragraph (vi)(d), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force 6 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.
- (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)(vi) and (vii) above.
- (4) (a) In the case of an amendment to an optional Annex, a reference in this Article to a "Party to the present Convention" shall be deemed to mean a reference to a Party to that Annex.

- (b) Any contracting Party which has declined to accept an amendment to an Annex shall be treated as a non-Contracting Party only for the purpose of application of that amendment.
- (5) The adoption and entry into force of a new Annex shall take place under the same conditions as for the adoption and entry into force of an amendment to an Article of the Convention.
- (6) Unless expressly provided otherwise, any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.
- (7) Any amendment to an Annex shall relate to the substance of that Annex and shall be consistent with the Articles of the present Convention.
- (8) 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.\*
- (9) Any declaration of acceptance or of objection to an amendment under the present Article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Contracting Parties.\*

---

\*/ The Drafting Committee should consider whether these paragraphs should be transferred to Article 20 as suggested in Footnote 1/ of MP/CONF/DA/9.