



## 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 Articles 5, 6 and 6 bis as  
agreed by the Committee

#### Article 5

Certificates and Special Rules on  
Inspection of Ships

- (1) Subject to the provisions of paragraph (2) of this Article a Certificate issued under the authority of a Contracting State in accordance with the provisions of the Regulations shall be accepted by the other Contracting States and regarded for all purposes covered by the present Convention as having the same validity as a Certificate issued by them.
- (2) A ship required to hold a certificate in accordance with the provisions of the Regulations is subject while in the ports or off-shore terminals under the jurisdiction of another Contracting State to inspection by officers duly authorized by that State. Any such inspection shall be limited to verifying that there is on board a valid Certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the State carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That State may, however, grant such a ship

permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) An inspection if carried out, shall not be conducted so as to delay unduly the operation of the ship concerned \*.

(4) If a Contracting State denies a foreign ship access to ports in its territory or to off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions in the present Convention, the State shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly. The State may before taking such action request consultation with the Administration. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.

(5) With respect to the ships of non-Contracting States, Contracting States shall apply the requirements of the present Convention as may be necessary to ensure that there is no discrimination in favour of such ships.

#### Article 6

##### Detection of Offences Against and Enforcement of the Convention

(1) 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.

(2) A ship to which the present Convention applies may be subject in any port or off-shore terminal of a Contracting State, to inspection by officers appointed or authorized by that State for the purpose of verifying whether any harmful substances have been discharged in contravention of the provisions of the Regulations. A report of such inspection, which indicates a breach of the Convention, shall be forwarded to the Administration for any appropriate action.

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\* The Drafting Committee is invited to consider whether this paragraph might be deleted in view of the provisions contained in the new Article 6 bis which was adopted later.

(3) Any Contracting State shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluent containing such substances in contravention of the provisions of the Regulations. 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.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other State to furnish further or better evidence of the alleged contravention. If the Administration so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings to be brought in respect of the alleged contravention, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the State which has reported the alleged contravention, as well as the Organization, of the action taken.

(5) A Contracting State may investigate a ship entitled to fly the flag of another Contracting State when it enters the ports or off-shore terminals under its jurisdiction, if a request of such investigation is received from any Contracting State together with sufficient evidence that the ship has discharged harmful substances or effluent containing these substances in any place. The report of such investigation shall be sent to the State requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

Article 6 bis \*

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under Articles 4, 5 and 6 of the present Convention.

(2) When a ship is unduly detained or delayed under Articles 4, 5 and 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

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\* Drafting Committee is invited to provide appropriate heading of this Article.