



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Committee II

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

Text of Regulations 1-8 of Annex I, as agreed by the Committee

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

CHAPTER I

GENERAL

Regulation 1

Definitions

For the purposes of this Annex:

- (1) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of the present Convention) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to this Annex.
- (2) "Oily mixture" means a mixture with any oil content.
- (3) "Oil fuel" means any oil used as fuel in connexion with the propulsion and auxiliary machinery of the ship in which such oil is carried

- (4) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of the present Convention when it is carrying a cargo or part cargo of oil in bulk.
- (5) "Combination carrier" means a ship designed to carry either oil or alternatively solid cargoes in bulk.
- (6) "New ship" means a ship:
- (a) for which the building contract is placed on or after 31 December 1975; or
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 30 June 1976; or
 - (c) the delivery of which is after 31 December 1979; or
 - (d) which has undergone a major conversion:
 - (i) for which the contract is placed after 31 December 1975; or
 - (ii) in the absence of a contract, the construction work of which is begun after 30 June 1976; or
 - (iii) which is completed after 31 December 1979.
- (7) "Existing ship" means a ship which is not a new ship.
- (8) "Major conversion" means a conversion of an existing ship:
- (a) which substantially alters the dimensions or carrying capacity of the ship; or
 - (b) which changes the type of the ship; or
 - (c) the intent of which in the opinion of the Administration is substantially to prolong its life; or
 - (d) which otherwise so alters the ship that if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship.

- (9) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958 except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in
- latitude 11° South, longitude 142°08' East to a point in latitude 10°35' South, longitude 141°55' East -- thence to a point latitude 10°00' South, longitude 142°00' East, thence to a point latitude 9°10' South, longitude 143°52' East, thence to a point latitude 9°00' South, longitude 144°30' East, thence to a point latitude 13°00' South, longitude 144°00' East, thence to a point latitude 15°00' South, longitude 146°00' East, thence to a point latitude 18°00' South, longitude 147°00' East, thence to a point latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 21°42' South, longitude 153°15' East.
- (10) "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 oil is required. Special areas shall include those listed in Regulation 12 of this Annex.
- (11) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant.
- (12) "Tank" means an enclosed space formed by the permanent structure of a ship which is designed for the carriage of liquid in bulk.
- (13) "Wing tank" means any tank adjacent to the side shell plating.
- (14) "Centre tank" means any tank inboard of a longitudinal bulkhead.
- (15) "Slop tank" means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures.

- (16) "Clean ballast" means the ballast in a tank which since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shore lines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such an arrangement to the effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces.
- (17) "Segregated ballast" means the ballast water which is introduced into a tank which is completely separated from the cargo oil and oil fuel system, permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of the present Convention.
- (18) "Length" (L) means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (L) shall be measured in metres.
- (19) "Forward and after perpendiculars" shall be taken at the forward and after ends of the length (L). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.
- (20) "Amidships" is at the middle of the length (L).
- (21) "Breadth" (B) means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material. The breadth (B) shall be measured in metres.

- (22) "Deadweight" (DW) means the difference in metric tons between the displacement of a ship in water of a specific gravity of 1,025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship.
- (23) "Lightweight" means the displacement of a ship in metric tons without cargo oil fuel, lubricating oil, ballast water, fresh water and feedwater in tanks consumable stores, passengers and their effects.
- (24) "Permeability" of a space means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space.
- (25) "Volumes" and "areas" in a ship shall be calculated in all cases to moulded lines.

Regulation 2

Application

- (1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.
- (2) In ships other than oil tankers fitted with cargo spaces which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above, the requirements of Regulations 9, 10, 14, 15(1), (2) and (3), 18, 20 and 24(4) of this Annex for oil tankers shall also apply to the construction and operation of those spaces, except that where such aggregate capacity is less than 1,000 cubic metres the requirements of Regulation 15(4) may apply in lieu of Regulation 15(1), (2) and (3).
- (3) Where a cargo of noxious substances other than oil which are subject to the provisions of Annex II of the present Convention is carried in a cargo space of an oil tanker, the appropriate requirements of Annex II of the present Convention shall apply.
- (4) (a) Any hydrofoil, air-cushion vehicle and other new type of vessel (near surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of Chapters II and III of this Annex relating to the construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.

- (b) Particulars of any such exemption granted by the Administration shall be indicated in the Certificate referred to in Regulation 5 of this Annex.
- (c) The Administration which allows any such exemption shall, as soon as possible, but not more than ninety days thereafter, communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Contracting Governments for their information and appropriate action, if any.

Regulation 3

Equivalents

- (1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration does not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by Regulations in this Annex.
- (2) The Administration which allows a fitting, material, appliance or apparatus, as an alternative to that required by this Annex shall communicate to the Organization for circulation to the Contracting Governments particulars thereof, for their information and appropriate action, if any.

Regulation 4

Surveys

- (1) Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:
- (a) An initial survey before the ship is put in service or before the certificate required under Regulation 5 of this Annex is issued for the first time, which shall include a complete inspection of its structure equipment arrangement and material insofar as the ship is covered by this Annex.

This survey shall be such as to ensure that the structure, equipment, arrangements and material fully comply with the applicable requirements of this Annex.

- (b) Periodical surveys at intervals specified by the Administration but not exceeding five years which shall be such as to ensure that the structure, equipment, arrangements and material fully comply with the applicable requirement of this Annex. However, where the duration of the International Oil Pollution Prevention Certificate (1973) is extended as specified in Regulation 8(3) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.
- (c) Intermediate surveys at intervals specified by the Administration but not exceeding thirty months which shall be such as to ensure that the equipment and associated pumps and pipings, including oil discharge monitoring and control systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the International Oil Pollution Prevention Certificate (1973) issued under Regulation 5 of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the provisions of this Annex are complied with.

(3) Surveys of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

(4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the structure, equipment, arrangements or material covered by the survey without the sanction of the Administration, except the direct replacement of such equipment.

Regulation 5Issue of Certificate

- (1) An International Oil Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of Regulation 4 of this Annex, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in voyages to ports or offshore terminals under the jurisdiction of other Contracting States. In the case of existing ships this requirement shall apply twelve months after the date of entry into force of the present Convention.
- (2) Such Certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the certificate.

Regulation 6Issue of a Certificate by Another Government

- (1) A Contracting Government may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Oil Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.
- (2) A copy of the certificate and a copy of the survey report shall be transmitted as early as possible to the requesting Administration.
- (3) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the certificate issued under Regulation 5 of this Annex.
- (4) No International Oil Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State the Government of which is not a Contracting Government.

Regulation 7

Form of Certificate

The Certificate shall be drawn up in the official language or languages of the issuing country in the form corresponding to the model given in Appendix to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 8

Duration of Certificate

- (1) An International Oil Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraphs (2), (3) and (4) of this Regulation.
- (2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Contracting State whose flag the ship is entitled to fly, the certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.
- (3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new certificate.
- (4) A Certificate which has not been extended under the provisions of paragraph (2) or (3) of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.
- (5) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment arrangement, or material required without the sanction of the Administration, except the direct replacement of such equipment.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another State, the Government of which is a Contracting Government, the International Oil Pollution Prevention Certificate (1973) shall remain in force for a period not exceeding five months, provided that it is still valid at the end of that period or until the Administration issues another International Oil Pollution Prevention Certificate (1973) to replace the former, whichever is earlier. The Contracting Government of the State whose flag the ship was entitled to fly hitherto shall transmit to the Administration as soon as possible after the transfer takes place a copy of the Certificate carried by the ship at the time of transfer, together with a copy of the relevant survey report, if available.
