

ANNEX 3
RESOLUTION MEPC 26(23)
PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES
UNDER ANNEX II OF THE INTERNATIONAL CONVENTION FOR
THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS
MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO
(MARPOL 73/78)
adopted on 8 1986

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THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 of the Convention of the International Maritime
Organization concerning the functions of the Committee,

NOTING that Annex II of the International Convention for the Prevention
of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating
thereto (MARPOL 73/78), as amended, is expected to take effect on 6 April 1987,

RECALLING ALSO that the Parties to MARPOL 73/78 have undertaken to give
effect to its provisions in order to prevent pollution of the marine
environment by the discharge of, inter alia, noxious liquid substances in
contravention of that Convention,

NOTING the Procedures for the Control of Ships and Discharges under
Annex I of MARPOL 73/78 introduced by Assembly resolution A.542(13),

REAFFIRMING its desire to ensure that ships comply at all times with the
marine pollution standards prescribed by MARPOL 73/78,

HAVING CONSIDERED the proposals of the Member Governments:

- 1 ADOPTS the Procedures for the Control of Ships and Discharges under
Annex II of MARPOL 73/78 as set out in the Annex to this resolution;

- 2 INVITES Member States and Parties to MARPOL 73/78 to implement the procedures when Annex II of MARPOL 73/78 takes effect and thereby to contribute towards the attainment of the objectives of that Convention;
- 3 REQUESTS Governments concerned to provide information on action taken in respect of ships found to be deficient in relation to Annex II of MARPOL 73/78 in their role as either port or flag State administration;
- 4 FURTHER REQUESTS the Secretariat to collect and update when necessary the information referred to above for circulation to the Governments concerned.

ANNEX

PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES UNDER ANNEX II TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO (MARPOL 73/78)

PREAMBLE

- 1 The Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, (MARPOL 73/78) have undertaken to give effect to its provisions in order to prevent the pollution of the marine environment by the discharge of, inter alia, noxious liquid substances or mixtures containing such substances in contravention of that Convention.
- 2 The provisions cover the design and equipment of ships, the execution of surveys and inspections in order to ensure that the design and equipment comply with the relevant international standards and cover the operations of ships in so far as this concerns the protection of the marine environment.
- 3 The primary responsibility for securing that objective in relation to any particular ship rests with the Administration of the flag State. No attempt is made in this document to lay down guidelines for Administrations in this respect.
- 4 In some cases, and this applies especially to the operational provisions, it may be difficult for the Administration to exercise full and continuous control over some ships entitled to fly the flag of its State. Such ships for instance may not call regularly at ports or offshore terminals under the jurisdiction of the flag State.
- 5 The problem can be and has been overcome partly by appointing surveyors at foreign ports or authorizing classification societies to act on behalf of the flag State. In addition MARPOL 73/78 includes a number of provisions, supplemented by guidelines on specific control procedures, for States other than the flag State to exercise control over foreign ships visiting port or off-shore terminals under their jurisdiction. In this document the provisions and guidelines for port and coastal State control are drawn together.

6 Parties should make effective use of the opportunities that port State control provides for identifying deficiencies and substandard operations, if any, in visiting foreign ships which may render them pollution risks and for ensuring that remedial measures are taken. The purpose of these guidelines is to assist Parties to exercise effective port and coastal State control and thereby to contribute towards the attainment of the objectives of MARPOL 73/78.

7 Nothing in these guidelines should be construed as derogating from the powers of any Party to take measures within its jurisdiction in respect of any matter to which MARPOL 73/78 relates or as extending the jurisdiction of any Party.

8 For the inspections carried out under these control procedures article 7 of MARPOL 73/78 applies in that:

- .1 all possible efforts shall be made to avoid a ship being unduly detained or delayed; and
- .2 when a ship is unduly detained or delayed under the control procedures it shall be entitled to compensation for any loss or damage suffered.

CHAPTER 1 - INTRODUCTION

1.1 This document sets out procedures for the control of ships under MARPOL 73/78 and contains guidelines for port States and, where appropriate, for coastal States to ensure that a ship continues to comply with the relevant provisions of Annex II to MARPOL 73/78 (hereinafter referred to as Annex II).

1.2 A number of factors may cause the condition of a ship to be considered as posing a threat of harm to the marine environment rendering the ship involved a pollution risk. These factors fall into categories which include:

- .1 non-compliance with the construction or equipment requirements of the Convention;
- .2 inoperative or malfunctioning equipment; and

.3 non-compliance with the operational requirements of the Convention.

The control procedures aim to identify such a pollution risk and to provide the basis for remedial action.

1.3 Of necessity these control procedures have been divided into different categories each of which is dealt with in a separate chapter. It must, however, be kept in mind that one category may involve another so that for a certain ship more than one chapter of this document may be applicable.

1.4 Chapter 2 contains guidance aimed at ascertaining whether a ship holds a valid Certificate of Fitness (COF) or International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS) as called for by Annex II and is built, equipped and operating in compliance with the relevant provisions of Annex II.

1.5 Chapter 3 contains guidance on the gathering of evidence of violations of the discharge provisions in Annex II.

1.6 Chapter 4 contains control procedures on in-port inspections of unloading, stripping and prewashing operations as required by regulation 8 of Annex II. This regulation requires that Parties to Annex II shall, in giving effect to the provisions of the regulation, apply the procedures developed by the Organization.

1.7 Chapter 5 contains guidance on control measures for ships of non-Parties.

1.8 Chapter 6 contains guidance on the dissemination of information obtained as a result of exercising these control procedures.

1.9 In five appendices to this document, detailed guidelines are given for officials charged with carrying out the control procedures referred to above.

CHAPTER 2 - INSPECTION OF CERTIFICATE, SHIP AND EQUIPMENT

2.1 A ship required to hold a Certificate in accordance with the relevant provisions under MARPOL 73/78 is subject to port State control.

2.2 Under article 5 of MARPOL 73/78, when duly authorized officers of a Party inspect a foreign ship which is required by MARPOL 73/78 to hold a Certificate and which is in a port or an offshore terminal under the jurisdiction of that State:

- .1 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;
- .2 where such grounds exist, or if the ship does not carry a valid Certificate, the Party 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; and
- .3 that Party may, however, grant such a ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

2.3 Parties may undertake an inspection on the basis indicated in paragraph 2.2 above:

- .1 at their own initiative;
- .2 at the request of, or on the basis of information provided by, another Party; or
- .3 on the basis of information provided by a member or members of crew, a professional body, an association, a trade union or any other interested individual.

2.4 Each Party should determine which authorities should receive information on alleged pollution risks.

2.5 Information received which alleges Convention violations or risk of pollution on the part of a ship should, where appropriate, be obtained in writing. The report by a port State on the investigation of a particular incident to be furnished to the flag State for appropriate action in accordance with paragraph 6.2 should include this information unless it is required to be treated as confidential under its laws or regulations.

2.6 On receipt of information on alleged pollution risks the port State authorities concerned should, after evaluating the seriousness of the information and reliability of its source, immediately investigate the matter and take the action required by the circumstances.

2.7 If authorities receiving information are unable to take action because there is insufficient time or because no inspectors can be made available before the ship sails, the information should be passed to the flag State and to the authorities of the country of the next port of call, if other than the flag State. On receipt of the information the authorities of the country of the next port of call may exercise the jurisdiction granted it under article 5 as referred to above.

2.8 Whereas Parties may entrust surveys and inspections of ships entitled to fly their own flag either to surveyors nominated for this purpose or to recognized organizations, they should be made aware that under article 5 of MARPOL 73/78 foreign ships are subject to port State control, including boarding, inspection and possible detention, only by officers duly authorized by the port State. This authorization may be a general grant of authority or may be specific on a case-by-case basis.

2.9 Surveyors or recognized organizations nominated for the purpose of flag State control shall notify port State authorities if it has been determined by them that the condition of the ship or its equipment does not correspond substantially with the particulars of the appropriate Certificate or the Procedures and Arrangements (P and A) Manual or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment. Upon receiving such notification, the port State authorities shall give such surveyors or organizations any necessary assistance to carry out their obligations in this respect.

2.10 The port State will then have to determine whether to detain a ship until the deficiencies are rectified, whether to allow it to proceed to the nearest appropriate repair yard available after taking any temporary measures as necessary, or whether to allow it to sail with certain deficiencies which are not vital from the viewpoint of avoiding an unreasonable threat of harm to the marine environment, having regard to the particular circumstances.

2.11 If a port State permits a ship with known deficiencies to proceed to a repair yard, a report should be submitted to the flag State. In addition it should:

- .1 if that repair yard is under its own jurisdiction, continue to exercise appropriate port State control; and
- .2 if that repair yard is under the jurisdiction of a Party other than the flag State, communicate all the facts to the authorities of that Party.

2.12 If a port State permits a ship to proceed to the next port with residues of noxious liquid substances on board in excess of those permitted to be discharged into the sea during the ship's passage, it should first be ascertained that the residues can be received by that port. At the same time that port should be informed if practicable.

2.13 Where any exercise of port State control gives rise to action against a ship, the port State shall notify the flag State in accordance with chapter 6.

2.14 Port State authorities should ensure that, on the conclusion of an inspection, the master of the ship is provided with a document giving the results of the inspection and details of any action taken.

2.15 For details in respect of inspections under this chapter reference is made to appendix 1 of this document.

CHAPTER 3 - CONTRAVENTION OF THE DISCHARGE PROVISIONS

3.1 Regulation 5 of Annex II prohibits discharge into the sea of noxious liquid substances except under precisely defined conditions. A record of these operations shall be completed where appropriate in the Cargo Record Book and shall be kept in such a place as to be readily available for inspection at all reasonable times.

3.2 Recognizing the likelihood that many of the violations of the discharge provisions of the Convention will take place outside the immediate control and knowledge of the flag State, article 6 of MARPOL 73/78 provides that Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention using all appropriate

and practicable measures of detection and environmental monitoring, adequate procedures for reporting and gathering evidence. MARPOL 73/78 also contains a number of more specific provisions designed to facilitate that co-operation.

3.3 The conditions under which noxious liquid substances are permitted to be discharged into the sea include quantity, quality and position limitations, which depend on category of substance and sea area.

The Standards for Procedures and Arrangements draw attention to the fact that the presence of a sheen after discharges of category B, C or D substances should not be regarded as contrary to the discharge provisions of Annex II, provided that the discharges have been made in accordance with the Standards (as set out in the ship's P and A Manual).

3.4 An investigation into an alleged contravention should therefore aim to establish whether:

- a noxious liquid substance has been discharged, and
- the operations leading to that discharge were in accordance with the ship's P and A Manual (i.e. stripping, prewashing, general discharge requirements, etc.).

3.5 For a summing up of facts which may lead to sufficient evidence in respect of alleged discharge violations, reference is made to appendix 2 of this document.

3.6 Several sources of information about possible violations of the discharge provisions can be indicated. These include:

- .1 Reports by masters: article 8 and Protocol I of MARPOL 73/78 requires inter alia a ship's master to report certain incidents involving the discharge or the probability of a discharge of noxious liquid substances or mixtures containing such substances;
- .2 Reports by official bodies: article 8 of MARPOL 73/78 requires furthermore that a Party issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to

report to its authorities incidents involving the discharge or the probability of a discharge of noxious liquid substances or mixtures containing such substances;

.3 Reports by other Parties: article 6 provides that a Party may request another Party to inspect a ship. The Party making the request shall supply sufficient evidence that the ship has discharged noxious liquid substances or mixtures containing such substances or that the ship has departed from the unloading port with residues of noxious liquid substances in excess of those permitted to be discharged into the sea; and

.4 Reports by others: it is not possible to list exhaustively all sources of information concerning alleged contravention of the discharge provisions. Parties should take all circumstances into account when deciding upon investigating such reports.

3.7 Action by States other than the flag or port States that have information on alleged discharge violations (hereinafter referred to as coastal States):

.1 coastal States, Parties to MARPOL 73/78, upon receiving a report of a pollution from noxious liquid substances allegedly caused by a ship, may investigate the matter and collect such evidence as can be collected. For details of the desired evidence reference is made to appendix 2;

.2 if the investigation referred to under 3.7.1 above discloses that the next port of call of the ship in question lies within its jurisdiction, the coastal State should also take port State action as set out under 3.8 below;

.3 if the investigation referred to under 3.7.1 above discloses that the next port of call of the ship in question lies within the jurisdiction of another Party, then the coastal State should in appropriate cases furnish the evidence to that other Party and request that Party to take port State action in accordance with 3.8; and

- .4 in either case referred to under 3.7.2 and 3.7.3 above and if the next port of call of the ship in question cannot be ascertained, the coastal State shall inform the flag State of the incident and of the evidence obtained.

3.8 Port State action:

- .1 Parties shall appoint or authorize officers to carry out investigations for the purpose of verifying whether a ship has discharged noxious liquid substances in violation of the provisions of MARPOL 73/78;
- .2 Parties may undertake such investigations on the basis of reports received from sources indicated under paragraph 3.6;
- .3 these investigations should be directed towards the gathering of sufficient evidence to establish whether the ship has violated the discharge requirements. Guidelines for the optimal collation of evidence are given in appendix 2 to this document;
- .4 if the investigations provide evidence that a violation of the discharge requirements took place within the jurisdiction of the port State, that port State shall either cause proceedings to be taken in accordance with its law, or furnish to the flag State all information and evidence in its possession about the alleged violation. When the port State causes proceedings to be taken it shall inform the flag State;
- .5 details of the report to be submitted to the flag State are set out under chapter 6;
- .6 the investigation might provide evidence that pollution was caused through damage to the ship or its equipment. This might indicate that a ship is not guilty of a violation of the discharge requirements of Annex II to MARPOL 73/78 provided that:

.6.1 all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

.6.2 the owner or the master did not act either with intent to cause damage or recklessly and with knowledge that damage would probably result.

However, action by the port State as set out under chapter 2 may be called for.

CHAPTER 4 - INSPECTION OF UNLOADING, STRIPPING AND PREWASH OPERATIONS

4.1 Regulation 8 of Annex II requires Parties to MARPOL 73/78 to appoint or authorize surveyors for the purpose of implementing the regulation.

4.2 The provisions of regulation 8 are aimed at ensuring in principle that a ship, having unloaded to the maximum possible extent, noxious liquid substances of category A, B or C, proceeds to sea only if residues of such substances have been reduced to such quantities as may be discharged into the sea.

4.3 Compliance with these provisions is in principle ensured in the case of categories A, B and C substances through the application of a prewash in the unloading port and the discharge of prewash residue water mixtures to reception facilities, except that in the case of non-solidifying and low viscosity categories B and C substances requirements for efficiently stripping a tank to negligible quantities apply in lieu of the application of a prewash. Alternatively, for a number of substances ventilation procedures may be employed for removing cargo residues from a tank.

4.4 Regulation 8 permits the Government of the receiving Party to exempt a ship proceeding to a port or terminal under the jurisdiction of another Party from the requirement to prewash cargo tanks and discharge residue/water mixtures to a reception facility provided:

- .1 the ship does not wash or ballast cargo tanks prior to the next loading;
- .2 the ship will prewash cargo tanks and discharge residue water mixtures to a reception facility in another port; and
- .3 the ship removes the cargo residues by ventilation.

4.5 Existing chemical tankers are not required to be fitted with an efficient stripping system before 2 October 1994. Such ships which are not fitted with efficient stripping systems will, in the case of non-solidifying and low-viscosity category B substances, and category C substances within Special Areas, be required to apply a prewash before discharging any residue/water mixture to the shore or alternatively into the sea. Existing chemical tankers engaged on restricted voyages may by virtue of regulation 5A(6)(b) be exempted from the quantity limitation requirements entirely. If a cargo tank is to be ballasted or washed, a prewash is required after unloading category B or C substances and prewash residue water mixtures must be discharged to shore reception facilities. The exemption should be indicated on the Certificate.

4.6 An exemption to the general requirements set out under paragraphs 4.2 and 4.3 above, is by virtue of regulation 5A(7) permitted for a ship whose constructional and operational features are such that ballasting of cargo tanks is not required and cargo tank washing is only required for repairs or drydocking. The Certificate of the ship should indicate that each cargo tank is only certified for the carriage of one named substance. It should also indicate the particulars of the exemption granted by the Administration in respect of pumping, piping and discharge arrangements.

4.7 Detailed instructions on efficient stripping and prewash procedures are included in a ship's Procedures and Arrangements Manual. The Manual also contains alternative procedures to be followed in case of equipment failure.

4.8 Parties should be aware that the inspection referred to in this chapter may lead to the identification of a pollution risk or of a contravention of the discharge provisions, necessitating port State action as set out under chapters 2 and 3.

4.9 For details in respect of inspections under this chapter reference is made to appendix 3 of this document.

CHAPTER 5 - SHIPS OF NON-PARTIES TO MARPOL 73/78

5.1 Article 5(4) of MARPOL 73/78 provides that: "With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ship". Parties should therefore apply the procedures set out in this document to ships of such non-Parties.

CHAPTER 6 - NOTIFICATION TO FLAG STATE AND ORGANIZATION

6.1 Where, in the exercise of port State control, a Party denies a foreign ship entry to the ports or off-shore terminals under its jurisdiction, or takes any action against such a ship for non-compliance with the provisions of MARPOL 73/78, the Party shall immediately notify the consul or diplomatic representative of the flag State or, if this is not possible, the Administration of the ship concerned of all circumstances. If such notification is made verbally it should be subsequently confirmed in writing.

6.2 A report on alleged deficiencies or on alleged contravention of the discharge provisions shall be forwarded to the flag State as soon as possible, preferably no later than sixty days after the observation of the deficiencies or contravention. The form of the report is set out in appendix 4. If a contravention of the discharge provisions is suspected then the information should be supplemented by evidence of violations. Summaries of such reports and remedial action taken should also be sent by the port State to the Organization.

6.3 On receiving a report on alleged deficiencies or on alleged contravention of the discharge provisions the flag State shall, as soon as possible, inform the Party submitting the report of its action. That Party and the Organization should, upon completion of such action, be informed of the outcome. A form in which this information may be transmitted is shown in appendix 5.

APPENDIX 1

INSPECTION OF CERTIFICATE (COF OR NLS CERTIFICATE), SHIP AND EQUIPMENT

1. Ships required to hold a Certificate:

- .1 on boarding and after introducing himself to the master or responsible ship's officer the surveyor should examine the Certificate of Fitness, NLS Certificate and Cargo Record Book;
- .2 the Certificate includes information on the type of ship, the dates of surveys and a list of the products which the ship is permitted to carry;
- .3 as a preliminary check, the Certificate's validity should be confirmed by verifying that the certificate is properly completed and signed and that required surveys have been performed. In reviewing the Certificate particular attention should be given to verifying that only those noxious liquid substances which are listed on the Certificate are carried and that these substances are in tanks approved for their carriage;
- .4 the Cargo Record Book should be inspected to ensure that the records are up to date. The book should show if the ship left the previous port(s) with residues of noxious liquid substances on board which could not be discharged into the sea. The book could also have relevant entries from the appropriate authorities in the previous ports. If the examination reveals that the ship was permitted to sail from its last unloading port under certain conditions, the surveyor should ascertain that such conditions have been or will be adhered to. If the surveyor discovers an operational violation in this respect, the flag State should be informed by means of a deficiency report as referred to in appendix 4;
- .5 if the Certificate is valid and the surveyor's general impression and his visual observation on board confirm a good standard of maintenance he should, provided that the Cargo Record Book entries do not show any operational violations, confine his inspection to reported deficiencies if any;

- .6 if, however, the surveyor from his general impressions or observation on board has clear grounds for believing that the condition of the ship, its equipment, or its cargo and slops handling operations do not correspond substantially with the particulars of the Certificate, he should proceed to a more detailed inspection;
 - .6.1 initially this requires an examination of the ship's approved Procedures and Arrangements Manual;
 - .6.2 the more detailed inspection should include the cargo and pumproom area of the ship and should begin with forming a general impression of the layout of the tanks, the cargoes carried, pumping and stripping conditions and cargo;
 - .6.3 next a closer examination of the ship's equipment as shown in the P and A Manual may take place. This examination should also confirm that no unapproved modifications have been made to the ship and its equipment;
 - .6.4 should any doubt arise as to the maintenance or the condition of the ship or its equipment then further examination and testing may be conducted as may be necessary. In this respect reference is made to the IMO Guidelines for Surveys (resolution MEPC.25(23) and resolution A.560(14)), as appropriate; and
- .7 the surveyor should bear in mind that a ship may be equipped over and above the requirements of Annex II. If such equipment is malfunctioning the flag State should be informed. This alone, however, should not cause a ship to be detained unless the malfunction presents an unreasonable threat of harm to the marine environment.

2 Ships of non-Parties to the Convention

- .1 as this category of ship is not provided with a COF or NLS Certificate as required by Annex II, the surveyor will need to satisfy himself with regard to the construction and equipment standards relevant to the ship on the basis of the requirements set out in Annex II and the Standards for Procedures and Arrangements;

- .2 in all other respects the surveyor should be guided by the procedures for ships referred to in section 1 above; and
- .3 if the ship has some form of certification other than the required Certificate, the inspector may take the form and content of this document into account in his evaluation of that ship. Such a Certificate, however, is only of value to the surveyor if the ship has been provided with a P and A Manual.

3 Control

- .1 in exercising his control functions, the surveyor will have to use his professional judgement to determine whether to detain the ship until any noted deficiencies are rectified or to allow it to sail with certain deficiencies which do not pose an unreasonable threat of harm to the marine environment. In doing this, the surveyor should be guided by the principle that the requirements contained in Annex II and the Standards for Procedures and Arrangements, in respect of construction and equipment and the operation of ships, are essential for the protection of the marine environment and that departure from these requirements could constitute an unreasonable threat of harm to the marine environment.

APPENDIX 2

CONTRAVENTION OF DISCHARGE PROVISIONS

1 With illegal discharges under Annex I of MARPOL 73/78, past experience has shown that information furnished to the flag State is often inadequate to enable the flag State to cause proceedings to be brought in respect of the alleged violation of the discharge requirements. This appendix is intended to identify information which will be needed by a flag State for the prosecution of violations of the discharge provisions under Annex II.

2 It is recommended that in preparing a port State report on deficiencies as set out in appendix 4, where contravention of the discharge requirements is involved, the authorities of the coastal or port State be guided by the itemized list of possible evidence as shown in the addendum to this appendix. It should be borne in mind in this connection that:

- .1 the report aims to provide the optimal collation of obtainable data; however, even if all the information cannot be provided, as much information as possible should be submitted; and
- .2 it is important for all the information included in the report to be supported by facts which, when considered as a whole, would lead the port or coastal State to believe a contravention has occurred; and
- .3 the discharge may have been oil, in which case appendix 2 of the Annex I Control Procedures applies.

3 In addition to the port State report on deficiencies, a report should be completed by a port or coastal State, on the basis of the itemized list of possible evidence. It is important that these reports are supplemented by documents such as:

- .1 a statement by the observer of the pollution. In addition to the information required under section 1 of the addendum to this appendix, the statement should include considerations which have led the observer to conclude that none of any other possible pollution source is in fact the source;

- .2 statements concerning the sampling procedures both of the slick and on board. These include location of and time when samples were taken, identity of person(s) taking the sample and receipts identifying the persons having custody and receiving transfer of the samples;
- .3 reports of analyses of samples taken of the slick and on board; the reports should include the results of the analyses, a description of the method employed, reference to or copies of scientific documentation attesting to the accuracy and validity of the method employed and names of persons performing the analyses and their experience;
- .4 a statement by the surveyor on board together with his rank and organization;
- .5 statements by persons being questioned;
- .6 statements by witnesses;
- .7 photographs of the slick; and
- .8 copies of relevant pages of the Cargo Record Book, logbooks, discharge recordings, etc.

All observations, photographs and documentation should be supported by a signed verification of their authenticity. All certifications, authentications or verifications shall be executed in accordance with the laws of the State which prepares them. All statements should be signed and dated by the person making the statement, if possible, by a witness to the signing. The names of the persons signing statements should be printed in legible script above or below the signature.

4 The report referred to under paragraphs 2 and 3 above should be sent to the flag State. If the coastal State observing the pollution and the port State carrying out the investigation on board are not the same, the State carrying out the latter investigation should also send a copy of its findings to the State observing the pollution and requesting the investigation.

ADDENDUM TO APPENDIX 2

ITEMIZED LIST OF POSSIBLE EVIDENCE ON ALLEGED CONTRAVENTION OF THE MARPOL 73/78 ANNEX II DISCHARGE PROVISIONS

1 ACTION ON SIGHTING POLLUTION

1.1 Particulars of ship or ships suspected of contravention

1.1.1 Name of ship

1.1.2 Reasons for suspecting the ship

1.1.3 Date and time (UTC) of observation or identification

1.1.4 Position of ship

1.1.5 Flag and port of registry

1.1.6 Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure colour and funnel mark)

1.1.7 Draught condition (loaded or in ballast)

1.1.8 Approximate course and speed

1.1.9 Position of slick in relating to ship (e.g. astern, port, starboard)

1.1.10 Part of the ship from which discharge was seen emanating

1.1.11 Whether discharge ceased when ship was observed or contacted by radio

1.2 Particulars of slick

1.2.1 Date and time (UTC) of observation if different from 1.1.3

1.2.2 Position of slick in longitude and latitude if different from 1.1.4

- 1.2.3 Approximate distance in nautical miles from the nearest land
- 1.2.4 Depth of water according to sea chart
- 1.2.5 Approximate overall dimension of slick (length, width and percentage thereof covered)
- 1.2.6 Physical description of slick (direction and form, e.g. continuous, in patches or in windows)
- 1.2.7 Colour of slick
- 1.2.8 Sky conditions (bright sunshine, overcast, etc.), lightfall and visibility (kms) at the time of observation
- 1.2.9 Sea state
- 1.2.10 Direction and speed of surface wind
- 1.2.11 Direction and speed of current
- 1.3 Identification of the observer(s)
 - 1.3.1 Name of the observer
 - 1.3.2 Organization with which observer is affiliated (if any)
 - 1.3.3 Observer's status within the organization
 - 1.3.4 Observation made from aircraft (ship) (shore) or otherwise
 - 1.3.5 Name or identity of ship or aircraft from which the observation was made
 - 1.3.6 Specific location of ship, aircraft, place on shore or otherwise from which observation was made
 - 1.3.7 Activity engaged in by observer when observation was made, for example: patrol, voyage (flight en route from ... to ...) etc.

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1.4 Method of observation and documentation

1.4.1 Visual

1.4.2 Conventional photographs

1.4.3 Remote sensing records and/or remote sensing photographs

1.4.4 Samples taken from slick

1.4.5 Any other form of observation (specify)

Note: A photograph of the discharge should preferably be in colour.

The best results may be obtained with the following three photographs:

- .1 details of the slick taken almost vertically down from an altitude of less than 300 metres with the sun behind the photographer;
- .2 an overall view of the ship and "slick" showing a substance emanating from particular ship; and
- .3 details of the ship for the purposes of identification.

1.5 Other information if radio contact can be established

1.5.1 Master informed of pollution

1.5.2 Explanation of master

1.5.3 Ship's last port of call

1.5.4 Ship's next port of call

1.5.5 Name of ship's master and owner

1.5.6 Ship's call sign

2 INVESTIGATION ON BOARD

2.1 Inspection of the Certificate (COF or NLS Certificate)

2.1.1 Name of ship

2.1.2 Distinctive number or letters

2.1.3 Port of registry

2.1.4 Type of ship

2.1.5 Date and place of issue

2.1.6 Date and place of endorsement

2.2 Inspection of P and A Manual

2.2.1 List of Annex II substances the ship is permitted to carry

2.2.2 Limitations as to tanks in which these substances may be carried

2.2.3 Ship equipped with an efficient stripping system

2.2.4 Residue quantities established at survey

2.3 Inspection of Cargo Record Book (CRB)

2.3.1 Copy sufficient pages of the CRB to cover a full
loading/unloading/ballasting and tank cleaning cycle of the ship. Also
copy the tank diagram

2.4 Inspection of log book

2.4.1 Last port, date of departure, draught forward and aft

2.4.2 Current port, date of arrival, draught forward and aft

2.4.3 Ship's position at or near the time the incident was reported

2.4.4 Spot check if times entered in the cargo record book in respect of discharges correspond with sufficient distance from the nearest land, the required ship's speed and with sufficient water depth

2.5 Inspection of other documentation on board

2.5.1 Other documentation relevant for evidence (if necessary make copies) such as:

- cargo documents of cargo presently or recently carried, together with relevant information on required unloading temperature, viscosity and/or melting point
- records of temperature of substances during unloading
- records of monitoring equipment if fitted

2.6 Inspection of ship

2.6.1 Ship's equipment in accordance with the P and A Manual

2.6.2 Samples taken; state location on board

2.6.3 Sources of considerable leakage

2.6.4 Cargo residues on surface of segregated or dedicated clean ballast

2.6.5 Condition of pumproom bilges

2.6.6 Condition of monitoring system

2.6.7 Slop tank contents (estimate quantity of water and residues)

2.7 Statements of persons concerned

If the CRB has not been properly completed, information on the following questions may be pertinent:

- 2.7.1 Was there a discharge (accidental or intentional) at the time indicated on the incident report?
- 2.7.2 Which tanks are going to be loaded in the port?
- 2.7.3 Which tanks needed cleaning at sea? Had the tanks been prewashed?
- 2.7.4 When and where were these cleaned?
- 2.7.5 Residues of which substances were involved?
- 2.7.6 What was done with the tankwashing slops?
- 2.7.7 Was the slop tank, or cargo tank used as a slop tank, discharged at sea?
- 2.7.8 When and where was the discharge effected?
- 2.7.9 What are the contents of the slop tank or cargo tank used as slop tank?
- 2.7.10 Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?
- 2.7.11 Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?
- 2.7.12 Details of the present voyage of the ship (previous ports, next ports, trade).
- 2.7.13 Difficulties experienced with discharge to shore reception facilities.
- 2.7.14 Difficulties experienced with efficient stripping operations.
- 2.7.15 Which tanks are clean or dirty on arrival?
- 2.7.16 Repairs carried out or envisaged in cargo tanks.

Miscellaneous information

2.7.17 Comments in respect of condition of ship's equipment.

2.7.18 Comments in respect of pollution report.

2.7.19 Other comments.

3 INVESTIGATION ASHORE

3.1 Analyses of samples

3.1.1 Indicate method and results of the samples' analyses.

3.2 Further information

3.2.1 Additional information on the ship, obtained from terminal staff, tank cleaning contractors or shore reception facilities may be pertinent.

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc.

3.3 Information from previous unloading port terminal

3.3.1 Confirmation that the ship unloaded, stripped or prewashed in accordance with its P and A Manual.

3.3.2 The nature of difficulties if any.

3.3.3 Restrictions by authorities under which the ship was permitted to sail.

3.3.4 Restrictions in respect of shore reception facilities

4 INFORMATION NOT COVERED BY THE FOREGOING

5 CONCLUSION

5.1 Summing up of the investigator's conclusions.

5.2 Indication of applicable provisions of Annex II to MARPOL 73/78 which the ship is suspected of having contravened.

5.3 Did the results of the investigation warrant the filing of a deficiency report?

APPENDIX 3

PROCEDURES FOR INSPECTION OF UNLOADING, STRIPPING AND PREWASHING OPERATIONS (MAINLY IN UNLOADING PORTS)

1 Introduction

1.1 The surveyor exercising control in accordance with regulation 8 of Annex II should be thoroughly acquainted with Annex II and the custom of the port as of relevance to cargo handling, tankwashing, cleaning berths, prohibition of lighters alongside, etc.

2 Documentation

2.1 The documentation required for the inspection referred to in this appendix consists of:

- .1 COF or NLS Certificate;
- .2 cargo plan and shipping document;
- .3 Procedures and Arrangements (P and A) Manual; and
- .4 Cargo Record Book.

3 Information by ship's staff

3.1 Of relevance to the surveyor is the following:

- .1 the intended loading and unloading programme of the ship;
- .2 whether unloading and stripping operations can be effected in accordance with the P and A Manual and if not the reason why it cannot be done;

- .3 the constraints, if any, under which the efficient stripping system operates (i.e. backpressure, ambient air temperature, malfunctioning, etc.);
- .4 whether the ship proceeds to, remains inside, or leaves a Special Area; and
- .5 whether the ship requests an exemption from the prewashing and the discharge of residues in the unloading port.

3.2 When tankwashing is required without the use of water the surveyor is to be informed about the tankwashing procedure and disposal of residues.

3.3 When the Cargo Record Book is not up to date any information on prewash and residue disposal operations outstanding to be supplied.

4 Information from terminal staff

4.1 Terminal staff should supply information on limitations imposed upon the ship in respect of backpressure and/or reception facilities.

5 Control

5.1 On boarding and introduction to the master or responsible ship officer the surveyor should examine the necessary documentation.

5.2 The documentation may be used to establish the following:

- .1 noxious liquid substances to be unloaded, their categories and stowage (cargo plan, P and A Manual);
- .2 details (possibilities and limitations) of efficient stripping system, if fitted (P and A Manual);
- .3 tanks which require prewashing with disposal of tankwashings to reception facilities (shipping document and cargo temperature);

- .4 tanks which require prewashing with disposal of tankwashings either to reception facilities or into the sea (P and A Manual, shipping document and cargo temperature);
- .5 prewash operations and/or residue disposal operations outstanding (Cargo Record Book); and
- .6 tanks which may not be washed with water due to the nature of substances involved (P and A Manual).

5.3 In respect of the prewash operations referred to under subparagraph 1.2 above, the following information is of relevance (P and A Manual):

- .1 pressure required for tankwashing machines;
- .2 duration of one cycle of the tankwashing machine and quantity of water used;
- .3 washing programmes for the substances involved;
- .4 required temperature of washing water; and
- .5 special procedures.

5.4 The surveyor should ascertain that unloading, stripping and/or prewash operations are carried out in conformance with the information obtained in accordance with paragraph 2 (documentation). If this cannot be achieved, alternative measures should be taken to ensure that the ship does not proceed to sea with more than the quantities of residue specified in regulation 5A, as applicable. If the residue quantities cannot be reduced by alternative measures the surveyor should inform the port State Administration.

5.5 Care should be taken to ensure that cargo hoses and piping systems of the terminal are not drained back to the ship.

5.6 If a ship is exempted from certain pumping efficiency requirements under regulation 5A or requests an exemption from certain stripping or prewashing procedures under regulation 8 the conditions for such exemption set out in the said regulations should be observed. These concern:

- .1 Regulation 5A(6), the ship is constructed before 1 July 1986 and is exempted from the requirement for reducing its residue quantities to specified limits (i.e. category B substances 0.3 m^3 or 1 m^3 and category C substances 0.9 m^3 or 3 m^3). Whenever a cargo tank is to be washed or ballasted, a prewash is required with disposal of prewash slops to shore reception facilities. The Certificate should have been endorsed to the effect that the ship is solely engaged in restricted voyages;
- .2 Regulation 5A(7), the ship is never required to ballast its cargo tanks and tankwashing is only required for repair or drydocking. The Certificate should indicate the particulars of the exemption. Each cargo tank should be certified for the carriage of only one named substances;
- .3 Regulations 8(2)(b)(i), 8(5)(b)(i), 8(6)(c)(i) and 8(7)(c)(i). Cargo tanks will not be washed or ballasted prior to the next loading;
- .4 Regulations 8(2)(b)(ii), 8(5)(b)(ii), 8(6)(c)(ii) and 8(7)(c)(ii). Cargo tanks will be washed and prewash slops will be discharged to reception facilities in another port. It should be confirmed in writing that an adequate reception facility is available at that port for such purpose; and
- .5 Regulations 8(2)(b)(iii), 8(5)(b)(iii), 8(6)(c)(iii) and 8(7)(c)(iii). The cargo residues can be removed by ventilation.

5.7 The surveyor must endorse the Cargo Record Book under section J whenever an exemption referred to under 5.6.3, 5.6.4 and 5.6.5 above has been granted, or whenever a tank having unloaded category A substances has been prewashed in accordance with the P and A Manual.

5.8 Alternatively, for category A substances, regulation 8(3) residual concentration should be measured by the procedures which each port State authorizes. In this case the surveyor must endorse in the Cargo Record Book under section K whenever the required residual concentration has been achieved.

5.9 In addition to 5.7 above, the surveyor shall endorse the Cargo Record Book whenever he has inspected a ship after category B, C and D substances have been unloaded, stripped or the tanker prewashed in accordance with the P and A Manual.

5.10 The surveyor must be aware that certain "oil like" noxious liquid substances may be carried on product carriers. Such substances should be indicated on the IOPP Certificate. For the control of ships carrying such substances the Control Procedures under Annex I to MARPOL 73/78 apply (resolution A.542(14)).

APPENDIX 4

PORT STATE REPORT ON DEFICIENCIES

1	Reporting:	
2	Name of ship:	Type of ship:*
3	Flag of ship:	
4	Gross tonnage:	Year of build:
5	Deadweight (where appropriate):	
6	Date and place of inspection:	
7	Nature of deficiency in relation to Convention requirements:	
	(a) <u>Deficiency</u> **	(b) <u>Convention Regulation</u> ***

* To indicate whether passenger ship, cargo ship, bulk carrier, tanker, ro/ro ship, fishing vessel, etc.

** Refer only to the relevant parts or equipment of the ship which were found deficient.

*** Quote the relevant Convention regulation.

1 Relevant Certificate(s)

	(a) <u>Title</u>	(b) <u>Issuing authority</u> <u>and expiry</u>	(c) <u>Dates of issue</u>
1to.....
2to.....
3to.....
4to.....
5to.....

(d) For the purpose of the issue of relevant Certificate(s) the ship was last surveyed:

- 1 Date:19... Place:
 by :.....
 (surveying authority)
- 2 Date:19... Place:
 by :.....
 (surveying authority)
- 3 Date:19... Place:
 by :.....
 (surveying authority)
- 4 Date:19... Place:
 by :.....
 (surveying authority)
- 5 Date:19... Place:
 by :.....
 (surveying authority)

9 Brief note of action taken:****

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10 Flag State, recognized organization(s) and/or next port of call, as appropriate, notified as follows:*****

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11 Supporting documentation on deficiencies or operational violation:

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**** For example: ship detained, consul informed, Certificate withdrawn/
renewed/extended/provisional certificate and entry of conditions
issued, next port of call informed, etc.

***** Quote title and address of the authority and/or recognized
organization(s).

APPENDIX 5

COMMENTS BY FLAG STATE ON DEFICIENCY REPORT

Name of ship:
Flag State:
Gross tonnage:
Deadweight (where appropriate):
Date of report:
Recognized organization(s) involved:
Brief note on action taken:*
.....
.....
.....
.....

* Indicate also action, if any, regarding the relevant Certificate(s)
(e.g. extension, renewal, withdrawal, provisional and conditions).

ANNEX 3
RESOLUTION MEPC 26(23)
PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES
UNDER ANNEX II OF THE INTERNATIONAL CONVENTION FOR
THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS
MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO
(MARPOL 73/78)
adopted on 8 1986