

ANNEX 4

RESOLUTION MEPC.28(24)
COMPLIANCE WITH ANNEX II OF MARPOL 73/78

adopted on 20 February 1987

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 39 of the Convention on the International Maritime Organization concerning the function of the Committee,

RECALLING resolution MEPC.17(22) by which the Committee decided that the Parties to MARPOL 73/78 shall be bound by the provisions of Annex II as from 6 April 1987,

NOTING the desirability of uniform port State control measures in respect of ships in violation of Annex II of MARPOL 73/78 and, recognizing the benefits of advising Parties to the Convention on measures to be taken to ensure that ships in violation of Annex II do not pose an unreasonable threat of harm to the marine environment,

NOTING that by virtue of regulation 2(4) of Annex II of MARPOL 73/78 the arrangements to meet the requirements for the discharge below the waterline and the maximum concentration in the wake astern of the ship, shall be installed on board ships not later than 1 January 1988,

NOTING that ships that carry noxious liquid substances in bulk, in order to be in compliance with Annex II of MARPOL 73/78 must, on the effective date, have on board a certificate attesting compliance with the relevant requirements of Annex II of MARPOL 73/78 and the International Bulk Chemical Code (resolution MEPC.19(22)) or the Bulk Chemical Code (resolution MEPC.20(22)) as applicable,

NOTING ALSO that ships that carry noxious liquid substances in bulk will be subject to the Special Rules on Inspection of Ships of article 5 of MARPOL 73/78,

NOTING FURTHER that as from 6 April 1987 ships carrying noxious liquid substances in bulk but not fully certified for compliance with Annex II of MARPOL 73/78 are in violation of Annex II of MARPOL 73/78, and therefore subject to sanctions under article 4 of MARPOL 73/78,

1 URGES States Parties to MARPOL 73/78 to do their utmost to ensure that preparations for compliance with Annex II of MARPOL 73/78, including the provision of adequate reception facilities, are finalized prior to 6 April 1987; and

2 RECOMMENDS that as from 6 April 1987 States Parties to MARPOL 73/78, in executing port State control consider taking stringent measures including application of article 4 of MARPOL 73/78 proportionate to the actual level of non-compliance by the ship, taking into account the attached Annex.

ANNEX

ACTIONS FOR VARIOUS LEVELS OF PREPARATION FOR ANNEX II COMPLIANCE

VESSEL CONDITION AFTER 6 APRIL 1987			
INSTALLATION COMPLETE* DOCUMENTATION COMPLETE	INSTALLATION COMPLETE* DOCUMENTATION INCOMPLETE LEVEL NO. 1	INSTALLATION INCOMPLETE DOCUMENTATION INCOMPLETE LEVEL NO. 2	NO EFFORT TO COMPLY
VESSEL is in violation of Annex II			
Full compliance			
CHARACTERISTICS OF DEGREE OF PREPAREDNESS FOR ANNEX II	Vessel complies with the relevant requirements of Annex II and the Bulk Chemical Codes and has the required certificate.	Vessel has undergone survey including water tests. Procedures and Arrangements Manual has been submitted for approval and is substantially correct.	Vessel has not undergone survey. Water testing of tanks has been done to demonstrate compliance with 1 and 3 m ³ stripping requirements of reg. 5A and evidence of acceptance. Procedures and Arrangements Manual has been submitted.
DOCUMENTATION AVAILABLE	Certificate of Fitness or International Pollution Prevention Certificate for the Carriage of NLS. Approved Procedures and Arrangements Manual. Cargo Record Book.	Pre Annex II Certificate of Fitness. Evidence that the Procedures and Arrangements Manual has been submitted and substantially complete. Copy of unapproved Procedures and Arrangements Manual. Cargo Record Book.	Pre Annex II Certificate of Fitness with data to indicate that pumping efficiency of tanks meets reg. 5A based on water testing. Cargo Record Book.
			No evidence of any effort to comply with Annex II can be shown. Ships which have made no preparations other than to schedule a shipyard visit are considered to fall in in this group.

* Taking into account regulation 2(4) of Annex II.

PREPAREDNESS	VESSEL CONDITION AFTER 6 APRIL 1987			NO EFFORT TO COMPLY
	INSTALLATION COMPLETE* DOCUMENTATION COMPLETE	INSTALLATION COMPLETE* DOCUMENTATION INCOMPLETE LEVEL NO. 1	INSTALLATION INCOMPLETE DOCUMENTATION INCOMPLETE LEVEL NO. 2	
STATUS WITH RESPECT TO COMPLIANCE	Full compliance	Vessel is in violation of Annex II		
PORT STATE ACTION	Inspection of Certificate and appropriate action as prescribed in article 5.	Ensure cargoes are only carried in tanks permitted to carry cargo as per reg. 5A and ship type requirements. If so, cargo operations may be allowed. Inform the flag State of the violation.	Ensure cargoes are only carried in tanks permitted to carry cargo as per reg. 5A and ship type requirements. If so, cargo operations may be allowed. Inform the flag State of the violation and the action taken.	Require ship to improve status of preparedness. Conduct a thorough examination to ensure cargoes are only carried in tanks permitted to carry cargo as per reg. 5A and ship type requirements. If so, cargo operations may be allowed. Inform the flag State of the violation and the action taken and that the ship may be further delayed in subsequent visits.

Sanctions in accordance with article 4 and the National Law

* Taking into account regulation 2(4) of Annex II.