

ANNEX 3

RESOLUTION MEPC.37(28)  
Adopted on 17 October 1989

ESTABLISHMENT OF THE DATE OF APPLICATION OF THE PROVISIONS OF  
REGULATION 5 OF ANNEX V OF THE INTERNATIONAL CONVENTION FOR  
THE PREVENTION OF POLLUTION FROM SHIPS, 1973 AS MODIFIED  
BY THE PROTOCOL OF 1978 RELATING THERETO ON THE  
DISCHARGE OF GARBAGE IN THE NORTH SEA AREA

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING resolution MEPC.36(28) by which the Committee adopted amendments  
to regulation 5(1) of Annex V of the International Convention for the  
Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978  
relating thereto (MARPOL 73/78), hereinafter referred to as Annex V, to  
designate the North Sea as a special area,

NOTING ALSO the provision of Annex V, designating the North Sea area as  
a "Special Area", i.e. a sea area where for recognized technical reasons in  
relation to its oceanographical and ecological condition and to the particular  
character of its traffic the adoption of special mandatory methods for the  
prevention of pollution of the sea by garbage is required,

NOTING FURTHER the communication received from the Government of  
the Netherlands in accordance with the provisions of regulation 5(4)(b)  
of Annex V, notifying on behalf of and with the authorization of all the  
States bordering the North Sea - Belgium, Denmark, France, the Federal  
Republic of Germany, the Netherlands, Norway, Sweden, the United Kingdom -  
that adequate reception facilities are provided in all ports within the  
North Sea area,

HAVING CONSIDERED the request of the North Sea States to establish the date from which the requirements of regulation 5 of Annex V in respect of the North Sea area shall take effect as being the date of entry into force of the amendments to Annex V to designate the North Sea as a "Special Area",

1 DECIDES that the requirements of regulation 5 of Annex V in respect of the North Sea area shall take effect on the day the amendments to regulation 5(1) of Annex V adopted by resolution MEPC.36(28) enter into force, which is expected to be 18 February 1991,

2 REQUESTS the Secretary-General to notify, in conformity with regulation 5(4)(b), all Members of the Organization and all Parties of the aforementioned decision.

ANNEX

TEXT OF AMENDMENTS TO REGULATIONS  
OF ANNEX V OF MARPOL 73/78

(Regulation 5 - Designation of the North Sea as a Special Area  
and  
Regulation 6 - Exemptions)

Regulation 5 - Discharge of Garbage within Special Areas

The introductory sentence was amended to read as follows:

"(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the 'Gulfs area' and the North Sea area which are defined as follows:

New subparagraph (f) was added as follows:

"(f) The North Sea area means the North Sea proper, including seas therein the boundary between:

- (i) the North Sea southwards of latitude 62° N and eastwards of longitude 4° W;
- (ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N; and
- (iii) the English Channel and its approaches eastwards of longitude 5° W" and northward of latitude 48°30'N.

Regulation 6 - Exemptions

Paragraph (c) was amended to read as follows:

"(c) the accidental loss of synthetic fishing nets, provided that all reasonable precautions have been taken to prevent such loss".

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