INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973

INFORMATION MATERIAL RELATED TO THE CONSIDERATION OF THE DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 AND ITS ANNEXES

Submitted by the International Chamber of Shipping

The attached document* incorporating comments of governments on the draft text of the Convention and its Annexes has been prepared by the International Chamber of Shipping and submitted to the Conference for the information of delegates.

The ICS hopes that this composite document, which is in four parts, will be of assistance to those participating in the Conference. Having regard to limitations of time and facilities, it is possible that there may be some errors or omissions, but every effort has been taken to reduce these to a minimum.

* One copy per delegation of the document (in English) will be circulated during the Conference.
INTERNATIONAL CHAMBER OF SHIPPING

INTERNATIONAL CONFERENCE ON MARINE POLLUTION 1973

Text of draft International Convention for the Prevention of Pollution from Ships, 1973, together with the comments from Governments and International Organisations on the Draft Text

30/32, St. Mary Axe, London, EC3A 8ET

September, 1973
The following additions and amendments should be made. These include comments on the text which was not issued until after the completion of the document. As reproduction has been limited to one side of the sheet, if desired, amendment slips may be prepared.

FRANCE: **Preamble, footnote 2**: The proposed insertion does not appear to be particularly necessary and it is not usual to emphasize interest in a convention which is to be replaced by a new text. A statement of this kind would be more appropriate in a separate resolution which would be adopted by the Conference.

**Footnote 3**: A proposal such as this would certainly cause confusion: the present Convention does not in fact annul the 1954 Convention, which will remain in force between the Parties to both Conventions and those parties to the 1954 Convention which are not parties to the 1973 Convention. The words "as between the Parties of both Conventions" would only apply in the relations between two States which are parties to both Conventions. This is an established rule in International Law which need not be referred to here as it would not apply to all aspects of the problem.

**4th paragraph ("Considering ....")**: Some States have not accepted the successive amendments to the 1954 Convention, and the phrase "as between the Parties thereto" should therefore be deleted.

FRANCE: **Article 1 and subsequent**: The French Government does not consider it necessary for this Convention to be entered into formally, and would therefore like the formula "Contracting State" to be replaced by "the parties to the present Convention".
FRANCE: Article 2 (2 and subsequent): In the French text the term "Administration" must be replaced by "Autorité".
The definition given in paragraph (2) does not in fact apply to the "Administration", since this term has a different connotation in French.

Footnote 4(i): Article 3(1)(b) should be clarified rather than Article 2(2) as the words "operate under the authority of a Contracting State" are ambiguous.

Article 2(3): The phrase "by any Annex" involves a contradiction between Article 1(1) (and those Annexes....) and Article 2(3) (by any Annex) for example as far as the application of Article 7 is concerned. This phrase should either be deleted or replaced by: "by Annexes 1 and 2".

Article 2(4): Sub-paragraphs a) and b) must be regrouped into a single sentence to avoid any contradiction, to read as follows: ".....howsoever caused, to the exclusion of:

1) dumping

ii) releases"

Article 2(4)(b)(ii): This should read: "from the exploration, exploitation, storage and treatment ....". Some off-shore terminals, in fact, include slop storage tanks between the production and dispatch of the oil, which are connected with exploitation but do not perhaps form part of it in the strict sense of the term. The new wording would avoid any possible difficulty of interpretation.

FRANCE: Article 3(1)(b): Bearing in mind the comment on Article 2(2) footnote 1), the words "which operate under the authority" should be replaced by "which operate under the jurisdiction".

Article 3(2): It should be made clear that the second sentence does not refer to the Annexes by which the States are not bound, in accordance with Article 1(1).
FRANCE: Article 4: If Alternative II has the advantage of strengthening the implementation of the Convention, then the French Government cannot accept the present wording. In French law the legal authorities are free to decide whether or not to take proceedings: in order that this basic principle might be maintained, the French Government proposes the following wording:

"1. Any violation of the requirements of the present Convention shall be penalised under the law of the Administration of the ship concerned, wherever the violation occurs. As soon as the Administration is informed of such violation, it shall refer the matter to its own legal authorities as soon as possible for proceedings purposes.

2. Any Party to the present Convention shall penalise under its own legislation any violation of the requirements of the present Convention within its territorial waters. Whenever such a violation occurs that State shall, as soon as possible, either:

a) refer the matter to its own legal authorities for proceedings purposes, or

b) furnish to the Administration of the ship such information as may be in its possession to prove that a violation has occurred.

3. In the case provided for in sub-paragraph 2(b) the Administration of the ship shall inform both the State which has reported the violation and the Organization of the results of the proceedings."

4. No change.

Organization: definition given in Article 2(6).
FRANCE: Article 5: The French Government considers that the denial of access to a port might present certain dangers, and that it would be preferable to apply Article 5(2) which prevents the ship from sailing once it has entered the port. The French Government therefore proposes that paragraphs (2) and (4) of this article be re-worded as follows:

"Paragraph (2): If a State which is party to the present Convention is not certain that a ship wishing to enter one of its ports or to use one of its off-shore terminals complies in every way with the provisions of the Regulations applicable to that ship, that State may request consultation with the Administration of that ship. The Administration shall transmit to it all the information in its possession to enable it to determine whether or not the ship complies with the provisions of the Regulations applicable to it.

If after such consultations it appears that the ship does not comply, entry to the ports or off-shore terminals may be subject to certain conditions to guarantee that such entry does not present excessive risks for the marine environment.

Any State laying down such conditions shall inform both the Administration of the ship and the Organization accordingly.

Paragraph (4): 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 of another State which is party to the present Convention to inspection by officers duly authorised by that State.

Such inspection shall be carried out in such a way as not to delay the ship unless it appears that the particulars of the ship or its equipment differ from those shown on that certificate, or if the ship does not carry on board a valid certificate."

2/ Organization: definition given in Article 2(6).
FRANCE: Article 6 footnote 20: It does not appear to be necessary to revise Article 6 as suggested in footnote 20, having regard to Article 5 which deals with certificates; violations of the Conventions can be divided into two categories: violations in respect of the condition of the ship (provisions not consistent with the certificates, for example, Article 5); and violations in respect of the behaviour of the ship (unauthorised discharge, Article 6; oil record book, Annex I, Regulation 21(6) for example).

Article 6(2) footnote 21(i): Inspection should not be restricted to loading ports.

Article 6(2): The last sentence should be revised to the extent that the action to be taken does not only correspond to the flag State; an impression that could be given by the present wording. This looseness could be avoided by deleting the last phrase: "...for any appropriate action".

Article 6(3): In the light of footnote 23 the first sentence must be amended accordingly as the penal proceedings can be taken by the State which establishes the violation or by the flag State.

Article 6(4): It is not necessary, in French, to state that the contravention is "présumée" (alleged).

Article 6(5): The provisions of paragraph 5 must be mandatory. Footnote 28 cannot be upheld since ratification of the Convention by a State must express its general consent to these Investigations.
FRANCE: Article 7 footnote 29: A special Annex on Reporting should be avoided, as it would by its very nature be different from the present Annexes. On the other hand certain technical details in each of the present annexes might be considered.

Article 7 footnote 31: If this proposal were to be taken up, it might lead to excessive complications for often very little gain.

Article 7(5): This should read: "and to any other State that is affected or that may be affected".

Article 7 footnote 32: There are grounds for retaining the entire text.

Article 7 footnote 34: The addendum proposed in this Footnote does not appear to be essential.

Article 7(7)(b): In the French text only, the words "le taux de concentration" should be replaced by "la concentration". Furthermore sub-paragraphs b) and c) should refer to the stowage position (mentioned in (9)), knowledge of which might be useful.

Article 7(8)(b): Replace "affected States" by "States which are affected or which may be affected";

Article 7(9) footnote 35: In no case can the obligation for making reports be addressed to governments.

FRANCE: Article 9(1): As Annex I, which is mandatory, and the Convention Itself must enter into force at the same time, the words: "Upon the entry into force of Annex I" should be deleted.

Footnote 43 paragraph (3) of the proposed new article: In the French text the words "donner avis de sa décision a" (notice of such termination shall be given to) should be replaced by "informer de sa décision".
FRANCE: Article 10: The French Government prefers a compulsory procedure for the settlement of disputes and cannot therefore accept the provisions of Alternative III. As for referring disputes to the International Court of Justice, this would have certain disadvantages namely the length of the procedure and the technicalities of the Convention. It would in fact be preferable for the judges to be well acquainted with certain technical practices. The French Government therefore opts in favour of Alternative II, in which connexion it has the following comments to make:

- an annex to an article that would have a different status from that of the other annexes to the Convention should be avoided. The settlement of disputes should be dealt with in a single article subdivided into paragraphs.

- in article 4(4) the words "or of the other parties" should be added.

- in article 6 the phrase referring to the remuneration of the members should be replaced by the following two paragraphs:

"- each Party shall be responsible for the remuneration of its Arbitrator and the other arbitration costs, including the costs of preparing its dossier".

"- the remuneration of the third Arbitrator nominated by the Arbitrators of each Party, or where relevant by the Secretary-General of IMCO, and any general costs incurred in the arbitration shall be borne in equal share by each party. The Tribunal shall keep account of all its costs and shall submit a final account thereof".

FRANCE: Article 11(1)(b): Delete "in accordance with the provisions of the regulations".

Article 11(1)(d): In the French text only, replace "les installations disponibles"(available facilities) by "leurs possibilités".

Article 11(1)(e): In the French text only delete "tous" (all).

Article 11(2) Footnote 48: This would be a very useful addendum.

FRANCE: Article 12(1): In order to make the French text consistent with the English text the word "importantes" (major) should be replaced by "très importantes" or "majeures". The provisions of footnote 49 effectively indicate the interest in these investigations.
FRANCE: Article 14: In view of the complexity of this Convention, it would be better to adopt Alternative II.

FRANCE: Article 15: The French Government is in favour of Annexes I and II being mandatory.

Article 15(3): In line 3 of the French text read "paragraphe 2" for "paragraphe 1".

FRANCE: Article 17: The French Government cannot accept the amendment procedures described in paragraph (2) of this Article. For the whole of the text it supports the comments made in footnote 55 and at the Conference will propose a draft article drawn up on the basis of these observations.

FRANCE: Article 18: The denunciation period for the Convention or any of its Annexes should be put at 5 years.

FRANCE: Article 19: Paragraph (1) of this article should consist of a more flexible formula whereby Governments might assume responsibility for a territory so as to cover the case of territories that form part of the parent State. It cannot in fact be said that the parent State is "responsible for the international relations". The phrase "any Contracting State responsible for the international relations of a territory" should be replaced by "any Contracting State, in cases where it assumes the international responsibility of a territory".
INTERNATIONAL CONFERENCE
ON
MARINE POLLUTION
1973

Text of draft
International Convention
for the Prevention of Pollution
from Ships, 1973, together with the
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30/32, St. Mary Axe,
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September, 1973
GENERAL COMMENTS SUBMITTED ON THE DRAFT TEXT OF
AN INTERNATIONAL CONVENTION FOR
THE PREVENTION OF POLLUTION FROM SHIPS, 1973

FEDERAL REPUBLIC OF GERMANY

It should be noted, that it is renounced of repeating all comments brought forward orally or written
in the foregoing meetings of the appropriate IMCO bodies. However, the right is reserved to come back
to these matters.

GREECE

On the subject of the draft text of the International Convention for the Prevention of Pollution from
Ships 1973, we are of the opinion that the new instrument which will come into existence must have the
form of a new Convention and not the form of an amendment to the existing International Oil Pollution
Convention 1954, as it was amended in 1962.

We believe that the contemporary requirements for the protection of the marine environment on a world-
wide scale cannot be met with the provisions of the existing Convention which is old-fashioned and
inadequate for that purpose.

Although the draft text of the new International Convention for the Prevention of Pollution from Ships,
is acceptable by us as a whole, we reserve our rights to express our views on each article in the
forthcoming Conference during which this draft text will be discussed for final approval.

For the time being we consider it necessary to emphasize the necessity for the Mediterranean Sea to
be characterized by this Convention as A SPECIAL AREA for cultural, sentimental and substantive
reasons.

The reason is that if the capacity of the sea in general, to assimilate wastes and render them harm-
less, and if its ability to regenerate natural resources are not unlimited, then it is without doubt
that this ability is much more limited in the closed Mediterranean Sea. Therefore the management of
this closed sea should be carried out under stricter measures and provisions than in any other part
of the world's water surface.
GENERAL COMMENTS

GREECE (CTD.)

With regard to annexes attached to this Convention we firmly believe that all five should be adopted as mandatory, for only in this way could the protection and the preservation of the marine environment be more effective and useful. But, estimating that the adoption of all the annexes as mandatory could make the acceptance of this Convention by Member States more difficult, we are of the opinion that it could be advisable to adopt only the first two annexes as mandatory and the remaining last three as optional ones.

In our opinion the proposed practical solution could result in bringing the Convention into force soon without any undesirable delay which otherwise could be unavoidable.

If such an adoption prevails, then we could agree on the procedure of the conversion of the optional annexes to mandatory by establishing, for example, the principle that this Convention should be converted in the case that an increased majority (let us say by Member States to that Convention representing 75% of the total world tonnage) considers a conversion necessary.

OIL COMPANIES INTERNATIONAL MARINE FORUM

We are of the view that the proposed Convention can best be analysed by a two-step approach:

Firstly: by relating the major Convention goals to reasonable measures by which these goals can be attained; and

Secondly: by examining the detailed draft provisions which are designed to assure the meeting of these goals.

We hereby provide you with such an analysis in the form of:

(a) this cover note which concentrates on some of the major Convention items; and

(b) comments and recommendations addressing specific draft Convention provisions.

The oil company members of OCIMF which own or charter approximately 90% of the world's tanker fleet are committed to conducting their tanker operations in such a manner as to preserve the marine environment. In order to eliminate harmful operational pollution and to minimize accidental pollution
GENERAL COMMENTS

OIL COMPANIES INTERNATIONAL MARINE FORUM (CTD.)

of the seas, OCIMF members have been working continuously to improve the practice of Retention on Board (often referred to as Load on Top) and in this regard they have expended considerable effort in the search for effective oil separation and overboard discharge monitoring equipment.

They have voluntarily promoted adherence to the strict discharge criteria of the 1969 Amendments to the 1954 Oil Pollution Convention and have conducted comprehensive pollution prevention training for their seamen. Significant advances have also been made in the areas of vessel design, manning and equipment for the protection of the marine environment.

OCIMF believes that the 1969 Amendments provided a realistic basis for regulation of discharge and were capable of enforcement. In furtherance of the 1969 amendments OCIMF has pledged its support for inspection of all tankers arriving at crude oil loading ports and particularly repair yards, and in 1971 put forward practical proposals in this respect. It is unfortunate that there has so far been insufficient governmental acceptance to bring these Amendments into force.

In order for further progress to be achieved, OCIMF is firmly convinced of the need for an international convention which will be more comprehensive than the 1954 Oil Pollution Convention as amended. It should contain discharge criteria, inspection and enforcement procedures, and vessel design and equipment criteria which will serve better to protect the marine environment. Furthermore, the variety of sources for operational discharges and the causes of accidents requires a Convention with a balanced combination of solution elements. Despite the attractiveness of a simple "one solution" approach to new oil discharge regulations, OCIMF believes that a balance of pollution abatement measures will be most effective and most acceptable to nations generally.

These measures must be so integrated as to produce effective results at the least burdensome economic penalty. This requires that undue duplication of measures be avoided. OCIMF recognizes that solutions for oil tanker discharge problems, although costly, must be found. But we believe that such solutions must clearly recognize the massive capital requirements associated with rapid growth in oil demand and related environmental protection needs. Undoubtedly these capital requirements are also of great significance to many nations. Consistent with the above, the Convention should be conducive to rapid adoption, implementation and amendment, and its provisions easily understood and capable of uniform interpretation and application throughout the world.

Operational discharges, characterized by some governments as "intentional", are defined as oil or oily mixtures discharged into the oceans during normal vessel operations. It is our view that the provisions relating to such discharges should form the heart of the Convention. These discharges would include dirty ballast from unclean tanks, tank washings, cargo sediment, engine room bilge and
GENERAL COMMENTS

OIL COMPANIES INTERNATIONAL MARINE FORUM (CTD.)

fuel or lubricating oil sediments from oil purifying systems. Such discharges become of increasing importance when we consider that energy growth trends towards the end of the century indicate a near doubling each decade of oil movements by sea with a preponderance of seaborne movements as crude oil rather than refined products.

In the crude oil trades dirty ballast and tank washings are the main source of the operational discharges. In the product trades such discharges may occur when tanks are cleaned preparatory to changing products grades. For all tankers washing of tanks is required prior to major overhaul.

THE UNION OF SOVIET SOCIALIST REPUBLICS

1. The draft text of an International Convention for the Prevention of Pollution from Ships is an important document which will make a considerable contribution to the protection of the general environment and, particularly, of the marine environment. This draft text has a number of advantages in comparison with the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962. Firstly, the scope of the draft text of the Convention covers not only oil pollution but also other harmful substances which may affect the marine environment; secondly, as oil presents the main and most dangerous pollutant of the sea, the draft text provides more strict requirements than the Oil Pollution Convention, 1954; thirdly, the draft text is not aimed at prohibition of the discharge of oil and other harmful substances within comparatively narrow prohibited zones, as was the case in the 1954 Convention, but covers all waters of the world’s oceans.

2. It might be appreciated as practicable that the 1973 draft text has been subdivided into the Convention itself (Articles) containing general standards and principles, and Annexes containing precise rules for the prevention of pollution by different substances.

Bearing in mind the purpose of the 1973 Convention, it would be most reasonable if the Contracting States accept simultaneously all Annexes to the Convention. However, should any State be unable to do so due to the lack, for the time being, of some technical means, it would be agreeable to provide in the Convention a provision permitting some Annexes (optional ones) to be accepted gradually. At the same time any State which would become a party to the 1973 Convention but which would not accept an optional Annex (Annexes), should be obliged to do everything in its power to accept it as soon as possible.

3. The activities of IMCO in the preparation of the draft text of the International Convention for the Prevention of Pollution from Ships, 1973 are much appreciated. The fifth (final) draft text of the Convention could, in principle, serve as a good basis for consideration at the forthcoming Diplomatic Conference.
Preamble, 4th considerans

"Considering that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,"

Explanation

The Netherlands Government agrees that this Convention attributes to the world wide attempt to preserve the human environment in general and the marine environment in particular. Its conclusion should therefore not be brought in relation with 1954 Oil Convention, but should stress the importance of combatting at a world wide level the pollution of the marine environment.

NORWAY

After the second paragraph insert an additional paragraph stating:

"RECOGNIZING the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first international instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution."
PREAMBLE

(Footnotes)

1/ One delegation was of the opinion that two new Conventions should be formulated, one dealing with oil pollution and the other dealing with pollution by noxious substances other than oil, sewage and garbage. Another delegation proposed that the provisions relating to oil pollution should be dealt with in the form of amendments to the 1954 Oil Pollution Convention and the provisions relating to all harmful substances other than oil should be included in a new composite Convention.

2/ Some delegations proposed the insertion after this paragraph of an additional paragraph by which the Conference would recognise the Oil Pollution Convention, 1954, as the first international instrument directly aimed at protecting the environment and the significant contribution which that Convention has made in protecting the sea and coastal areas from pollution. Other delegations considered that such a statement would more appropriately be included in a Conference Resolution (see draft Resolution 1).

3/ Some delegations suggested that the words "as between the Parties to both Conventions" should be inserted after "supersede".

PROPOSED AMENDMENTS TO PREAMBLE

OCIMF

Footnote 1/ to Preamble: We support the present format of the Convention, ie, a composite document with technical Annexes, incorporating more rapid means of amendment rather than further amendment of the 1954 Convention with its much slower response to amendments.

SPAIN

The Spanish Government favours footnote 3/

UNITED KINGDOM

The United Kingdom believes that the Conference should base its work upon the draft composite Convention annexed to paper PCMP/8/3 and that the alternative of a separate Convention dealing with oil pollution and of expressing provisions relating to oil pollution in the form of amendments to the 1954 Convention should not be further considered. It considers that the Conference should recognise in an appropriate way the significant contribution made by the 1954 Convention as the first international instrument directly aimed at protecting the environment but believes that this could be achieved equally well by a paragraph in the Preamble or by an appropriate Resolution.
ARTICLE 1

General Obligation under the Convention

(1) The Contracting States undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound in accordance with the provisions of Articles 13 and 17 of the present Convention.

(2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to the Annexes.

PROPOSED AMENDMENTS TO ARTICLE 1

THE NETHERLANDS

Recognizing especially the need for amendment procedures which accelerate the entry into force for all Contracting Parties of amendments to the Annexes to the Convention and the Appendices to these Annexes, the Netherlands Government recommends that the Conference adopts a resolution requesting the Contracting Parties to take measure ensuring that the provisions of the Convention, its Annexes and Appendices and later amendments thereto take effect in the national systems of law with the minimum of delay.
ARTICLE 2
Definitions
For the purpose of the present Convention, unless expressly provided otherwise:
(1) "Regulations" means the Regulations annexed to the present Convention.
(2) "Administration" means the government of the State whose flag the ship is entitled to fly or under whose authority the ship is operating in accordance with Article 3(1)(b).
(3) "Harmful Substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, including any substance subject to control by any Annex to the present Convention.
(4) "Discharge" in relation to harmful substances, or effluent containing these substances means any release howsoever caused from a ship.

4/ (1) Some delegations felt that it would be necessary to clarify this phrase in view of the possibility that a fixed or floating platform may be owned or operated by Nationals of one Contracting State, thus falling under the authority of that State, but be operated in an area under the jurisdiction of...

4/ (11) Some delegations were of the view that as the coastal State had sovereign rights over the resources of its continental shelf platforms engaged in exploration or exploitation of its continental shelf would always be under its authority.

5/ Some delegations suggested the addition at the end of the sentence of the words "and includes, but is not limited to, any escape, spilling, leaking, pumping emitting or emptying".

PROPOSED AMENDMENTS TO ARTICLE 2
EGYPT
Replace text of paragraph (2) by the following:
(2) "Administration' means the government of the State in which the ship is registered or unregistered but having its nationality."

FINLAND
Proposed Amendment:
(5) "Ship' means a vessel of any type and includes hydrofoil boats, air cushion vehicles, submersibles and floating craft."
(5A) "Stationary platform' means a platform physically supported by the seabed or the subsoil thereof, or a platform capable of retaining its position by dynamic anchoring."

Remarks:
The extension of the word "ship" to cover all kinds of platforms, drilling rigs etc., causes unnecessary confusion. These items should be separated, and Regulation 26 of Annex I should be extended to cover all the necessary provisions for stationary platforms.
ARTICLE 2

(b) "Discharge" does not include:

(1) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter at Sea, 1972;

(11) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

(5) "Ship" means a vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operating in the marine environment.

(6) "Organization" means the Intergovernmental Maritime Consultative Organization.

PROPOSED AMENDMENTS TO ARTICLE 2

THE NETHERLANDS

paragraphs (4) (b) and (5)

The Netherlands Government regrets, but understands that the release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources is excluded from the operation of this Convention, since there is no sufficient time now to draw up rules concerning these mining activities. In view thereof and also of the fact that the provisions on jurisdiction cannot be the same for conventional ships and platforms used for those mining activities, the Netherlands Government deems it desirable to discuss at the Conference the question, whether or not fixed and floating platforms should fall within the scope of this Convention and the drawing-up of rules with regard to these platforms and other artificial constructions operating in the marine environment should be left to the third UN-Conference on the law of the sea.

NORWAY

(2) Delete the square brackets.

OCIMF

(4) (a), Footnote 5/

Agree with text in draft; additional wording not necessary.

(5)

Delete present text and substitute the definition contained in the 1954 Convention viz:--

"Ship means any sea-going vessel of any type whatsoever including floating craft, whether self-propelled or towed by another vessel, making a sea voyage".
ARTICLE 2

PROPOSED AMENDMENTS TO ARTICLE 2

In view of the limited examination given in the preparatory work to problems related to pollution from "ships" not making a sea voyage, we strongly recommend that the 1954 Convention definition be retained for the time being and that further consideration be given to this subject with a view to producing appropriate regulations therefor, either as an amendment to Annex I or as a new Annex to the present Convention.

........................................
SPAIN

It would seem logical to include with the definitions in this article those of several terms defined throughout the Convention or its Annexes, which at present seem to be out of place, and also that of some term of doubtful meaning - at least as far as the Spanish Government is concerned - which so far does not appear to be defined at all. Consequently the words which should also be defined in article 2 are:

- "noxious substances" - currently in Annex II Regulations 1.5
- "incident" - currently in Article 7.1 of the Draft Convention.
- "stationery ship" - thus far not defined at all.
ARTICLE 2

PROPOSED AMENDMENTS TO ARTICLE 2

The Spanish Government also considers that the words "and processing" in sub-paragraph b) ii) should be deleted.

SWEDEN

2(3)

The wording "if introduced into the sea" should be deleted as not necessary. Furthermore the wording of this paragraph and of Annex II Reg. 3(1), 4(1), Appendix I, Annex III, Reg 1, 5 and 6 should be harmonized in respect of the expression for "liable to create harm".

UNITED KINGDOM

The United Kingdom finds the definitions in this article generally satisfactory but considers that the wisdom of including fixed platforms in the definition of "ship" requires further consideration.

USSR

Paragraph 4 (a): To be supplemented with the words suggested in footnote 5, ie to have a list of actions which the term "discharge" implies. This should facilitate the Convention implementation.
ARTICLE 3

APPLICATION

(1) The present Convention shall apply to:

(a) Ships entitled to fly the flag of a Contracting State [including the territories to which reference is made in Article 19(2)] 6/ and

(b) ships not entitled to fly a flag but which operate under the [authority] 7/ of a Contracting State.

(2) The present Convention shall not apply to any warship or other ship owned or operated by a State and used for the time being, only on government non-commercial service. 8/ However each Contracting State shall ensure by the adoption of appropriate measures that such ships owned or operated by it act in a manner consistent with the object and purpose of the present Convention.

6/ See footnote 78/ under Article 19.
7/ See footnote 4/.
8/ Several delegations preferred the following wording: "The present Convention shall not apply to Warships and naval auxiliaries.". Some delegates were of the opinion that if this alternative wording was not adopted, at least the words "or operated" and for the time being should be deleted.

PROPOSED AMENDMENTS TO ARTICLE 3

EGYPT

Replace text of sub-paragraphs (1) (a) and (1) (b) by the following:

"(a) Ships registered in one of the contracting States
(b) unregistered ships but having the nationality of the contracting State."

JAPAN

The ships to which the present Convention shall not apply shall be confined only to warships.

NORWAY

Paragraph(2) : Replace the first sentence by the following:

"The present Convention shall not apply to warships."

Comment: It is important to limit the exceptions from the application of the Convention as much as possible, and we cannot see why the Convention should not apply to for example ships owned by the Government such as research ships, and ships belonging to the lighthouse service etc.

SPAIN

1. a) The phrase in square brackets "including the territories to which reference is made in Article 19 (2)" could be deleted.

2. The following re-wording is suggested.

"The present Convention shall not apply to ships entitled to exemption in accordance with International Law. However each Contracting State shall
ARTICLE 2

PROPOSED AMENDMENTS TO ARTICLE 2

SPAIN (CTD.)

ensure by the adoption of appropriate measures that such ships flying their flag and operating under their authority, act in a manner consistent with the object and purpose of the present Convention, and shall inform the Organization accordingly.

SWEDEN

It should be added that the Convention is applicable on the high seas and on the territorial seas. Thereby Governments can apply more strict provisions for internal waters in order to protect them, e.g. when used for domestic purposes. Cf Article III (3) of the London dumping convention and the remarks to Article 8.

UNITED KINGDOM

The United Kingdom finds this Article satisfactory as drafted and proposes the deletion of the square brackets (but not the words within them) in paragraph 1(a) and 1(b).

USSR

Paragraph 1(a): The words "ships entitled to fly the flag" to be substituted by the words "ships flying the flag". The text in the square brackets (see footnote under Article 19) to be deleted.

Paragraph 2.

1. The words "and naval auxiliary" to be inserted after the words "to any warship". The insertion will not enlarge the number of ships to which the Convention shall not apply, but from our viewpoint, makes the wording more precise.

2. The words "for the time being" to be deleted.
Article 4
Alternative I 9/

Penalties
(1) Any discharge of harmful substances or effluent containing these substances in contravention of the provisions of the Regulations shall be prohibited under:
(a) The law of the Administration of the ship;
   [and] [or]
(b) The law of any other Contracting State when the discharge occurs within its territorial seas.10/

2/ Some delegations suggested that an additional paragraph be added to Article 4, whichever alternative is accepted, as follows:
"Any Contracting State may cause proceedings to be taken when any ship to which the present Convention applies enters its ports or off-shore terminals, in respect of any violation by that ship, or its owner or master, of the requirements of the Convention, wherever the violation occurred, provided, however that such proceedings are commenced no later than [three] years after the violation occurred. Whenever one Contracting State has commenced such proceedings, no other proceedings in respect of the same violation may be commenced by any other Contracting State except for the Administration of the ship or any State within whose territorial sea the violation occurred. A report of any such proceedings shall be sent to the Administration of the ship."

Replace the present text with the following:

"(1) Any violation of the requirements of this Convention by a ship, its owner or master, or by any person on board, shall be prohibited under the law of the Administration of that ship irrespective of whether such violation may occur. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available in accordance with its own law to enable proceedings to be brought against the ship, its owner or master, or other person on board in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible. The Administration shall promptly inform the Organization and the State which reported the violation to it of any action taken in response to the report.

(2) Any violation of the requirements of this Convention by a ship, its owner or master, or by any person on board, shall be prohibited under the law of a contracting State when such violation occurs within the waters under the jurisdiction of that State. Whenever such a violation occurs, that State shall either:
(a) Cause proceedings to be taken against that ship, its owner or master, or other person on board in respect of such violation; or
(b) Furnish to the Administration of the ship such evidence as may be in its possession that the ship, its owner or master, or other person on board, has committed such a violation.

(3) Subject to paragraph 4 of this Article, any contracting State may cause proceedings to be taken against any ship not entitled to fly its flag, its owner or master, or other person on board, in respect of any violation of the requirements of this Convention by such ship, owner, master or person wherever the violation occurred, when the ship..."
It was suggested that the period of time indicated in square brackets "[three]" should be related to the period indicated in Regulation 23 of Annex I. Other Delegations took the view that the concept contained in the present footnote could only be accepted subject to one or more of the following additional qualifications:

(a) the violation occurred within [50] nautical miles from the nearest land of the State exercising jurisdiction under this provision;
(b) the Administration reserves the right to take over the prosecutions for any violation which has occurred outside the territorial seas of a Contracting State;
(c) the proceedings could take place only with the consent of the Administration.

One delegation suggested that for (c) above, tacit consent would be sufficient.

10/Some delegations expressed a preference for a term other than "territorial seas" such as "waters under its jurisdiction", "areas under national jurisdiction" or "within the limits of national jurisdiction".

(2) The penalties provided under the law of a Contracting State in respect of unlawful discharge of harmful substances or effluent containing these substances shall be adequate in severity to discourage any such unlawful discharge. The penalties provided for in respect of unlawful discharge outside the territorial seas of a Contracting State shall be no less severe than the penalties provided for under the law in respect of the same infringement within its territorial seas.

Alternative II 9/

is found within its ports or off-shore terminals. Such proceedings must be commenced no later than three years after the date on which the violation occurred.

Proceedings shall not be taken by a contracting State under the provisions of paragraph 3 of this Article in respect of a violation of the requirements of this Convention which occur within the waters under the jurisdiction of another State unless expressly requested by that other State.

Whenever one contracting State has commenced proceedings in respect of a violation of the requirements of this Convention, no other proceedings in respect of the same violation may be commenced by any other contracting State except in the case of the Administration of the ship. A contracting State other than the Administration of the ship which causes such proceedings to be taken shall promptly inform the Organization and the Administration of the ship.

The penalties specified under the law of a contracting State pursuant to this Article shall be adequate in severity to discourage violations and the penalty specified under the law of that State in respect of any one particular violation shall remain the same irrespective of where such violation may occur.

FINLAND

Alternative II - Delete footnote 9.
The formulation of Alternative II is clearer, however the substance of footnote 11 should be inserted in paragraph (1).
Article 4 Alternative II 9/
Violations

1. Any violation of the requirements of the present Convention shall be prohibited under the law of the Administration of the ship concerned, whenever the violation occurs. If the Administration is informed of such a violation and 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 violation, it shall cause such proceedings to be taken as soon as possible.

2. Any violation of the requirements of the present Convention within the territorial seas of any Contracting State shall be prohibited under the law of that State. Whenever such a violation occurs, that State shall either:
   (a) cause proceedings to be taken with respect to such violation, or
   (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3. Where information or evidence with respect to any violation of the Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the State which furnished the information or evidence and the Organization, of the action taken.

Re-draft Article as follows:

JAPAN

"1. Any discharge, whenever it occurs, by a ship of harmful substances or effluent containing these substances in contravention of the provisions of the Regulations:
   (a) shall be an offence punishable under the law of the Administration of that ship; and
   (b) may be an offence punishable under the law of any other Contracting State.

2. The penalties provided under the law of a Contracting State in respect of the unlawful discharge of harmful substances or effluent containing these substances shall be adequate in severity to discourage any such unlawful discharge. The penalties provided for in respect of unlawful discharge outside the territorial seas of a Contracting State are no less severe than the penalties provided under its law in respect of the same infringement within its territorial seas.

3. Whenever a Contracting State has commenced proceedings in accordance with this Article, no other proceedings in respect of the same alleged contravention may be commenced by any other Contracting State except for the Administration of the ship and any State within whose territorial seas the contravention occurred. However, the penalty which was imposed by one Contracting State shall be taken into account by the Contracting State within whose territorial seas the contravention occurred, when it takes proceedings in respect of the same contravention."

Note: Some delegations were of the opinion that this provision is too stringent since it obliges Administrations to take proceedings which would have problems with regard to their national system of law according to which the proceeding authority is free to decide whether or not a proceeding is opportune.
Article 4

Violation (Cont'd)

(4) The penalties provided for under the law of a Contracting State in respect of any violation of the requirements of the present Convention shall be adequate in severity to discourage any such violation. The penalties provided for in respect of violation outside the territorial seas of a Contracting State shall be no less severe than the penalties provided for under the law in respect of the same infringement within its territorial seas.

PROPOSED AMENDMENTS TO ARTICLE 4

NETHERLANDS

Replace the present article by the following ones:

Article 4

"(1) Violation of any of the requirements of the present Convention shall be prohibited under the law of the Administration of the ship concerned, wherever the violation occurs.

(2) Discharge, of harmful substances or effluent containing these substances in contravention of the provisions of the Regulations shall, moreover, be prohibited under the law of any other Contracting State, wherever the violation occurs, subject to the provisions of Article 4 bis.

(3) The penalties for under the law of a Contracting State in respect of any violation of the requirements of the present Convention shall be adequate in severity to discourage such violation. The penalties provided for in respect of violations outside the territorial sea of a Contracting State shall be no less severe than the penalties provided for in respect of the same infringement within its territorial sea.

Article 4 bis

(1) A Contracting State may cause proceedings to be taken when a ship to which the present Convention applies enters its ports or off-shore terminals, in respect of an act prohibited under paragraph (2) of Article 4, committed by that ship, or its [owner or ] master. A report of such proceedings shall be sent to the Administration of the ship.
(2) For the purpose of the preceding paragraph the proceedings instituted by a Contracting State, not being the State of the Administration of the ship concerned, shall
have to be commenced no later than three years after the act has been committed;
(b) shall not lead to the imposition of penalties other than fines, unless the Contracting State concerned and the State of the Administration agree otherwise.

(3) Whenever one Contracting State has commenced proceedings, no other proceedings in respect of the same act may be instituted by any other Contracting State except for a Contracting State which has prosecutorial priority pursuant to paragraph (4) of this Article. In case a Contracting State having prosecutorial priority commences proceedings, the proceedings, instituted by another Contracting State are suspended.

(4) The prosecutorial priorities among the Contracting States are as follows:
(a) In case a Regulation requires for special precautions to be observed within a certain distance from the nearest land and the alleged violation of the requirement has been committed within the distance stipulated, the coastal State of such nearest land has prosecutorial priority over the Contracting States mentioned in the following sub-paragraphs.
(b) In case the alleged violation occurred within 100 nautical miles from the nearest land, the coastal State of such nearest land has prosecutorial priority over the Contracting States mentioned in the following sub-paragraphs.
(c) The State of the Administration of the ship concerned has prosecutorial priority over the Contracting States mentioned in the following sub-paragraphs.
(d) Any other Contracting State after consultation with the State of the Administration of the ship concerned.

(5) A Contracting State which has commenced proceedings may transfer the prosecution to the Administration of the ship concerned. In that case the State of the Administration has, in relation to any other Contracting State, the same prosecutorial priority as the Contracting State from which it has taken over the prosecution.

Explanations
The rules contained in the draft convention comprise:
(a) rules with regard to the construction and equipment of ships;
(b) rules with regard to the operation of ships;
(c) rules with regard to the holding and keeping of certificates and other documents which establish compliance with the rules under a and b.

Contraventions of the rules under a and c are sufficiently dealt with in Article 5.
With regard to contraventions of the rules under b the following should be noted.
1. The supervision on observance of the rules (i.e. the establishment of a violation) should not be restricted to the flag-State.
2. The enforcement of rules contained in the Convention should also not be restricted to the flag-State. A system of joint enforcement advances the effectivity of the international rules. However, it seems desirable not to allow enforcement by any given Contracting State, but to establish a priority list of "fora".

Footnote 11
The Netherlands Government strongly supports what is said in this footnote and suggests that wherever in the Convention a provision containing the obligation to take proceedings is foreseen, this provision should be revised in the light of footnote 11.
ARTICLE 4

PROPOSED AMENDMENTS TO ARTICLE 4

NORWAY

If alternative II is accepted replace the words "it shall cause such proceedings to be taken as soon as possible" in paragraph (1) by:

"it shall submit the matter to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence under the law of the state."

COMMENT

It is important to limit the exceptions from the application of the Convention as much as possible, and we cannot see why the Convention should not apply to for example ships owned by the Government such as research ships, and ships belonging to the lighthouse service etc.

SPAIN

The following re-wording is proposed:

"Prohibitions, jurisdiction and penalties

1. Contracting States shall prohibit the discharge in the marine environment of any harmful substances or effluent containing these substances in contravention of the provisions of the present Convention and shall penalise any acts which violate these requirements. The penalties shall be adequate in severity to discourage any such unlawful discharge.

2. In addition to the jurisdiction of the flag State, a riparian Contracting State shall have the jurisdiction to penalise any acts which violate the requirements of the present Convention, committed in areas adjacent to their banks, within the scope of the Convention."
The United Kingdom prefers alternative I of this Article as set out on page 4 of the Annex to PCMF/6/3 and considers that the conjunction separating sub-paragraphs (a) and (b) of paragraph (1) should be "and." It does not at this stage support the inclusion in the text of the Article of the paragraph proposed in footnote 9, believing that the 1973 Conference should not, in drawing up its draft Convention, pre-judge matters which will be more appropriately settled at the Law of the Sea Conference in 1974.

U.S.A.

Amend article to read as follows:

"(1) Any violation of the requirements of the present Convention shall be prohibited under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and 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 violation it shall cause such proceedings to be taken as soon as possible.

(2) Any Contracting State may cause proceedings to be taken when any ship to which the present Convention applies enters its ports or off-shore terminals, in respect of any violation by that ship, or its owner or master, of the requirements of the Convention, wherever the violation occurred, provided however, that such proceedings are commenced no later than three years after the violation occurred. Whenever one Contracting State has commenced such proceedings, no other proceedings in respect of the same violation may be commenced by any other Contracting State except for the Administration of the ship or any State within whose territorial sea the violation occurred. A report of any such proceedings shall be sent to the Administration of the ship.

(3) Any violation of the requirements of the present Convention within the territorial seas of any Contracting State shall be prohibited under the law of that State. Whenever such a violation occurs, that State shall either:

(a) Cause proceedings to be taken with respect to such violation, or

(b) Furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred."
(4) Where information or evidence with respect to any violation of the Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the State which has furnished the information or evidence and the Organization, of the action taken.

(5) The penalties provided for under the law of a Contracting State in respect of any violation of the requirements of the present Convention shall be adequate in severity to discourage any such violation. The penalties provided for in respect of violation outside the territorial seas of a Contracting State shall be no less severe than the penalties provided for under the law in respect of the same infringement within its territorial seas.

U.S.S.R.

Alternative I to be retained.
Paragraph 1(a) - the word "and" to be retained
and the word "or" to be deleted.

POLISH PEOPLE'S REPUBLIC

The Polish authorities are in favour of Alternative II as a basis of the Conference's deliberations. It is regarded as of importance that concept of Violation of the requirements of the Convention is more appropriate than that of Penalties, in this Article.
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 of detection or other 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 authorised by that State. 12/ Any inspection concerning the implementation of the provisions covered by the certificate and carried out by a foreign State 13/within its territory or in off-shore terminals under its jurisdiction shall be limited to verifying that there is on board a valid Certificate unless there are clear grounds 14/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 13/carrying out the inspection shall take such steps as will ensure that the ship is in compliance with the requirements of the Convention as quickly as possible.

12/Some delegations were of the opinion that the initial wording may give the impression that inspection will be allowed only to ships required to hold a certificate. In order to avoid such an impression, they suggested paragraph (2) to begin as follows: "As to ships required to hold a certificate issued in accordance with the provisions of the Regulations, any inspection made by an officer duly authorised and concerning the implementation of the Special Rules shall be conducted in accordance with this Convention as quickly as possible."

PROPOSED AMENDMENTS TO ARTICLE 5

CANADA

Replace the present text with the following:

(1) Each Administration, and the owner and master of the ship, shall cooperate fully with any contracting State which desires to conduct an inspection in that State's ports or off-shore terminals, or within waters under its jurisdiction, of any ship of that Administration for the purpose and to the extent necessary to ascertain whether that ship is in compliance with the requirements of this Convention. An inspection shall be conducted so as not to delay unduly the ship involved. In the event that an inspection gives rise to action of any kind by the inspecting State, the authorities of that State shall immediately inform the Administration of the ship or its diplomatic or consular representatives of all the circumstances thereof.

(2) Contracting States shall cooperate in the detection of the offenses and the enforcement of the provisions of the Convention using all appropriate and practicable measures of prevention and environmental monitoring, in addition to adequate reporting procedures and the securing of evidence.

DENMARK

Amend the final sentence of paragraph (2) to read "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 suitable repair yard."

The Danish Government agrees with the view recorded in footnote 16 that "nearest repair yard available" is unduly restrictive and might in some instances defeat the object of the provision - to ensure that the vessel is restored to a satisfactory condition as quickly as possible.
ARTICLE 5
13/ Some delegations suggested to substitute the words "a foreign State" and "the State" by "officers".
14/ Some delegations suggested that the phrase "clear grounds" in paragraph (2) (4), (5) should be replaced by "reasonable grounds".

That the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. 15/ 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 repair yard available. 16/17/

(3) In the event of the inspection provided for in this Article giving rise to action of any kind, the State carrying out the inspection shall immediately inform in writing the consul or diplomatic representative of the State whose flag the ship is entitled to fly of this action and of the circumstances thereof.

(4) If a Contracting State has clear grounds for believing that a ship wishing to enter its ports or use off-shore terminals under its jurisdiction is not constructed in accordance with the provisions of the Regulations applicable to that ship, such State may request consultation with the government of that State whose flag the ship is entitled to fly. If after such consultation, or otherwise, the Contracting State establishes [is satisfied] that the ship does not comply with the Regulations in question such State [may/shall] for this reason deny the ship access to such ports and off-shore terminals until such time as that State is satisfied that the ship does comply with the Regulations.]

PROPOSED AMENDMENTS TO ARTICLE 5

FINLAND
(2) Amend "...proceeding to the nearest repair yard available", to: "...proceeding to the nearest sufficiently equipped repair yard available."

COMMENT:
The wording at present is unduly restrictive and does not cover all eventualities.

(4) "If a Contracting State..."
This paragraph should be retained with alternative "may".

(5) "Notwithstanding..." This paragraph should be deleted.

INTERNATIONAL CHAMBER OF SHIPPING

Recommendation
Amend the final sentence of paragraph (2) to read:

"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 suitable repair yard."

Comment
ICS agrees with those delegations whose view is recorded in footnote 16, that "nearest repair yard available" is unduly restrictive and might in some instances defeat the object of the provision - to ensure that the vessel is restored to a satisfactory condition as quickly as possible.

NETHERLANDS

Paragraph (2)
In the last line change "nearest repair yard available" into "nearest appropriate repair yard available."

Explanation
In supporting footnote 16 the Netherlands Government suggests the above additional word "appropriate."

Paragraph (4)
The intention of this paragraph is not clear and gives rise to different interpretations especially when reading it in combination with par. (5).
ARTICLE 5

15/Some delegations were of the opinion that the phrase "without presenting an unreasonable threat of harm to the marine environment" should be replaced by the phrase "until such deficiency is corrected".

16/Some delegations suggested that the phrase "nearest repair yard available" was unduly restrictive of the place in which the ship could most suitably be repaired.

17/Some delegations suggested that there be a provision obliging the Administration, and owner or master of a ship, to cooperate with any Contracting States which desire to conduct inspection pursuant to this Article.*

18/Some delegations suggested that the phrase "is not constructed in accordance with" should be replaced by the phrase "does not comply with".

[(5) Notwithstanding the provisions of Article 3(1) of the present Convention [five years] after the entry into force of the present Convention a Contracting State [may/shall] deny access to or permission to leave ports or off-shore terminals under its jurisdiction to any ship entitled to fly the flag of a non-Contracting State if the Contracting State has clear grounds for believing that the ship does not comply with the provisions of the Regulations.]

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 repair yard available, if it is satisfied that such voyage will not present an unreasonable threat of harm to the marine environment.] 15/19/

PROPOSED AMENDMENTS TO ARTICLE 5

NETHERLANDS (CTD.)

Paragraph (5)

This paragraph gives also rise to some question for instance whether this provision also applies to cases of non-compliance with operational discharge control requirements (discharge criteria).

Both paragraphs need further clarification before any firm view can be taken on them. Apart from that it is considered that provisions of this kind are without any value if the measures mentioned in these paragraphs are only optional.

NORWAY

Paragraph (2)

For the sake of clarification replace the second sentence by:

"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 the eleventh line delete the word "State" and insert "Officer".

Replace the last words "the nearest repair yard available" by: "A repair yard" as the wording in the draft is unduly restrictive.

*17/ Some delegations suggested that inspection be limited to inspection of slop tanks or other tanks especially provided for wastes and also to the inspection of documents connected with such tanks.
ARTICLE 5

Footnote 19

Some delegations suggested that paragraphs (3), (4) and (5) should be replaced by the following:

(3) 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 diplomat 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.

PROPOSED AMENDMENTS TO ARTICLE 5

Paragraph (4)

NORWAY (CTD.)

Delete the square brackets at the beginning and at the end of the paragraph.

Delete the word "shall" and the square brackets in the third last line.

COMMENT:

It is in our opinion not practicable to make this provision mandatory as we think a State should have the possibility to distinguish between a substantial and a purely formal non-compliance with the provisions in question, as the latter may not justify such a serious sanction as to deny a ship access to a port. Furthermore it could be that the best solution from a pollution point of view was to have a ship, which does not comply with the provisions of the Regulations, into a port so that the ship could be unloaded as soon as possible or otherwise be taken care of to prevent or minimize pollution of the sea.

Paragraph (5)

Delete the square brackets at the beginning and at the end of the paragraph. Delete the word "shall" and the square brackets in the third line.

Comment:

The reason is the same as expressed under paragraph (4).

OCIMF

(2) Insert "a suitable" before "repair yard" in last line and delete words "nearest" and "available" to read: "a suitable repair yard".

Comment: The nearest repair yard may not be able to undertake the necessary work either due to lack of facilities or because of pressure of work.

Footnote 14/ : Prefer existing text.
Footnote 16/ : See proposal for para (2) above.
ARTICLE 5

PROPOSED AMENDMENTS TO ARTICLE 5

OCIMP (CONT'D)

(3) See comments on Footnote 19.

(4) Since States have the right to refuse vessels entry to their ports it would seem unnecessary for such a provision to be included in the Convention. If the provision is, however, included, it should be permissive only. This "may" should be retained and "shall" deleted.

(5) See proposal for Para (2) above.

The comment against para (4) is equally applicable to this paragraph.

Footnote 19/. If a provision of this nature is retained the wording of Footnote 19/ is much preferred to that in the text.

SPAIN

The following re-wording is proposed:

(1) No change.

(2) A ship required to hold a certificate in accordance with the provisions of the Regulations is subject while in the territorial sea, ports and off-shore terminals under the jurisdiction of another Contracting State to inspection by officers duly authorized by that State. Any inspection concerning the implementation of the provisions covered by the certificate and carried out by a Contracting State within its territorial sea, ports or off-shore terminals under its jurisdiction, 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 do so without presenting an unreasonable threat of harm to the marine environment. That State may, however, grant such a ship permission to leave its territorial sea, ports or off-shore terminals, for the purpose of proceeding to the nearest repair yard available.

(3) Delete.

(4) Delete.
PROPOSED AMENDMENTS TO ARTICLE 5

SWEDEN

(2) In order to avoid the impression that inspection will be allowed only to ships required to hold a certificate paragraph (2) should be reworded along the lines indicated in Footnote 12/.

Proposed Amendment

(3) 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."

The proposed text is intended to replace paragraphs (3), (4) and (5). The States already have the right to deny a foreign ship access to ports in its territory. Para (5) could give the impression that such a right does not exist until five years after the entry into force of the Convention. The question when such a right shall be used could be dealt with in recommendations by IMCO.

Observe also the additional last sentence of the proposed text.

UNITED KINGDOM

To meet the points made in Footnotes 12/ and 13/ the first 2 sentences of paragraph (2) of this Article might be reworded as follows:

"Without prejudice to any general right of a contracting State to inspect the ships of other contracting States while in ports or off-shore terminals under its jurisdiction, any inspection of a ship concerning the implementation of the provisions of a certificate held in accordance with this regulation carried out by a Contracting State within its territory or in off-shore terminals under its jurisdiction 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 the last sentence of this paragraph the insertion of the word "suitable" before the words "repair yard" is proposed.

The United Kingdom favours replacing the provisions of paragraph (3), (4) and (5) of this Article by the text proposed in Footnote 19/

U.S.S.R

Paragraphs 4 and 5

The word "may" (the text in square brackets) to be retained as the only alternative. Placing on a coastal State a duty to deny access to its ports and off-shore terminals a foreign ship not complying with any provisions of the Convention, would be too burdensome. It is expedient, therefore, to leave the question of such ships as admittance at the discretion of the coastal State.
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 loading ports, to inspection by officers appointed or authorized by Contracting States for the purpose of determining whether any harmful substances have been discharged in contravention of the provisions of the Regulations. If it appears from such inspection that harmful substances have been thus discharged, the report of the inspection shall be forwarded to the Administration for appropriate action.

PROPOSED AMENDMENTS TO ARTICLE 6

CANADA

Replace text by the following:

"Notwithstanding the provisions of paragraph (1) of Article 3, five years after entry into force of this Convention, all contracting States shall apply the provisions of the Convention to any ship, as if the Administration thereof were a party to this Convention."

DENMARK

Amend Paragraph (2) to read:

"A ship to which the present Convention applies may be subject to ports and off-shore terminals to inspection by officers appointed or authorized by Contracting States for the purpose of determining whether harmful substances have been discharged in contravention of the provisions of the Regulations. If it appears from such inspection that harmful substances have been thus discharged, the report of the inspection shall be forwarded to the Administration for appropriate action."

The Danish Government believes that the right of inspection should be exercised in all ports, and not simply loading ports, and thus subscribes to the proposal in footnote 21 (1). However, it would seem likely that Administrations should only be notified of cases of apparent contravention of the Regulations, and not - as the final sentence of paragraph (2) as drafted suggests - of all inspections, both satisfactory and otherwise.

FINLAND

(3) "Any Contracting State..." It is not sufficiently clear where the words "former state" in the second sentence refer to.

(5) "A Contracting State [may/shall]...."

Proposed Amendment:

"A Contracting State may......."
been discharged in contravention of the provisions of the Regulations. The report of such inspection shall be forwarded to the Administration for any appropriate action. 21/22
(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. 23/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 as soon as possible. 24/ The Administration shall promptly inform the State which has reported the alleged contravention, as well as the Organization, of the action taken. 25/
21/(4) It was suggested that the restriction of the right of inspection to ships in "loading ports" might not be appropriate, and that this might usefully be extended, for example, to cover ships in ports and off-shore terminals of any Contracting State.
(11) See Footnote 17 of Article 5.
It was also pointed out that this paragraph might have some connexion with regulation 21(6) of Annex I.

PROPOSED AMENDMENTS TO ARTICLE 6

INTERNATIONAL CHAMBER OF SHIPPING

Amend paragraph (2) to read:
"A ship to which the present Convention applies may be subject in ports and off-shore terminals to inspection by officers appointed or authorised by Contracting States for the purpose of determining whether harmful substances have been discharged in contravention of the provisions of the Regulations. If it appears from such inspection that harmful substances have been thus discharged, the report of the inspection shall be forwarded to the Administration for appropriate action."

COMMENT:
ICS believes that the right of inspection should be exercised in all ports, and not simply loading ports, and thus subscribes to the proposal in footnote 21 (1). However, it would seem likely that Administrations will only wish to be notified in cases of apparent contravention of the Regulations, and not - as the final sentence of paragraph (2) as drafted suggests - of all inspections, both satisfactory and otherwise.

JAPAN
(1) Contracting States shall co-operate in the detection of offences and the enforcement of the provisions of the Convention using all appropriate and practicable measures of detection and environmental monitoring, adequate reporting procedures and accumulation of evidence.
(2) Any Contracting State shall furnish to the Administration and Contracting States whose ports or off-shore terminals the ship enters, evidence, if any, that the ship entitled to fly the flag of or under the [authority] of another Contracting State has discharged harmful substances or effluent containing these substances in contravention of the provisions of the Regulations.
(3) 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.
PROPOSED AMENDMENTS TO ARTICLE 6  JAPAN (CTD.)

If the Administration is informed that sufficient evidence is available in the form required by its law to enable proceedings against the owner, master of the ship or any other persons including the crew-members of the ship who caused the alleged contravention, it shall cause such proceedings to be taken 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.

4) A Contracting State may investigate a ship entitled to fly the flag of or under the [authority] of another Contracting State when it enters the ports or off-shore terminals under its jurisdiction, if it has or receives evidence that the ship has discharged harmful substances or effluent containing these substances in contravention of the provisions of the Regulations. The Contracting State may request the State which has reported the evidence of unlawful discharge to furnish further or better evidence of the alleged contravention. When the Contracting State is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner, master of the ship or any other persons including the crew-members of the ship who caused the alleged contravention, it may cause such proceedings to be taken, informing immediately in writing the Administration of the report of such investigation with all the necessary circumstances thereof and the proceedings to be taken under its law. In this case, if the Contracting State is satisfied that effective measures adequate in severity to discourage any unlawful discharge will be taken by this Administration, it may refrain from taking further proceedings. The Contracting State shall promptly inform the Administration and the State which has reported the alleged contravention, as well as the organization of the action taken.
ARTICLE 6

22/ Some delegations favoured the following wording of paragraph (2) of this Article: "If it appears in connexion with loading or unloading or otherwise that harmful substances have been discharged in contravention of the present Convention, or that there is danger of such discharge, the inspecting officer shall report his observations to the appropriate authority. The State which undertakes the inspection shall forward the report to the Administration for appropriate action."

23/ Some delegations were of the opinion that the obligation stated in this paragraph should not apply to a State which had itself commenced proceedings under the provisions of Article 4.

24/ See footnote 11 under Article 4 in Alternative II.

25/ If Alternative II of Article 4 is accepted, the last two sentences of this paragraph would be unnecessary.

5) A Contracting State [may/shall] 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 report is received from any Contracting State that the ship has discharged harmful substances or effluent containing these substances or has otherwise contravened the Convention in any place, and shall

PROPOSED AMENDMENTS TO ARTICLE 6 JAPAN (CTD.)

(5) All possible effort shall be made to avoid the ship being unduly delayed through action under this Article.

NETHERLANDS

Paragraph 2
Substitute in third line: "ports and off-shore terminals" for "loading ports".
Delete last sentence of this paragraph.

Paragraphs (3), (4) and (5)
Replace these paragraphs by the following ones:
"(3) Such inspection shall be carried out if a request to that effect of another Contracting State has been received or a report is received from another Contracting State that the ship has discharged harmful substances or effluent containing these substances in contravention of the provisions of the Regulations.

(4) The Contracting State that carried out the inspection shall furnish to the Administration, to the Contracting States that requested the inspection or send a report and to the States mentioned in Article 4 bis, paragraphs 4 (a) and 4 (b) evidence, if any, that the ship has discharged harmful substances or effluent containing such substances in contravention of the provision of the Regulations.
If it is practicable to do so, the competent authority of the Administration shall notify the master of the ship of the alleged contravention.

(5) Upon receiving such evidence, the Contracting States concerned shall investigate the matter and may request the State that carried out the inspection to furnish further or better evidence of the alleged contravention.

(6) A Contracting State concerned and so informed may then cause proceedings in accordance with the provisions of Article 4 bis, paragraph 4."
(6) All possible effort shall be made to avoid the ship being unduly delayed through action under this Article.

26/ If the proposals for a wider basis of enforcement and inspection of the Convention are adopted, then the need for this paragraph should be reconsidered.

27/ Some delegations suggested that if paragraph (5) is not mandatory, it should be worded as follows: "If a Contracting State investigates a foreign ship due to a report from any State the State shall send a report of such investigation etc."

28/ Some delegations were of the opinion that a Contracting State may investigate a ship entitled to fly the flag of another Contracting State only with the consent of the Administration.

PROPOSED AMENDMENTS TO ARTICLE 6 NETHERLANDS (CTD.)

(7) All possible effort shall be made to avoid the ship being unduly delayed through action under this Article."

Explanation
Paragraph (2)
The Netherlands Government supports the principles in footnote 21 (1) and 22. However, with respect to the principle in this last footnote we consider that this has been sufficiently covered in the following paragraph (3) in the original text as well as in par. (4) in our proposals for revised paragraphs (3), (4), (5) and (6) and therefore suggest the complete deletion of the last sentence of par. (2).

Paragraphs (3), (4), (5) and (6)
In the light of the proposal for Article 4, these paragraphs needed redrafting and addition.

NORWAY
Delete the word may and the square brackets in the first line of paragraph (5) as there should be an obligation for a State to investigate a ship in such cases.

Replace the words "it shall cause such proceedings to be taken as soon as possible" in paragraph (4) by:

"it shall submit the matter to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence under the law of the state."

Comment:
See comments under Article 4.

OCIMF

(1) Delete "all" in fourth line. To avoid unnecessary duplication of means of detection and monitoring.
PROPOSED AMENDMENTS TO ARTICLE 6

(2) Insert "and repair" after word "loading" at the end of the line. For an inspection system to be as complete as possible, ships' entering repair ports after discharge of cargo should be subject to inspection for compliance with the provisions of the Convention.

Footnote 21/ See recommendation above.
Footnote 22/ Prefer retain present text of para (2).

(3) Insert after "master" the words "agent or owner" in last line. If the alleged contravention occurs when the ship is outward bound it may not be practicable to notify the master. However in such cases the ship's agent in the port will be known and such information should be passed to him.

(5) Retain may delete "shall". It may not be possible for the State to carry out an inspection due to local circumstances. Further it may not consider the report sufficiently conclusive to merit delaying the ship for the purpose. The decision to investigate should be at the discretion of the State. See also comment on Footnote 27/.

Footnote 27/ We agree para (5) should not be mandatory and therefore the wording of Footnote 27 may be preferable.

SPAIN

(2) The wording given in note 22 is preferred.
(5) Of the words between square brackets, retain "shall."
(6) Should be divided into two articles, 6 and 6 bis.
Add: New Article 6 bis: 
(1) Paragraph 6 of the present Article 6.
(2) When a ship is unjustifiably detained, that ship shall be entitled to indemnification for any loss or damage suffered.
COMMENT
(2) The reporting should not be limited to inspections made in loading ports. Furthermore the paragraph should cover also the situation when a Government does not allow other Governments to carry out, in the territory of the first said Government, inspection of ships flying the flag of other States. Cf Footnote 22.

PROPOSED AMENDMENT
(5) "A Contracting State shall investigate etc." (5) Alternative "If a Contracting State investigates a foreign ship [due to a report from any state] the State shall send a report of such investigation to the State etc."

COMMENT
(5) "Shall" is the preferable alternative. If that solution is not acceptable, the paragraph should be redrafted. A State has already the right to investigate foreign ships within its own territory.

UNITED KINGDOM
The right of inspection should not be limited to ships in loading ports but should apply to ships in any port or off shore terminal within the jurisdiction of a contracting State. Only reports which disclose a possible breach of the Convention provisions should be sent to the Administration. The opening words of paragraph (5) should read "A Contracting State may investigate ...". The United Kingdom does not agree that the consent of the Administration should be required for such an investigation, as proposed in Footnote 28.
Paragraph 2

1. The words "Contracting States" to be substituted by the words "a Contracting State".

2. This paragraph after first sentence, to be supplemented by the following wording:

"Such inspection shall be limited to the inspection of slop tanks or other tanks specially provided for wastes and of related documents. Should the inspection reveal that the ship has discharged any harmful substances in contravention of provisions of the Regulations, the State shall forward a report of such inspection to the Administration for appropriate action".

Paragraph 5. The paragraph to be deleted. The right of a coastal State to investigate the foreign ship shall be limited to cases where infringements occur within the territorial sea of the State in question.
ARTICLE 7  29/

Reports on Incidents Involving Harmful Substances

(1) For the purposes of this Article an "incident" means an event involving the actual or probable discharge of a harmful substance. 30/

(2) The master of a ship 31/ involved in an incident, shall report the particulars of such incident without delay in accordance with the provisions of this Article.

(3) Reports shall be made by radio whenever possible but in any case by the fastest channels available at the time.

29/ Some delegations considered it inappropriate to include in the Articles of the Convention all the detailed provisions on reporting procedures, and felt that such detailed provisions might more appropriately be included in a special mandatory Annex on Reporting.

30/ Some delegations were of the opinion that the word "incident", for example should be qualified so as to cover only "significant discharges of harmful substances".

31/ Some delegations suggested further consideration should be given on the merits of requiring Masters of all ships not directly involved in an incident to report.

PROPOSED AMENDMENTS TO ARTICLE 7

FINLAND

(6) "The Report ..."
The appropriateness of the whole paragraph (6) should be reconsidered.

GERMANY (FDR)

This Article should read:

"(1) The master of a ship involved in an incident which has given or may give rise to spillage or loss of packages or containers of harmful substances and which is likely to cause a significant hazard to the marine environment shall communicate the information by all the means at his disposal to the first point on the coast which he can contact with the request to transmit it to the competent authorities of the State concerned. In the event of the disability of the master, the report shall be made by the owners or charterers of the ship or their agents as soon as possible. Such reports shall contain as much relevant details as possible.

(2) Each Contracting State shall make all arrangements necessary to ensure that reports which have been received will be promptly communicated to its appropriate authorities and to all States likely to be affected.

(3) Each Contracting State shall advise the Organization with complete details of arrangements specified in paragraph 2 for circulation to other Contracting States and Member States."

Remarks: The new wording depends on those prepared until now in the different drafts and moreover takes care of Regulation 2, Chapter V, SOLAS 1960 which - as far as is known - has proven good in practice.

JAPAN

The word "incident" should be qualified so as to cover only "significant discharges of harmful substances".
ARTICLE 7

(4) Reports by radio shall be made by urgent broadcast.

(5) When a Contracting State receives a report under the provisions of the present Article, that State shall relay the report without delay to the Administration of the ship involved and to any other State that may be affected.

(6) The report shall be made whenever an incident involves:

(a) a discharge permitted under this present Convention by virtue of the fact that:

(i) it is for the purpose of securing the safety of the ship or saving life at sea; or

(ii) it results from damage to the ship or its equipment, or

(iii) it is for the purpose of combating a specific pollution incident, or

(b) a discharge other than as permitted under the present Convention; or

(c) the discharge into the sea of any package, cargo container or portable tank containing harmful substances or the contents thereof.

PROPOSED AMENDMENTS TO ARTICLE 7

NETHERLANDS

(7) Insert after "shall" in the first line the words "as far as possible".

Explanation: It must be realised that incidents often occur under circumstances in which it is impossible to collect and provide the total of the large number of particulars summed up in this paragraph. It is more realistic and acceptable to make this requirement somewhat less stringent.

OCTMF

(1) Insert "a significant quantity of a" before "harmful substance" in last line.

This will prevent proliferation of reports of minor incidents and preserve the sense of emergency for major accidents or spills.

Footnote 30/ See comment under Article 7(1) above.

(2) Footnote 31/ This would seem to place an impossible burden on Masters of ships not involved and could well result in inaccurate and misleading information being transmitted at a time when it is essential that factual data be obtained. This should be left to ships involved.

Footnote 32/ See recommendation under para(1). If reports are confined to spills of significant quantities or the threat thereof the proposals in this footnote are unnecessary.

Footnote 33/ This would appear to be unnecessary in the light of para (1).
(7) The report shall contain the time, position, wind and sea conditions at the time of the incident, details of the state of the ship and likely state of the cargo and any other relevant information with respect to the incident and, further, where the incident involves:

32/ Some delegations were of the opinion that since all possible cases of discharge of which reports should be made are covered by sub-paragraphs (6)(a) and (c), sub-paragraph (6)(b) should relate only to discharges resulting from an error of a crew member. It was proposed, therefore, that:

- in sub-paragraph (6)(a) to delete the words "permitted under the present Convention";
- in sub-paragraph (6)(a)(ii) to add "from an error of a crew member"; and
- delete sub-paragraph (6)(b).

33/ One delegation suggested the addition of the following new sub-paragraph (d):

"(d) casualties to ships which involve a threat of a discharge referred to in sub-paragraphs (a), (b) or (c) of this paragraph".

34/ Some delegations were of the opinion that the words "as far as possible" should be inserted here.

PROPOSED AMENDMENTS TO ARTICLE 7

OCIMP (CTD.)

(7) Footnote 34/ The qualification to the wording suggested herein is entirely logical and should be included since it is more important to transmit information as it becomes available rather than wait for all facts and thus delay some.

(9) Delete "charterers" insert "operators" in line 1. This responsibility should not be placed on the charterer since he may not be in possession of the information at the appropriate time. In the absence of the owner, the operator of the vessel will always be in a position to make this report either direct or through the agent.

Footnote 35/ See comment under para (9) above.

SPAIN

(1) Move to Article 2 and replace here by Article 12 (Casualties to Ships) which does not seem to be in the right place at present. A paragraph should be included similar to Article 15.2 of the 1972 Oslo Convention for the Prevention of Pollution at Sea by Dumping from Ships and Aircraft.

UNITED KINGDOM

The United Kingdom believes that this Article should be retained and opposes the suggestion in Footnote 29 that reporting requirements should form a separate mandatory Annex. It also opposes both limiting the scope of paragraph (1) to "significant discharges" and the alternative which has been suggested of setting a lower limit to the amount of harmful substances which have to be discharged before an incident need be reported.
ARTICLE 7

(a) oil, as defined in Annex I of the present Convention, the report shall include the description and quantity of oil carried and the quantity which has been discharged or which may be discharged into the sea;

(b) a noxious substance, as defined in Annex II of the present Convention, the report shall include a clear indication of the noxious substances carried, including the correct technical names (not trade names) and a statement or estimate of the quantities and concentrations of such substances discharged or that may be discharged into the sea, and, if possible, the name of the consignor/consignee or manufacturer;

(c) harmful substances carried in packages, cargo containers or portable tanks, the report shall include the correct technical names of the harmful substances, the quantities and concentrations of such substances discharged or that may be discharged, the description of the packaging and, if possible, any identifying marks and the name of the consignor/consignee or manufacturer.

PROPOSED AMENDMENTS TO ARTICLE 7

UNITED KINGDOM (CTD.)

Paragraph (6) should be retained as drafted but a further sub-paragraph (d) should be added, calling for the reporting of casualties to ships which involve a threat of discharge of the kind referred to in sub-paragraphs (a), (b) or (c). The words "as far as possible" should not be inserted in paragraph (7), as proposed in Footnote 34, since this might encourage the sending of inadequate reports. If a particular piece of information is not available a statement to that effect in the report would suffice.

U.S.S.R.

Paragraph 6 to be formulated as follows:

"(6) The report shall be made whenever an incident involves:

(a) a discharge

(i) for the purpose of securing the safety of the ship or saving life at sea or resulting from an error of a crew member; or

(ii) as a result of damage to the ship or its equipment; or

(iii) for the purpose of combating a specific pollution incident;

(b) the discharge into the sea of any package, cargo container or portable tank containing harmful substances or the contents thereof."
(8) The Master shall:
(a) supplement the initial report, as necessary, to communicate information concerning further developments; and
(b) comply as fully as possible with requests from affected States for additional information concerning the incident.

(9) In the event of the ship being abandoned, the owners, charterers or their agents shall make the report or supplement the report of the Master with details of damage to the ship, likely state of the cargo, a complete list of harmful substances on board, their stowage position, a statement or estimate of the quantity and concentration of such substances discharged or that may be discharged, as well as any other relevant information, and in general assume the obligations placed upon the Master under the present Article.

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35/ One delegation was of the opinion that it would not be proper to refer to "owners, charterers or their agents" in this context but that the obligation should be addressed to Contracting Governments.
ARTICLE 7

(10) Each Contracting State shall:

(a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents involving harmful substances; and

(b) advise the Organization with complete details of such arrangements for circulation to other Contracting States and Member States.
ARTICLE 8

Powers of Contracting States 26/

[(1) Nothing in the present Convention shall be construed as derogating from the powers of any Contracting State to take stricter measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting State. 27/]

(2) A Contracting State shall not within its jurisdiction [in respect of ships to which the Convention applies other than its own ships] 38/ impose regulations in respect of pollution control regarding ship design [and manning] 39/ which are not in accordance with the provisions of the Regulations]. 40/

26/ Some delegations proposed the deletion of paragraph (1) as this matter is already covered by the existing international law.

(1) Several delegations proposed the deletion of paragraph (2) as such a provision would restrict the right of a Contracting State to impose more stringent regulations within its jurisdiction.

(11) Some delegations proposed the deletion of Article 8 entirely, as such provisions do not appear in other technical conventions.

(iv) Final decision on this Article would affect the texts of certain Regulations in Annexes, e.g. Regulation 9 of Annex I.

PROPOSED AMENDMENTS TO ARTICLE 8

CANADA

Amend the Article to read:-

"(1) Nothing in the present Convention derogates from the right of any contracting State to take special measures in waters under its jurisdiction in respect of any matter to which the Convention relates.

(2) Measures taken in accordance with this Article must remain within the strict limits of the objectives of this Convention and must not be discriminatory in their application."

DENMARK

Amend the Article to read:-

"(1) Subject to the provisions of paragraph (2) of this Article, nothing in the present Convention shall be construed as derogating from the powers of any Contracting State to take stricter measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting State.

(2) A Contracting State shall not within its jurisdiction in respect of ships to which the Convention applies other than its own ships impose regulations in respect of any matter to which the Convention relates regarding ship design, associated equipment and manning which are not in accordance with the provisions of the Regulations."

The Danish Government believes that the wording of this Article is critical to the success of the Convention. The goal of the Conference must be an international agreement on measures which will effectively curb pollution from ships. If each Contracting State were to impose its own distinct national regulations on the design, equipment and manning of foreign vessels within its jurisdiction, the practical advantages of the Convention, would be nullified. The Danish Government therefore submits that
Footnotes Contd/...

37/ Some delegations suggested that this paragraph should read as follows:-

"Nothing in the present Convention shall be construed as derogating from the rights of coastal States within the limits of their national jurisdiction, including the right to adopt stricter measures in respect of any matter to which the Convention relates."

38/ Some delegations suggested the deletion of the square brackets.

39/ Some delegations suggested the deletion of the square brackets around "and manning", while other delegations suggested the deletion of the words "and manning".

40/ Some delegations considered that the right of a Contracting State to impose more stringent regulations should be limited to operational matters.

PROPOSED AMENDMENTS TO ARTICLE 8

DENMARK (CTD.)

recognition of the integrity of international agreements is of paramount importance.

With reference to the wording, the Danish Government suggests that the proposed amendments remove the possibility of inconsistency between the two paragraphs.

FINLAND

Paragraphs (1) and (2) should be considered together.

(2) Add a new sentence:

"The requirements of this sub-paragraph do not apply to the internal waterways of a State which can be reached by sea-going ships."

Comment:-

There is the Saimaa inlake water area in Finland where sea-going ships can go through a channel, and in that inlake area special constructional requirements to minimize the risk of pollution are deemed necessary.

FEDERAL REPUBLIC OF GERMANY

This Article should read:

"(1) A Contracting State shall not within its jurisdiction in respect of ships to which Convention applies other than its own ships impose additional regulations regarding ship design, equipment and manning."
PROPOSED AMENDMENTS TO ARTICLE 8
FEDERAL REPUBLIC OF GERMANY (CTD.)

"(2) Any additional regulations regarding operational matters which may be imposed by a Contracting State within its jurisdiction shall be limited to such that can be fulfilled by a ship meeting the appropriate international requirements."

Remarks:
Facilitation of international seagoing traffic by uniform requirements on ships used for this purpose is one of the principal objects of all international agreements sponsored by IMCO. All efforts should be undertaken at minimizing special national regulations. In this respect the proposed wording seems to be necessary and adequate.

INTERNATIONAL CHAMBER OF SHIPPING

Recommendation

Amend the Article to read:

"(1) Subject to the provisions of paragraph (2) of this Article, nothing in the present Convention shall be construed as derogating from the powers of any Contracting State to take stricter measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting State.

(2) A Contracting State shall not within its jurisdiction in respect of ships to which the Convention applies other than its own ships impose regulations in respect of any matter to which the Convention relates regarding ship design, associated equipment and Manning which are not in accordance with the provisions of the Regulations."
PROPOSED AMENDMENTS TO ARTICLE 8

INTERNATIONAL CHAMBER OF SHIPPING (CTD.)

Comment: ICS believes that the wording of the Article is critical to the success of the Convention. The goal of the Conference must be international agreement on measures which will effectively curb pollution from ships. If each Contracting State were to impose its own distinct national regulations on the design, equipment and manning of foreign vessels within its jurisdiction, the practical advantages of the Convention, and of international agreement, would be nullified and the very purpose of IMCO technical regulatory Conventions called in doubt. ICS therefore submits that recognition of the integrity of international agreement is of paramount importance.

With reference to the wording, ICS suggests that its proposed amendments remove the possibility of inconsistency between the two paragraphs.

NETHERLANDS

Paragraph (1): to be deleted.

Paragraph (2): retain this paragraph without the brackets in the text and add in the third line after "design" the word "equipment".

NORWAY

Delete all the square brackets.

Amend paragraph (2) as follows:

"(2) A Contracting State shall not within its jurisdiction in respect of ships to which the Convention applies other than its own ships, impose regulations in respect of pollution control regarding ship design, equipment and manning, which are not in accordance with the provisions of the Regulations."
Comment: NORWAY (CTD.)

It is believed that also "equipment" should be included in the paragraph.

OCIMF

36/ Since the desire is for uniformity in international regulations applied to shipping, the text as drafted in Para (1) and Para (2) seems the most appropriate. Whilst we would not comment on the possible deletion of Para (1) suggested in Footnote 36(1), we would strongly recommend retention of Para(2). We are therefore opposed to the suggestions in Footnote 36(ii) and (iii).

(2) Retain present text deleting square brackets.

The present wording should be maintained to ensure the free flow of international trade and to prevent unnecessary complications due to proliferation of different or incompatible national regulations.

38/ See comment on Article 8 (2) above.

39/ Strongly recommend retention of words "and manning" and deletion of square brackets.

SPAIN

1. Substitute for the alternative wording in footnote 37, deleting the word "national."

2. Delete the phrases between square brackets.

SWEDEN

Article 8 should be deleted. Cf the remarks to Article 3 as to the geographical application of the Convention.
The United Kingdom regards the principles to which this Article seeks to give expression as most important. It does not, however, regard the present wording as satisfactory and hopes at the Conference to propose an alternative text which will overcome the difficulties to which the Article as now drafted gives rise.

U. S. A.

Nothing in the present Convention shall be construed as derogating from the powers of any contracting state to take stricter measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any contracting state.
ARTICLE 9.

Other Treaties, Conventions and Agreements. 41/

(1) Upon the entry into force of Annex I, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Contracting States.

(2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. 42/

41/ Some delegations suggested that consideration should be given to a possible insertion of the following additional paragraph:

"Nothing in the present Convention shall be construed as derogating from the requirements of any international convention in force concerning the safety of ships and human life at sea in respect of any matter to which the present Convention relates."

42/ (1) Several delegations suggested that this paragraph should be deleted but presented in the form of a Conference Resolution.

(ii) Some delegates suggested that the words "nor the present or future claims ... flag State jurisdiction" should be amended to read "nor the rights and legal views of any State concerning matters related to the law of the sea."
ARTICLE 9

[Suspension in Cases of War] 43/

43/ Some delegations suggested the insertion of the following new Article:

Suspension in Cases of War

(1) In case of war or other hostilities, a Contracting State which considers that it is affected, whether as a belligerent or as a neutral may suspend the operation of the whole or any part of the present Convention. The suspending State shall immediately give notice of any suspension to the Organisation.

(2) Such suspension shall not deprive another Contracting State of any right of control under the present Convention over the ships of the suspending State when such ships are in their ports or off-shore terminals.

(3) The suspending State may at any time terminate such suspension and shall in any event terminate as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Organisation by the State concerned.

(4) The Organisation shall notify all Contracting States of any suspension or termination of suspension under this Article.
ARTICLE 10
Settlement of Disputes

Alternative I

Any dispute between two or more Contracting States concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the States involved has not been possible, be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

Alternative II

Any dispute between two or more Contracting States concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the States involved has not been possible, and if these States do not otherwise agree, be submitted upon request of any of them to arbitration as set out in the Annex to this Article.

Alternative III

If any dispute arises between two or more of the Contracting States related to the interpretation or application of the present Convention those Contracting States shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

44/ One delegation suggested that the provisions of this Article should be presented in the form of an optional Protocol to the Convention.

PROPOSED AMENDMENTS TO ARTICLE 10.

JAPAN

Japan is in favour of Alternative II

SPAIN

The following clause is proposed:

"Any dispute arising between two or more Contracting States concerning interpretation or application of the present Convention, which cannot be settled by negotiation, shall be submitted to conciliation and, failing that, to arbitration in accordance with the provisions of the Annex to the present Convention".

UNITED KINGDOM

The U.K. prefers the first of the 3 versions as set out in the Annex to PCMP/8/3.

USSR

Alternative III to be retained. It would provide Contracting States with a broad choice of means for peaceful regulation of the disputes. In any case, the compulsory jurisdiction of the International Court of Justice (Alternative I) is not acceptable.
Some delegations felt that even if the Diplomatic Conference decided to retain this first alternative for Article 10, it would still be helpful for Parties in a dispute to have available to them the rules on arbitration set out in the Annex to the second alternative. In that case the last words of the Article itself (first alternative) could read "...to arbitration as set out in the Annex to the present Article", and the Articles 2 and 4 of the Annex would have to be adapted while Article 5 of the Annex would have to be left out.

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Annex to Article 10

46/

**ARTICLE 10**

**PROPOSED AMENDMENTS TO ARTICLE 10**

**ARTICLE 10**

46/ Some delegations felt that even if the Diplomatic Conference decided to retain this first alternative for Article 10, it would still be helpful for Parties in a dispute to have available to them the rules on arbitration set out in the Annex to the second alternative. In that case the last words of the Article itself (first alternative) could read "...to arbitration as set out in the Annex to the present Article", and the Articles 2 and 4 of the Annex would have to be adapted while Article 5 of the Annex would have to be left out.

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Article 1

Arbitration procedure, unless the Parties to the dispute decide otherwise, shall be in accordance with the rules set out in this Annex.

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Article 2

(1) An Arbitration Tribunal shall be established upon the request of one Contracting State addressed to another in application of Article 11 of the Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

(2) The requesting Party shall inform the Secretary-General of the Organisation of the fact that it has applied for the establishment of a Tribunal, of the names of the other States or States Party to the dispute, and of the Articles or Regulations of the Convention over which there is in its opinion disagreement concerning their interpretation or application. The Secretary-General shall transmit this information to all Contracting States.

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**PROPOSED AMENDMENTS TO ARTICLE 10 - ANNEX JAPAN**

Add the following as the first sentence of subparagraph (1) of Article 10 of the Annex.

"The tribunal shall render its award within a period of five months from the time it is established unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months."

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46/ It is emphasised that the "Annexes" suggested for Alternative I and II of these draft provisions shall have the same status as the other Articles of the Convention and shall not be equated in any way with Annexes as referred to in Article 1 of the Convention.

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53.
ARTICLE 10 (Annex to Article 10)

Article 3

The Tribunal shall consist of three members: one Arbitrator nominated by each Party to the dispute and a third Arbitrator who shall be nominated by agreement between the two first named, and shall act as its Chairman.

Article 4

(1) If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organisation upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up by the Council of the Organisation.

(2) If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organisation who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph (1) of the present Article.

(3) The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under
the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

(4) The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party.

(5) In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In case of the decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 3 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

Article 5

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article 6

Unless the Tribunal determines otherwise because of the particular circumstances of the case, the expenses of the Tribunal including the remuneration of its members shall be borne in equal shares by each side.

Some delegations preferred the following text for Article 6:
"The arbitration costs including the arbitrators' fees shall be apportioned by the tribunal as it deems fit."
Article 7

If a procedure has been initiated between two Parties, any other Contracting State which considers that it has an interest of a legal nature which may be affected by the decision in the case may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

Article 8

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

Article 9

(1) Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

(2) The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

(3) Absence or default of one Party shall not constitute an impediment to the procedure.
ARTICLE 10 (Annex)

Article 10

(1) The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

(2) Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgement of the Tribunal which made the award, or, if it is not available to another Tribunal constituted for this purpose in the same manner as the original Tribunal.
ARTICLE 11
Communication of Information

(1) The Contracting States undertake to communicate to the Organisation:

(a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;

(b) a list of non-governmental agencies which are authorised to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;

(c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;

(d) a list of shore reception facilities including their location, capacity and available facilities and other characteristics.

PROPOSED AMENDMENTS TO ARTICLE 11

SPAIN

Sub-paragraph (1)(a) should be simplified and (c) deleted.
ARTICLE 11

(e) official reports or summaries of official reports insofar as they show the results of the application of the present Convention; and

(f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

(2) The Organization shall notify Contracting States of the receipt of any communications under this Article. 48/

48/ Several delegations suggested that the following words should be added at the end of the sentence "and circulate to all Contracting States any information communicated to it under sub-paragraph 1(b) to (f) of this Article".
ARTICLE 12
Casualties to Ships

(1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the Regulations if such casualty has produced a major deleterious effect upon the marine environment.49/

(2) Each Contracting State undertakes to supply the Organization with information concerning the findings of such investigation,50/ when it judges that such information may assist in determining what changes in the present Convention might be desirable.

49/ (1) Several delegations suggested that such investigation should be limited to casualties where the Administration judges that it may assist in determining what changes in the present Convention might be desirable.

(ii) Some delegations expressed the view that an additional provision should be made authorising a Contracting State to investigate casualties causing pollution which occur in areas generally recognised as international waters but which may affect the waters of the investigating State. Other delegations reserved their positions on this suggestion stating that jurisdictional and Law of the Sea issues were involved which could preclude such a provision.

50/ Some delegations suggested the addition of the following words to this paragraph: "and other investigations conducted pursuant to other Articles entitled to..."
ARTICLE 13

Signature, Ratification, Acceptance, Approval and Accession

(1) The present Convention shall remain open for signature for six months from .......... 1973, and shall thereafter remain open for accession. States [Members of the United Nations, or of any of the Specialized Agencies, or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice] 51/ may become Parties to the present Convention by:

(a) signature without reservation as to ratification, acceptance or approval, or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval, or

(c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Organization.

51/ Several delegations suggested that the words in square brackets should be deleted.

PROPOSED AMENDMENTS TO ARTICLE 13

NORWAY

(1) Delete the square brackets.

SPAIN

(1) It must be made clear where the Convention will remain open for signature, and the period for signature should be increased to 12 months. It should therefore read as follows: "The present Convention shall remain open for signature in London from ...... to ...... and shall thereafter remain open for accession."

(2) It should read "... with the Secretary General of the Organization". This same comment applies to Article 15(2), 17(2), 18(2), and (3) and 19(1).

(3) Should be deleted and its contents included in Article 20 dealing with the duties of the depositary. This comment also applies to Articles 15(4), 16(3), 17(5), 18(2) and 19(4).

USSR

(1) The words in square brackets to be deleted. A general treaty, such as the Convention presents, should be open for participation of all the States concerned. Only in this case may the aims of the Convention be achieved in the best way.
ARTICLE 13

(3) The Organization shall inform all States which have signed the present Convention or acceded to it of the deposit of any new instrument and the date of its deposit. The Organization shall also inform all States which have already signed the present Convention of any signature effected during the six months from ............. 1973.

ARTICLE 14

Reservations

Alternative I

No reservations may be made to the present Convention. 52/

Alternative II

Each Contracting State may, at the time of signing, ratifying, accepting approving or acceding to the present Convention, declare that it does not consider itself bound by any of the following provisions (to be specified). 53/

52/ Several delegations favoured the deletion of Alternative I.

53/ Some delegations considered that reservations may be made not only for Articles but also for certain Regulations in Annexes.

PROPOSED AMENDMENTS TO ARTICLE 13

NORWAY

Delete alternative II.

POLISH PEOPLE'S REPUBLIC

The Polish authorities are in favour of Alternative II. Reservations to specified provisions should be permitted.

SPAIN

It would be preferable to delete this article and apply the general rules on reservations in International Law compiled in 1969 Vienna Convention on the Law of Treaties.

SWEDEN

In principle no reservations should be allowed.

USSR

Alternative I to be deleted. The prohibition on making reservations to any provision of the Convention including final Articles, could create serious obstacles for some States in becoming parties to the Convention. Ultimately, it would lead to an undesirable limitation of the number of States Parties to the Convention.

UNITED KINGDOM

The United Kingdom considers that some provision should be made for reservations to Articles of the Convention only, the specific Articles concerned to be decided by the Conference.
ARTICLE 15

Optional Annexes

(1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all or Annexes III, IV and V (hereinafter referred to as "optional Annexes") of the present Convention. Every new Annex to the present Convention shall be considered as an optional Annex.  

(2) A State which has declared that it is not bound by an optional Annex may at any time accept such Annex by depositing with the Organization an Instrument of the kind referred to in Article 13(2).

(3) A State which makes a declaration under paragraph (1) of this Article in respect of an optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of this Article shall not be under obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Contracting States in the present Convention shall not include the State insofar as matters related to such Annex are concerned. *

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PROPOSED AMENDMENTS TO ARTICLE 15

NORWAY

(1) Delete the square brackets.

OIL COMPANIES INTERNATIONAL MARINE FORUM

(1) Delete square brackets round text of last sentence retaining wording therein.

Comment:
The retention of this sentence is essential to the Convention as presently drafted since it clarifies the intent of Article 17(3) (d) when read in conjunction with Article 16(2) to which Article 17(3) (d) refers.

Footnote 54/ Prefer text as presently drafted.

POLISH PEOPLE'S REPUBLIC

(1) No Annex should be considered as "optional Annex". Therefore Article 15 should be deleted and replaced by provisions stating that all Annexes constitute an integral part of the Convention (subject to the different amending procedure specified in Article 17).

*(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under this Article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of this Article.
ARTICLE 16

Entry into Force

(1) The present Convention shall enter into force twelve months after the date on which not less than [10] States the combined merchant fleets of which constitute not less than [50] per cent of the gross tonnage of the world's merchant shipping have become parties to it in accordance with Article 13.

(2) An optional Annex shall enter into force twelve months after the date on which the conditions stipulated in paragraph (1) of this Article have been satisfied in relation to that Annex. 54/*

(3) The Organization shall inform the States which have signed or acceded to the present Convention on the date on which it enters into force and of the date on which an optional Annex enters into force in accordance with paragraph (2) of this Article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

PROPOSED AMENDMENTS TO ARTICLE 16

NETHERLANDS

Insert between paragraphs (4) and (5) the following paragraph:

"For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an optional Annex entered into force, the Convention or the optional Annex shall become effective three months after the date of deposit of the instrument."

Explanation

The Convention should not only contain a provision on its entry into force with respect to States which have become parties to the Convention after the requirements for entry into force have been met but prior to the actual date of entry into force, but also a provision on its entry into force with respect to States which have become parties to the Convention after the date of its entry into force.

NORWAY

Delete the square brackets in paragraph (1) and insert "1.5 States" instead of "10 States".

OIL COMPANIES INTERNATIONAL MARINE FORUM

(1) Delete square brackets retaining figures therein.

Comment:

We support the proposed basis for entry into force criteria contained in present draft.

Footnote 54/ Prefer text as presently drafted.

SPAIN

A new paragraph should be added after (4) establishing entry into force of the Convention for those which become Parties after its entry into force. The period should be three months.

*See Article 15 for Footnote 54.
ARTICLE 16

(5) After the date on which all the conditions required under Article 17 to bring an amendment to the present Convention or an optional Annex into force have been fulfilled, any instrument of ratification or accession deposited shall apply to the Convention or Annex as amended.

PROPOSED AMENDMENTS TO ARTICLE 16
ARTICLE 17

As regards acceptance of amendments by States and as regards the effect of amendments coming into force, some delegations - which on the first point were in favour of a procedure of tacit acceptance confined to the technical Annexes alone, to the exclusion of the Articles of the Convention and which on the second point took the view that amendments should only enter into force in respect of those States which had accepted them either expressly or tacitly - opposed the concept of "amendment of an important nature", which they considered to be contrary to the principles of the effect relative to treaties and violated the sovereign rights of States. The argument advanced to justify the notion of an important amendment - the need to have a uniform rule - does not achieve the desired objective in that one or two States would be excluded from a Convention against their wishes and, instead of being bound by all the provisions of that Convention (with the exception of an amendment which a State does not accept), would be "expelled" from the Convention whose application would thus be restricted.

PROPOSED AMENDMENTS TO ARTICLE 17

FINLAND

(3) (a) (vi) and (3) (b) (vi):
delete the words "including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly".

Comment: All Contracting States should be given the right to vote in all matters concerning amendments to the present Convention.

JAPAN

Paragraph (2) of this Article should be deleted.

NETHERLANDS

Replace this Article by the following Articles:

Article A

(1) Any amendment to the Convention, its Annexes and any amendment to the Appendices as a consequence of amendments to the Convention or its Annexes, proposed by a Contracting Party, shall be considered in the Organisation at the request of that Party.

(2) If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organisation, such amendment shall be communicated to all Contracting Parties and Members of the Organisation at least six months prior to its consideration by the Assembly of the Organisation. Any Contracting Party which is not a Member of the Organisation shall be entitled to participate and vote when the amendment is considered by the Assembly.

(3) If adopted by a two-thirds majority of those present and voting in the Assembly, and if such majority includes a two-thirds majority of the Contracting
As concerns the body which would adopt amendments, these delegations opposed the traditional system whereby the organs of IMCO - the Maritime Safety Committee and the Assembly - adopt amendments. These delegations considered as inadequate and unsatisfactory the procedure followed in the Convention for Safe Containers adopted in Geneva in December 1972: the "enlarged" IMCO organs - composed, in addition to IMCO Member States, of States Parties to a Convention having the right to participate in the discussions and the right to vote (which, in some cases, would pose legal problems of compatibility with the provisions of the IMCO Convention itself) - would not be sufficiently representative or adequately qualified, since they would comprise a large number of IMCO Member States which were not Parties to the Convention being amended. The only satisfactory system which would conform to legal principles is that of a Revision Commission, a body composed only of those States which are Parties to the Convention in question, and IMCO Member States which were not Parties would be excluded. In this way, a Convention would only be amended by the States directly concerned and by them alone. In the view of these delegations, this is the sole effective means of diminishing the imbalance which exists at present between the various stages whereby amendments are adopted by the IMCO Member States and accepted solely by States Parties to a Convention.

PROPOSED AMENDMENTS TO ARTICLE 17

PARTIES present and voting, the amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

(4) Such an amendment shall enter into force on a date to be determined by the Assembly at the time of its adoption, unless by a prior date determined by the Assembly at the same time, more than one-third of the Contracting Parties or the Contracting Parties the combined merchant fleets of which constitute not less than [fifty] per cent of the gross tonnage of the world's merchant fleet, notify the Secretary-General of their objection to the amendment, whichever condition is first achieved. Determination by the Assembly of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting, which majority shall include a two-thirds majority of the Contracting Parties present and voting.

(5) On entry into force, any amendment shall replace and supersede any previous provision to which the amendment refers, for all Contracting Parties [except those which have objected to the amendment] [provided that a Contracting Party may exempt itself from the application of the amendment for a period not exceeding...[months] [year(s)] from the date of entry into force of that amendment.]

(6) The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the Contracting Parties, may decide at the time of its adoption that an amendment is of such an important nature that any Contracting Party which objects to the amendment and which does not withdraw its objection within a period of [twelve] months after the date of entry into force of the amendment, shall cease to be a Contracting Party upon the expiry of that period.]
ARTICLE 17

(2) Amendment by unanimous acceptance: 56/

(a) Upon the request of a Contracting State, any amendment proposed by it to the present Convention shall be communicated by the Organisation to all Contracting States for acceptance.

(b) Any such amendment shall be deemed to have been accepted at the end of a period of [twelve] 57/ months after it is first communicated, unless within that period one or more Contracting States inform the Organisation that they do not accept the amendment.

(c) The amendment deemed to have been accepted shall enter into force at the end of a period of [six] months or such other period as may be specified in the amendment, after the date of its acceptance in accordance with sub-paragraph (b) of this paragraph.

(d) The amendment shall enter into force with respect to all Contracting States.

(3) Amendment after consideration in the Organisation:

Upon the request of a Contracting State any amendment proposed by it to the present Convention will be considered in the Organisation in accordance with the procedures laid down in this paragraph.

(a) Amendment to the Articles of the Convention: 58/

PROPOSED AMENDMENTS TO ARTICLE 17

(7) The Secretary-General shall inform all Contracting Parties and Members of the Organisation of any request and communication under this article and the date on which any amendment enters into force.

Article B

(1) Any amendment to the Appendices proposed by a Contracting Party shall be considered in the Organisation at the request of that Party, and shall be communicated to all Contracting Parties and Members of the Organisation at least six months prior to that consideration.

(2) If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organisation to which all Contracting Parties shall have been invited to participate and to vote, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, such amendment shall be communicated to all Contracting Parties for their acceptance.

(3) Such an amendment shall enter into force on a date to be determined by the Maritime Safety Committee at the time of its adoption, unless by a prior date determined by the Maritime Safety Committee at the same time more than one-third of the Contracting Parties or the Contracting Parties the combined merchant fleets of which constitute not less than [fifty] per cent of the gross tonnage of the world's merchant fleet, notify the Secretary-General of their objection to the amendment, whichever condition is first achieved. Determination by the Maritime Safety Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting, which majority shall include a two-thirds majority of the Contracting Parties present and voting.
(1) Any proposed amendment to the Articles of the present Convention shall be submitted to the Maritime Safety Committee of the Organisation for consideration. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee, such amendment shall be communicated to all Members of the Organisation and all Contracting States at least [six] months prior to its consideration by the Assembly of the Organisation. Any Contracting State which is not a Member of the Organisation shall be entitled to participate [59/ when the amendment is considered by the Assembly.

56/ Several delegations suggested that this paragraph should be deleted as this procedure has never been used.

57/ One delegation suggested that twelve months should be amended to twenty-four months.

58/ Some delegations suggested that the Articles of the Convention should be amended by tacit acceptance procedure as provided for in sub-paragraph (vi) of this paragraph.

(ii) If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Organisation to all Contracting States for acceptance.

(4) On entry into force, any amendment shall replace and supersede any previous provision to which the amendment refers, for all Contracting Parties [except those which have objected to the amendment] [provided that a Contracting Party may exempt itself from the application of the amendment for a period not exceeding... [months] [year(s)] from the date of entry into force of that amendment.]

(5) The Maritime Safety Committee, by a two-thirds majority of those present and voting, including two-thirds of the Contracting Parties, may decide at the time of its adoption that an amendment is of such an important nature that any Contracting Party which objects to the amendment and which does not withdraw its objection within a period of [twelve] months after the date of entry into force of the amendment shall cease to be a Contracting Party upon the expiry of that period.]

(6) The Secretary-General shall inform all Contracting Parties and Members of the Organisation of any request and communication under this Article and the date on which any amendment enters into force.

Article C

(1) The Organisation may convene a Conference for the purpose of revising the present Convention.

(2) The Organisation shall convene a Conference for the purpose of revising the present Convention at the request of a Contracting Party, concurred in by at least one-third of the Contracting Parties.

Article D

(1) A new Annex to the present Convention shall be adopted and communicated to all Contracting Parties for their acceptance in accordance with the procedures laid down in paragraphs 1, 2 and 3 of Article A.
(iii) Such amendment shall be deemed to have been accepted on a date on which it is accepted by two-thirds of the Contracting States or by Contracting States the combined merchant fleets of which constitute not less than [fifty] per cent of the gross tonnage of the world's merchant shipping, whichever condition is first achieved. 60/

(iv) The amendment accepted in accordance with sub-paragraph (a)(iii) of this paragraph shall enter into force [six] months after the date of its acceptance.

(v) The amendment shall enter into force with respect to all Contracting States [except those which, before it enters into force, make a declaration that they do not accept the amendment] [provided that a Contracting State may exempt itself from giving effect to the provisions of the amendment for a period not exceeding [twelve] months from the date of entry into force of that amendment.] 61/

59/ Some delegations suggested that the words "and vote" should be added after "participate". Doubt was, however, expressed as to whether granting to a Contracting State not being an IMCO Member the right to vote in the IMCO Assembly might conflict with the provisions of the IMCO Convention.

60/ Some delegations suggested that this sub-paragraph should be amended to read as follows: "Such amendment shall be deemed to have been accepted on a date on which the amendment entered into force for each Contracting State which accepted it."
it is accepted by two-thirds of the Contracting States or by [10] Contracting States the combined merchant fleet of which constitutes not less than [fifty] per cent of the gross tonnage of the world's merchant shipping, or by [25] Contracting States, whichever condition is first achieved".

Consideration should be given to whether the contents of either one or the other of the phrases in square brackets may be retained or they can be combined.

The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly 62/ may propose a determination at the time of its adoption that the amendment is of such an important nature that any Contracting State which makes a declaration under sub-paragraph (a)(v) of this paragraph and which does not accept the amendment within a period of [twelve] months after it enters into force, shall cease to be a party to the present Convention upon the expiry of that period. 63/

This determination is subject to the acceptance of two-thirds of the Contracting States prior to entry into force of the amendment. 64/

(11) Article B comprises paragraph (3)(c) (amendment to Appendices to Annexes after consideration in the Organisation).

(111) Article C comprises paragraph (4) (amendment by a Conference), and

(iv) Article D comprises paragraph (3)(d) (addition of new Annexes).

2. Sub-paragraphs (a) and (b) of paragraph (3) of Article 17 concerning amendment to the Articles of the Convention and amendment to Annexes after consideration in the Organisation have been joined to constitute one Article (Article A), since the Netherlands Government prefers the procedure of tacit acceptance also for amendments to the Articles of the Convention.

3. The procedure contained in Article A does not entitle Contracting Parties not represented in the Maritime Safety Committee to take part in discussions within the Committee on proposed amendments or to vote on them. As regards this procedure, under which definitive decisions on proposed amendments are, after all, taken only by the Assembly, representation in the Maritime Safety Committee of the above-mentioned Contracting Parties would not seem very appropriate, since the object of enlisting the services of the Maritime Safety Committee is to obtain the views of experts. The idea is that the technical merits of a proposed amendment should be examined. The limited membership of the Maritime Safety Committee would be a guarantee that technical considerations only would play a part in the evaluation of any amendment proposed.

The procedure set out in Article B does entitle Contracting Parties not normally represented in the Maritime Safety Committee to take part in discussions within the Committee on proposed amendments and to vote on them, since under this procedure the Maritime Safety Committee is also the adopting body.

71.
Some delegations suggested the deletion of the words "including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly".

(b) Amendment to Annexes:

(1) An amendment to an Annex to the present Convention shall be submitted to the Maritime Safety Committee for consideration. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee, such amendment shall be communicated to all Members of the Organisation and all Contracting States at least [six] months prior to its consideration by the Assembly. Any Contracting State which is not a Member of the Organisation shall be entitled to participate 65/ when the amendment is considered by the Assembly.

(1) Some delegations proposed the deletion of this sub-paragraph as well as other similar sub-paragraphs relating to amendments of an important nature.

(ii) Some delegations suggested that the latter half of this sub-paragraph should be amended to read as follows:

"...of such an important nature that if any Contracting State makes a declaration under sub-paragraph (a)(v) of this paragraph and does not accept the amendment within a period of [twelve] months after it enters into force, the other Contracting States shall not be under an obligation to extend to that State the benefits of the present Convention."

4. Contrary to the provisions of paragraph (3)(a)(vi) of Article 17, the votes of members of the Maritime Safety Committee have not been made decisive in paragraph (6) of Article 8, since the Netherlands Government fails to see why members of the Maritime Safety Committee should be accorded this privileged position.

It seemed to be desirable also to make it possible for the Maritime Safety Committee as adopting body to decide that an amendment is of such outstanding importance that Contracting Parties which do not comply with it once it has entered into force shall cease to be Parties to the Convention (see paragraph (5) of Article B).

5. Since the present Annexes to the Convention enter into force in accordance with the provisions of paragraph (1) of Article 16 of the Draft Convention, it would be possible for the procedure envisaged for amendments to the Articles of the Convention and its Annexes to be followed only with respect to adoption and not with respect to the entry into force of new Annexes.

OCIMP

(3) (a) Footnote 58/ We consider that whilst tacit acceptance procedures are appropriate to technical Annexes, amendment of Convention Articles should be subject to explicit acceptance.

(3) (a) (iii) Footnote 60/ Prefer retain text as presently drafted.

(3) (a) (vi) Footnote 62/ Prefer retain text as presently drafted.

(3) (b) (i) Footnote 66/ Prefer retain text as previously drafted.

(3) (b) (vi) Footnote 68/ Prefer retain text as presently drafted.

Footnote 70/ We would support the contention contained
(i) Some delegations questioned whether in relation to the Articles of the Convention, as opposed to the provisions of the Annexes, it would be appropriate and desirable to have a provision on the amendments of an important nature.

(ii) Some delegations also suggested that if only the second alternative in sub-paragraph (3)(a)(v) were adopted, there would be no need for a provision on amendments of an important nature.

65/ See footnote 59/.

(i1) If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Organisation to all Contracting States for acceptance.

(ii1) Such amendment shall be deemed to have been accepted at the time of its adoption, unless within that period objection is communicated to the Organisation by more than one-third of the Contracting States or by Contracting States the combined merchant fleets of which constitute not less than [fifty] per cent of the gross tonnage of the world's merchant fleet, whichever condition is achieved. 66/

(iv) The amendment deemed to have been accepted shall enter into force on the date determined by the Assembly at the time of adoption of the amendment. Determination by the Assembly of the dates referred to in this sub-paragraph and sub-paragraph (b)(iii) of this paragraph shall be by a two-thirds majority of those present and voting.

OCIFMF (CTD.)

(3) (b) (vii) Footnote 71/ Prefer retain text as presently drafted.

(3) (c) (iv) Footnote 74/ Prefer retain text as presently drafted.

SPAIN

The Spanish Government shares the opinion expressed in note 55 and consequently considers that paragraph 3 should be deleted. At most the proposed procedure only to amend Appendices to Annexes could be retained, but restricting participation in the drafting and acceptance of such amendments to Contracting States.

Only sub-paragraphs (a) and (b) of paragraph 4 should be retained, as the Conference which decides on amendments is sovereign and will decide on its procedure as it considers fit.

Paragraphs 5 and 6 should also be deleted.

SWEDEN

Delete paragraph (2). The provisions in paragraph (3) (a) should provide the possibility to amend articles by the tacit method, when the amendment is considered as not of a great importance, Cf. on the other side (3) (b) (vii)

U.S.S.R.

The provisions dealing with amendments of an important nature (paragraphs 3 (a) (vi), 3 (b) (vi), 4 (c) to be deleted.)
66/ One delegation suggested that this paragraph should be replaced by the text identical to that appearing in footnote 60/.

(v) The amendment shall enter into force with respect to all Contracting States [except those which before it enters into force, make a declaration that they do not accept the amendment] [provided that a Contracting State may exempt itself from giving effect to the provisions of the amendment for a period not exceeding [twelve] months from the date of entry into force of that amendment.] 67/

(vi) The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the States represented on the Maritime Safety Committee and present and voting in the Assembly, 68/ may propose a determination that the amendment is of such an important nature that any Contracting State which, before it enters into force, makes a declaration that it does not accept an amendment and which does not accept it within a period of [twelve] months after it enters into force, shall cease to be a party to the present Convention upon the expiry of that period. 69/. Such determination shall be subject to the condition that objection is not communicated to the Organisation by at least one-third of the Contracting States prior to the entry into force of the amendment. 70/
67/ See footnote 61/.

68/ See footnote 62/.

69/ See footnote 63/.

70/ Some delegations suggested that where an amendment to an Annex was considered to be of an important nature it might not be appropriate to adopt such amendment by the tacit acceptance procedure.

(vii) Notwithstanding the provisions of this sub-paragraph, the Assembly may, by a two-thirds majority 71/ of those present and voting, decide that any particular amendment to an Annex shall be effected by the procedures laid down in sub-paragraph (a) of this paragraph 72/.

(viii) In the case of amendment to an optional Annex, a reference in this paragraph to a Contracting State or a party to the present Convention shall be taken to mean a reference to a party to that Annex.

71/ Some delegations suggested that "a two-thirds majority" should be amended to "a simple majority".

72/ Some delegations suggested that this sub-paragraph should be deleted as such a provision would defeat the purpose of accelerating the bringing into force of technical provisions.

(c) Amendment to Appendices to Annexes:

(i) Any amendment to an Appendix to an Annex proposed by a Contracting
ARTICLE 17
State shall be communicated by the Organisation to all Members of the Organisation and all Contracting States at least [two] months prior to the consideration by the Maritime Safety Committee. 73/

Some delegations were of the opinion that all Contracting States not being Members of the Maritime Safety Committee should be entitled to participate and vote when the amendment is considered by the Maritime Safety Committee. Doubt was, however, expressed as to whether granting to a Contracting State not being an IMCO member the right to vote in the Maritime Safety Committee might conflict with the provisions of the IMCO Convention.

74/

(ii) If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee, the amendment shall be communicated to all Contracting States for acceptance.

(iii) Such amendment shall be deemed to have been accepted at the end of a period to be determined by the Maritime Safety Committee at the time of adoption of the amendment, unless within that period objection is communicated to the Organisation by more than one-third of the Contracting States or by Contracting States the combined merchant fleets of which constituted not less than [fifty] per cent of the gross tonnage of the world's merchant fleet, whichever condition is achieved.

(iv) The amendment deemed to have been accepted shall enter into force on the date determined by the Maritime Safety Committee at the time of
proposed Amendments to article 17

Adoption of the amendment.
Determination by the Maritime Safety Committee of the dates referred to in this sub-paragraph
(c)(i) of this paragraph shall be by a two-thirds majority of those present and voting.

(v) The amendment shall enter into force with respect to all Contracting States except those which before it enters into force make a declaration that they do not accept the amendment provided that a Contracting State may exempt itself from giving effect to the provisions of the amendment for a period not exceeding [twelve] months from the date of entry into force of that amendment. 75/7

74/ See footnote 66/.
75/ See footnote 61/.

(vi) Notwithstanding the provisions of this sub-paragraph the Maritime Safety Committee may, by a majority of those present and voting decide that any particular amendment to an Appendix to an Annex shall be effected by the procedures laid down in sub-paragraph (b) of this paragraph.

(d) Addition of New Annexes:
The adoption of a new Annex shall be effected by the same procedures as are provided for in sub-paragraphs (b)(i) and (ii) of this paragraph. Such new Annex shall enter into force in accordance with the provisions stipulated in Article 16(2).
ARTICLE 17
(4) Amendment by a Conference: 76/.

(a) The Organisation may convene a Conference of Contracting States to consider amendments to the present Convention.

(b) Upon the request of a Contracting State, concurred in by at least one-third of the Contracting States, a Conference of Contracting States shall be convened by the Organisation to consider amendments to the present Convention.

(c) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Contracting States shall be communicated by the Organisation to all such States for their acceptance.

76/ One delegation suggested that detailed procedures for adoption and bringing into force of amendments referred to in sub-paragraphs (c) - (f) of this paragraph should be left to the Conference and therefore should be deleted.

(d) Such amendment shall be brought into force in accordance with the procedures laid down for amendment after consideration in the Organisation:

(i) in sub-paragraphs (3)(a)(iii)-(v) of this Regulation, in respect of amendment to the Articles;

(ii) in sub-paragraphs (3)(b)(iii)-(v) and (vii)-(viii) of this Regulation, in respect of amendment to an Annex;

(iii) in sub-paragraphs (3)(c)(iii)-(vi) of this Regulation, in respect of amendment to an Appendix to an Annex; and
ARTICLE 17

(iv) in sub-paragraph (3)(d) of this Regulation, in respect of addition of a new Annex,

provided that a reference in these provisions to the Assembly or the Maritime Safety Committee shall be taken to mean a reference to the Conference.

(e) By a two-thirds majority of those present and voting, the Conference may determine at the time of its adoption that an amendment is of such an important nature that any Contracting State which, before it enters into force, makes a declaration that it does not accept the amendment and which does not accept it within a period of [twelve] months after it enters into force shall cease to be a party to the present Convention upon expiry of that period. \(77/\).

(f) In the case of an amendment to an optional Annex, a reference in this sub-paragraph to a Contracting State or a party to the present Convention shall be taken to mean a reference to a party to that Annex.

(5) The Organisation shall inform all Contracting States of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.

(6) Any acceptance, declaration or objection under this Article shall be made by notification in writing to the Organisation which shall notify all Contracting States of the receipt of any such notification and the date of such receipt.

\(77/\) See footnote \(63/\).
ARTICLE 18

Denunciation

(1) The present Convention or any optional Annex may be denounced by any Contracting State at any time after the expiry of [five] years from the date on which the Convention or such Annex enters into force for that State.

(2) Denunciation shall be effected by the deposit of an instrument with the Organization which shall inform all the other Contracting States of any such instrument received and of the date of its receipt.

(3) A denunciation shall take effect [twelve] months, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Organization.

PROPOSED AMENDMENTS TO ARTICLE 18

SPAIN

It would appear from the present wording that the optional Annexes do not form an integral part of the Convention. The following wording is therefore suggested: "The present Convention or its Annexes may be denounced by any Contracting State at any time after the expiry of (five) years from the date on which the Convention or Annex enters into force for that State. Denunciation of Annexes 1 or 11 shall imply denunciation of the Convention.

(2) This paragraph should be re-worded as follows: "Denunciation shall be effected by notifications in writing to the Secretary General of the Organization".

(3) According to the wording of the preceding paragraph, this should read: "... after receipt of the notification of denunciation by the Secretary General of the Organization, after the expiry of any other longer period which may be indicated in the notification."

ARTICLE 19

Territories

[(1) The United Nations, in cases where they are the administering authority for a territory or any Contracting State responsible for the international relations of a territory may at any time by notification in writing to the Organization extend the application of the present Convention to such territory.

PROPOSED AMENDMENTS TO ARTICLE 19

SPAIN

Could be deleted.

USSR

To be deleted. The provisions of the Article legalizing the dependence of some territories, are archaic and do not correspond to contemporary international law and, in particular, to the principle of self-determination of Nations.
ARTICLE 19
Territories

(2) The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

(3) Any notification made in accordance with paragraph (1) of this Article may be withdrawn in respect of any territory mentioned in that notification and the extension of the present Convention to that territory shall cease to apply after [one] year or such longer period as may be specified at the time of the withdrawal.

(4) The Organization shall inform all the Contracting States of the notification of any extension or withdrawal of an extension communicated under this Article.

78/ Some delegations suggested the deletion of this Article.

PROPOSED AMENDMENTS TO ARTICLE 19

POLISH PEOPLE'S REPUBLIC

The Polish authorities are against inclusion of such provisions in the Convention. Therefore it is proposed to delete Article 19.

Furthermore the Polish authorities are against these provisions in the Annexes which indicate that any Contracting State may introduce more stringent regulations than those provided in the convention itself.

Simultaneously you will find enclosed with these comments proposed amendments to the Convention resulting from the Meeting of Government Experts on the Preparation of the Baltic Sea Conference on the Marine Environment, which shall be considered as proposals of the Polish People's Republic.

ARTICLE 20
Deposit and Registration

(1) The present Convention shall be deposited with the Organization and the Secretary General of the Organization

PROPOSED AMENDMENTS TO ARTICLE 20

SPAIN

It would be better to re-draft this Article to include all the duties of the depositary. The following text is proposed:

"(1) The present Convention shall be deposited
ARTICLE 20

Deposit and Registration

shall transmit certified true copies thereof to all Signatory States and to all States which accede to the present Convention.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

PROPOSED AMENDMENTS TO ARTICLE 20

SPAIN (CTD.)

with the Secretary General of the Organization.

(2) The Secretary General of the Organization:

A) shall inform all signatory States and all States which accede to the present Convention of:

a) any new signature or deposit of an instrument of ratification, approval, acceptance or accession, in accordance with articles 13.1 and 15.2;

b) the receipt of any declaration of non-acceptance of the optional Annexes, in accordance with Article 15.1;

c) the date on which the present Convention or its optional Annexes enter into force, in accordance with Article 16;

d) any amendment to the present Convention proposed by Contracting States, any objection to such amendment and the date on which it enters into force, in accordance with Article 17.2;

e) any notification of denunciation of the present Convention or its Annexes and the date on which such denunciation takes effect, in accordance with Article 18;

f) any notification of extension to a territory of the application of the present Convention or any notification of withdrawal of such extension, in accordance with Article 19;
ARTICLE 20

PROPOSED AMENDMENTS TO ARTICLE 20

g) any reservation made to the present Convention and any objection to such reservation:

B) shall transmit certified true copies of the present Convention and its Annexes to all Signatory States and to all States which accede to the present Convention;

C) shall transmit to the Secretariat of the United Nations, after the Convention or its Annexes enter into force, a certified true copy thereof for registration and publication, in accordance with article 102 of the Charter of the United Nations.

ARTICLE 21

Languages

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

INTERNATIONAL CONFERENCE
ON
MARINE POLLUTION
1973

Text of draft
International Convention
for the Prevention of Pollution
from Ships, 1973, together with the
comments from Governments and
International Organisations
on the Draft Text

30/32, St. Mary Axe,
London, EC3A 8ET

September, 1973
PROPOSED AMENDMENTS TO REGULATION 1. (FRANCE).

(1) Delete the comma after "other than petrochemicals".

Comment.
The presence of the comma would make it necessary to define petrochemicals and would not guarantee that Annexes I and II cover all of them without overlapping.

Replace "and, without limiting the generality of the foregoing, ...... to this Annex" by "listed in Appendix I to this Annex".

Comment.
The substances covered by Annex I must be known in advance without ambiguity, and they must therefore be listed in Appendix I.

(1) The difference between persistent and non-persistent oil is very difficult to define. In spite of the merit of the arguments given in note 14 of Reg.9 and its addendum (a note with which France was associated in the beginning), it would be better to have one system only, as big discharges of oil said to be non-persistent may have effects which are just as serious or more serious than similar discharges of persistent oil.

Comment.

(5) The proposed deletion is acceptable.

Comment.

(7) It is in fact impossible to appreciate the real intentions behind a major conversion.

(10) In the French text read "pour des raisons techniques reconnues" and "de méthodes obligatoires particulières"......

Comment.
French text to be made consistent with the English text.

(16) Replace "... l'effluent de cette citerne rejeté d'un navire immobile" (effluent therefrom discharged from a stationary tanker) by "l'effluent de cette citerne, s'il était rejeté d'un navire immobile ..."

Comment.
The wording of the last sentence in the French text must be altered in order to be consistent with the English text.
PROPOSED AMENDMENTS TO REGULATION 2. (FRANCE).

(4)(a) Replace "Any hydrofoil, air-cushion vehicle and similar craft ..." by "hydrofoils, air-cushion vehicles and analogous craft". Delete "and that they are acceptable to the Governments of the States to be visited by the ship."

Comment. This provision would cause considerable difficulties in practice. It is unnecessary to the extent that sub-paragraph (c) constitutes a "saving" clause and ensures that an Administration is not excessively liberal.

PROPOSED AMENDMENTS TO REGULATION 3. (FRANCE).

(2) Replace "Toute Administration" (French text) by "L'Administration" (or "L'autorité"). Delete "encore" from the French text.

PROPOSED AMENDMENTS TO REGULATION 4. (FRANCE).

(1) Replace matériel d'armement" by "équipement". Replace "fully comply" by "fully comply, subject to the application of Regulation 3 ..".

Comment. The first of these proposals applies to the French text only.

PROPOSED AMENDMENT TO REGULATION 6. (FRANCE).

(1) After "cause a ship to be surveyed" add "authorised to fly the flag of the State of that Government ..".

PROPOSED AMENDMENTS TO REGULATION 8. (FRANCE).

(2) Read "... il ne peut être délivré de nouveau certificat avant la date d'expiration du certificat initial". Replace "le matériel" by "l'équipement".

Comment. Harmonization of French and English texts.
PROPOSED AMENDMENTS TO REGULATION 9. (FRANCE).

Comment.

note 15 This note only adds confusion to the text and can be linked to the extent of national jurisdictions.

Comment.

note 16 The figure of 30 litres/mile can be adopted for sub-para (1)(a)(iv) and (1)(b)(iii).

(1)(a)

(v) Read: "second voyage following the complete unloading of the cargo..."

Comment.

It is possible to forbid any discharge from a ship which has partly unloaded and therefore has storage capacity for contaminated effluent.

Comment.

note 19 An interpolation formula is necessary if the multiplication of tankers of just under 100,000 tons deadweight is to be avoided.

(1)(a) last sub-para. Replace "les mélange equivalents aux ballasts propres" by "des mélange equivalents à un ballast propre".

(1)(b)

(vi) Read: "the ship, if of [40C] tons gross tonnage or above ..."

Comment.

Regulation 16(3) does not make it compulsory for ships of less than 400 tons to be equipped with these installations.

(4)

Read: "The discharge shall not contain chemicals or other substances, in quantities or concentrations which are hazardous to the marine environment".

Comment.

The present wording results in the use of any substances being forbidden on board. There are, however, substances whose use enables the discharge of oil at sea to be reduced, the rational use of which must be encouraged.

(5) Replace "niveau" by "degré".

Comment.

French text only.
PROPOSED AMENDMENTS TO REGULATION 10. (FRANCE).

(b) Replace "armement" by "équipement".
   Comment.
   French text only.

(c) Read: "au rejet à la mer de substances contenant des hydrocarbures approuvées par l'Administration lorsque ..." (French text only).
   Delete "as dispersants".
   Comment.
   There are other types of control substances.

PROPOSED AMENDMENTS TO REGULATION 11. (FRANCE).

Comment. Whatever dates are adopted, the commissioning of note 24. segregated ballast tankers is a long term measure.

(2) note 25. This note is acceptable (cf. Reg.1(5)(a) note 2).
   Comment.

(2) note 26. The exception of ships operating in special areas is theoretically justified but complicated, and may be unnecessary insofar as tankers are not assigned to special areas. The rest of the proposed addendum is unacceptable as it constitutes a loophole for segregated ballasts.

(3) Delete the exception of Reg.9(1)(a)(v1).
   Comment.
   Discharge monitoring and control systems are essential. They are already established and can easily be brought in before the entry into force of the Convention.
Comment.

(2) note 28. The spirit of this note is excellent.

(2)(a) In French text replace "les eaux de ballast sales et de nettoyage des citermes polues" by "les eaux de ballast sales et de nettoyage des citermes".

Comment.
French text only.
Replace "repair ports" by "repair ports or"

(2)(b) 2nd para. Read "Regulation 15" for "Regulation 13".

Comment.

(2)(c) note 29. The proposed addendum is useful.

PROPOSED AMENDMENTS TO REGULATION 13. (FRANCE).

Comment.

note 31. Any measures that might involve a lack of uniformity as regards the application of the Convention should be avoided.

Comment.

note 32. The proposed exemption is logical but perhaps unnecessary (see comments on Reg.11(2) note 26).

Comment.

note 33. The measures advocated are ineffective because they could increase the pollution; they might even be an extra hazard because of the risks of explosion.

Comment.

(3)(b) The draught should be specified (average, amidships).

(5) Replace "of Regulation 15" by "of Regulation 15 or of Regulations 12 and 20".

Comment.
This ballast can be disposed of in shore facilities.
Delete the end of the sentence after "annex".

Comment.
Excessive with Regulation 21.

PROPOSED AMENDMENT TO REGULATION 13. (NETHERLANDS).

In the scope of research carried out in the Netherlands on sea keeping behaviour of ships, in this year a report was issued concerning the effect of the forward draught variation on performance of full ships in ballasted condition. It was thought that the conclusions made in this Study (1) could contribute in the establishment of criteria concerning the segregated ballast concept. Among other things, one conclusion even appeared to be detrimental to the proposed prescription for the draught forward.
As the mentioned report was restricted to one single ship model, of which the ratios of main dimensions, however, did fit quite well in the range of single screw ships of conventional design, it was decided to use and adapt the dimensionless data from (1) for a Study (2). The phenomenon of bow emergence was coupled to the proposed line for segregated ballast for a range from 100,000 - 450,000 t/dwt. tankers, in order to judge the trajectory of the so-called '45 - 50 per cent line' and to evaluate the prescription of the draught forward, as proposed in the draft of Rule 13. The observations made in this report (2) did confirm the idea from the side of the working group in the Netherlands that it should be possible to formulate requirements concerning the minimum segregated ballast capacity, based on an equal chance of bow emergence for different ship sizes in a well defined sea state. Thanks to the co-operation of some shipping companies, the significance of the proposed relation could be tested in a proper way for single screw vessels of conventional design with $L/B$-ratios greater than 6.

The studies (1) and (2), together with the conclusions drawn from these Studies, are available at the IMCO-documents desk at the Conference.

PROPOSED AMENDMENT TO REGULATION 14. (FRANCE).

(2)
Delete the end of the sentence after "annex".

Comment.
Excessive with Regulation 21.

PROPOSED AMENDMENT TO REGULATION 15. (FRANCE).

(3)(a) Delete "the oil content of"

Comment.
There is no mention of oil content in Reg.9(1)(a) and the quantities of oil discharged are controlled directly.

(3)(b) Replace "additional" by "particularly large amount"

Comment.
It is not clear from the present wording in relation to what the water is additional.

Replace "Oil tanks" by "tankers" in the last sentence.

(3)(d) Replace "reutilisation" by "recyclage" (recirculatory).

Comment.
French text only.

Delete "or when the discharge of residue ashore is intended".

Comment.
Unnecessary.

(3)(e) Add at the end "in slop tanks"
(3)(f) Replace "The operation" by "The use".

**PROPOSED AMENDMENT TO REGULATION 16. (FRANCE).**

(1) In the French text replace "en vue du satisfaire" by "conforme".

**PROPOSED AMENDMENTS TO REGULATION 17. (FRANCE).**

Add at the end "shore or floating" (reception facilities).

*Comment.*

It would seem advisable to restrict the number of units characterizing the various thresholds of application of the regulations (tons gross tonnage, 'tons deadweight').

**PROPOSED AMENDMENT TO REGULATION 18. (FRANCE).**

In the French text, revise the title to read "Installations de pompage et de tuyautage des petroliers pour le debordement dans les installations de reception ou a la mer".

**PROPOSED AMENDMENT TO REGULATION 19. (FRANCE).**

Add "or floating" after "shore ... (reception facilities)".

**PROPOSED AMENDMENT TO REGULATION 21. (FRANCE).**

(2)(a)(xi) Delete the word "routine".

and (2)

(b)(iv) *Comment.*

The final objective is to avoid all routine discharge.

(3) Read "Regulation 10" for "Regulation 12".

(4) *Note 44.* Read at the end of the note "soit en anglais ou en français, soit une langue nationale et en anglais ou en français".

*Comment.*

French text only.
PROPOSED AMENDMENT TO REGULATION 24. (FRANCE).

(1)(b) Replace the year 1972 by 1974.

Comment.
No date should be prior to the 1973 Conference. The staggering of dates in the 1971 amendments to the 1954 Convention will not be awkward in practice since all tankers ordered since 1972 already in fact comply with these requirements although they are not, legally, in force.

PROPOSED AMENDMENT TO REGULATION 25. (FRANCE).

(1)(c) Replace "excluding all residues" by "except for ... residues".

Comment.
The wording of the last sentence is not clear, particularly in the French text.

PROPOSED AMENDMENT TO REGULATION 26. (FRANCE).

Comment.
This Regulation ought to go into Chapter II. Furthermore it contains a number of unnecessary paragraphs in that they repeat regulations that apply to all ships, including therefore stationary ships. The paragraphs in question are (3) (covered by Regulation 1(16)), (4) (covered by Regulation 9(4)), (5) (covered by Regulation 10), (9) (covered by Regulation 19), (12) (covered by Article 7).

PROPOSED AMENDMENTS TO APPENDIX II.

Read "Regulation 24" in lieu of "Regulation 26" in the first paragraph.

Certificate for oil tankers.

In paragraph 3 replace "the load on top system" by "the retention of oil on board in accordance with Regulation 15".

Comment.
The load on top system is neither defined nor mentioned in the Regulations.

PROPOSED AMENDMENT TO APPENDIX III.

Read "Regulation 21" instead of "Regulation 2".

Comment.
French text only.
INTERNATIONAL CONFERENCE
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30/32, St. Mary Axe,
London, EC3A 8ET

September, 1973
ANEX I - REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

GENERAL REMARKS

FEDERAL REPUBLIC OF GERMANY

1. The main objective of this Annex is - as expressed in the preamble - the complete elimination of intentional pollution by oil. The present draft text provides for an approach in three steps:

(i) General provisions on "Control of Discharge of Oil",

(ii) Specification of "Methods to effect the Control of Discharge",

(iii) Detailed technical regulations for these various methods.

This approach can only be accepted

(a) if it does not lead to a kind of "redundancy in determination",

(b) if it leaves the necessary minimum of flexibility for design and construction.

These conditions are not met by the present draft regulations for mandatory segregated ballast tanks which therefore should be deleted or made optional.

2. In the case of ships other than oil tankers propelling power seems to be a better criterion than gross tonnage for oil consumption and potential pollution by oil. The proposed size limit of [400] tons gross tonnage for these ships should therefore be substituted or supplemented by a size limit of propelling power.

3. All proposals and remarks regarding Special Areas have jointly been prepared during the so called "Helsinki Meeting" (28.5 to 2.6.1973) by Government Experts from Denmark, Finland, the German Democratic Republic, the Federal Republic of Germany, Poland, Sweden and the Union of Soviet Socialist Republics. All mentioned Governments agreed to send comments of the same tenor to IMCO. (The relevant explanations are marked by an asterisk*). (It should be noted that this is likewise valid for Annexes II and V).
Definition of Oil

OCIMF supports the inclusion of all petroleum oils and suitable controls in Annex I to the Convention with a distinction being made between persistent and non-persistent oils as set out in the addendum to footnote 14, pages 92-95.

Discharge Criteria

We strongly support a Convention provision including the standards as contained in Regulation 9 for persistent oils. Experience of many of our members shows that the 1969 Amendment standards can be met by existing tankers which practice Retention on Board. Oily discharges made in conformity with them contain such limited quantities and concentrations of oil that harm to the marine environment, if any, will be minimal.

As to non-persistent oils, the Forum supports their being handled in accordance with the principles stated in footnote 14 to Regulation 9 at pages 92-95 of the final draft. In the Forum's view the discharge of non-persistent oils should be prohibited unless made twelve miles or more from shore and in not less than twelve metres of water with the vessel proceeding at a minimum speed of seven knots. If these standards are met together with the operational procedures contained in footnote 14, on the basis of available scientific information, we believe that discharges of non-persistent oils will be sufficiently evaporated or otherwise dispersed so as to not cause harm to the marine environment.

Retention on Board (Load on Top)

The practice of retention on board is being used by oil tankers with increasing success. The recent publication by OCIMF and ICS of the "Clean Seas Guide", a manual containing detailed instructions for the use of this technique, is one demonstration of the firm commitment of the tanker world to the improvement of this system.
Voluntary loading port inspection of tankers now practised by some of our members is another. These inspections, applied to all ships loading at certain terminals, are showing the practicability of detecting the poor performer and are achieving substantial improvement in oil retention efficiency. From this experience OCIMF is convinced that such inspections universally required and backed by the enforcement procedures available to government would bring the Retention on Board system to 100% adherence and so achieve substantial further reductions in operational discharge. Finally, with development of improved on-board monitoring instrumentation and oil/water separation procedures for cargo residue, operational pollution of the seas by tankers utilizing these practices could be virtually eliminated. The Forum strongly recommends that a Convention requirement for Retention on Board on those vessels and voyages on which it can reasonably be practised be specified in Regulations 11(1) and 15.

We also recommend specific regulations requiring a system of in-port (including repair ports) inspection and requirements for the control of the residue handling procedures by instruments meeting agreed standards. We would urge that governments adopt the "Clean Seas Guide" as the appropriate operational manual referred to in Regulation 15(3)(f) of Annex I.

**Limited Shore Reception Facilities**

Retention on Board is not always practical for

(i) tankers engaged in trades with short ballast runs or on routes solely within coastal areas within which discharge of oily ballast waters is not permitted.

(ii) product tankers which can utilize a variation of the retention on board technique practised by crude carriers but which cannot generally mix accumulated oily slops with new cargoes because of the possibility of product contamination.

Limited shore reception facilities to accommodate the operational requirements of these vessels should be available at their loading ports. Furthermore, it is the view of OCIMF that it is imperative that shore reception facilities with sufficient capacity to receive oily slops and residues from pre-repair tank cleanings are provided at all tanker repair ports. Consequently, Regulation 20 should be revised to
accomplish the above purposes and desirably should include a schedule for implementation.

OCIMF strongly opposes the concept of total shore reception facilities as the primary measure to accomplish the Convention's ultimate goal with regard to operational discharges. If the shore reception provisions contained in Regulation 11(1)(c) and 20 remain in their present form as an optional pollution control measure, it is possible that the wording could be interpreted as a requirement for total shore reception facilities. This would represent a duplicate, inflexible and costly measure which, if implemented, would undoubtedly cause an increase in coastal pollution concentrations in loading areas. Finally, it would not be a viable solution for offshore terminals which will continue to increase in number and in distance from shore with expanded crude oil movements and vessels size.

Segregated Ballast

Regulations 11(2) and 13 of Annex I of the final Convention draft are designed to require large oil tankers which will be delivered at about the end of the decade to be equipped with segregated ballast tanks of sufficient capacity to enable them to operate safely on ballast voyages under weather and sea conditions they may normally be expected to encounter without carrying water ballast in cargo tanks. We firmly believe that the practice of retention on board combined with limited shore reception facilities provide the best short term measures for operational oil pollution abatement. With perfected on-board monitoring instrumentation and control devices, these measures potentially represent viable long term solutions as well. However, in the absence of such perfected devices at this time, OCIMF is prepared to accept inclusion of a mandatory segregated ballast provision in the 1975 Convention for large crude tanker newbuildings. Because segregated ballast is to a large extent self-enforcing and will substantially reduce the mixing of oil and water on new crude tankers, OCIMF views it as the most appropriate long term solution presently available for the abatement of operational pollution from these future vessels. Whilst we recognize that some time will be needed for ratification of the Convention, a mandatory segregated ballast provision along the lines of Regulation 11(2) should be capable of practical implementation, at least in its initial stage, by the end of the decade.
accomplish the above purposes and desirably should include a schedule for implementation.

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**Segregated Ballast**

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Level of Ballast

OCIMF is opposed to a Convention provision which specifies minimum ballast levels in relation to deadweight or displacement as presently contained in Regulation 13(3). The Forum supports a provision relating ballast capability to adequate draft, expressed in simple design parameters and a specific proposal to this end is included in the detailed comments attached hereto.

This approach to segregated ballast in newbuildings will encourage logical design processes to take advantage of technological advances and will result in the most cost effective means of implementing the segregated ballast concept.

Minimizing of Accidental Outflow

OCIMF is firmly opposed to a Convention provision which requires other specific design features such as double bottoms or double skins. It is our contention that the studies already conducted and analysed at the preparatory meetings clearly indicate that both double bottoms and double skins represent very costly measures which would in many accident circumstances reduce the stability and survivability characteristics of tankers, thereby increasing the chances of turning groundings and collision accidents into total ship losses. Accordingly, while OCIMF recognizes the need for a reasonable degree of tanker sub-division to ensure safety, we are convinced that the basic premise of preventing accidental oil pollution through ship design features of a protective skin nature is not technically sound.

Consistent with the foregoing, OCIMF believes the most effective way of minimizing accidental pollution is through the prevention of accidents. We support the philosophy set forth in study document PCMP/3 which not only presents a comprehensive review of all IMCO activities which would contribute to the minimization of accidental spillages of oil but also recognizes that a general improvement in marine safety is one of the most important aspects for the prevention and abatement of marine pollution.
Finally, we feel the subject of Special Areas covered in Regulation 12 deserves specific comment. The Forum is convinced that with proper implementation of the technical abatement measures of retention on board for existing tankers, segregated ballast for new, large tankers and limited shore reception facilities for product, short haul and coastal crude movements and at repair ports, the need for giving special treatment to those few geographical areas now designated in Regulation 12 will be obviated. Furthermore, we believe that the inclusion of a special area concept in the Convention carries with it the possibility of unreasonable and unwarranted proliferation. Implicit to this approach to the problem is OCIMF’s acceptance that the multiplicity of many hulls of crude oil and the many ship repair ports in areas such as the Mediterranean will require a considerable addition to the in-port reception facilities presently available. Specific proposals for delineating the basis on which such shore reception facilities should be provided will be found in our comments on Regulation 20 of Annex I.

Conclusion

We have endeavoured to treat in this cover note what we consider to be the most important aspects of the proposed 1973 Convention related to oil tankers. Further comments and recommendations respecting these and other Convention items are detailed in the attached provision by provision submission.

DENMARK, THE FEDERAL REPUBLIC OF GERMANY,
The NETHERLANDS, NORWAY AND THE UNITED KINGDOM

The delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom consider that this subject is of major importance, and that the presentation of the subject given at the end of the Preparatory Conference on Marine Pollution requires further development (page 92 of paper PCMP/8/3 refers). This is considered important because of the necessity to have a practicable and enforceable Convention at the end of the Conference this year, based on the fundamental characteristics of possible pollutants.
"Persistent" Oils

All existing agreements and even the 1969 Amendments follow the Convention of 1954, which places restrictions on the discharge of crude oils, fuel oils, heavy diesel oils and lubricating oils. Although the term "persistent" is not used or defined in the Convention, the oils mentioned, when released to the sea, form coherent masses which persist and can travel for some distance under the action of wind and current. The resultant pollution includes sea surface, coastline and sea-bed contamination. It is therefore, reasonable to describe these black oils and lubricating oils as persistent, and it is logical to consider how pollution from these substances can be prevented by following the lines of development from the original 1954 Convention, and the 1962 and 1969 Amendments, as has been done in Regulation 9 of Annex I of PCMP/8/3.

"Non-persistent" Oils

Refined petroleum products, loosely termed white oils, are much more volatile and dispersable, and even in the worst cases do not persist on the surface of the sea for more than a very limited period. Because of this, any pollution hazards should be considered essentially on their toxicity in the body of the water. It is considered, therefore, that these oils present a different hazard to the environment, more akin to certain chemicals than to persistent oils. Evidence was presented to the Preparatory Conference in paper PCMP/4/33 regarding the short-lived surface persistence and the rapid vaporisation and dispersion of white oils in tests covering discharges of gas oil and gasoline at rates and concentrations which would never be reached in operational practice. In these tests, heavy gas oil, the least volatile and most surface-polluting oil in this category, was discharged at a rate of 50 cubic metres per mile. 2½ hours after the discharge when measurement ceased, the state had been reached where there were only trace indications on the surface, and only a small quantity (between 2% and 12% of the original discharge) remained in the sea at a concentration below 0.5 parts per million in the sub-surface layers. After a similar test using gasoline discharged at a rate of 30 cubic metres per mile, there were no discernible traces either on the surface or in the water column 1 hour after the discharge.
These results indicate that the residues remaining after a short period from discharges of non-persistent oils are very small, and that they are more akin to substances covered by category C of Annex II of the draft Convention.
CHAPTER I - GENERAL

REGULATION 1

Definitions

For the purposes of this Annex:

(1) "Oil" means petroleum in any form including crude oil, residual 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. [1]

(2) "Oily mixture" means a mixture with any oil content.

(3) "Oil fuel" is any oil used as fuel in connexion with the propulsion and auxiliary machinery of a ship.

(4) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces, and includes combination carriers such as ore-bulk-oil and ore-oil carriers.

[1] (1) Some delegations considered that animal and vegetable oils should also be included in this definition.

(ii) Some delegations suggested that two lists should be provided, one for persistent oil and the other for non-persistent oil.

CHAPTER I - GENERAL

PROPOSED AMENDMENTS TO REGULATION 1

DENMARK, FEDERAL REPUBLIC OF GERMANY, THE NETHERLANDS, NORWAY and the UNITED KINGDOM (joint submission):

Proposal for definition of "Oil"

"(1) 'Oil' means petroleum in any form including crude oil, residual fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of the present Convention). For the purposes of the Regulations of this Annex, oil is divided into the following two categories:

Category I (Persistent). All oils other than those of Category II. Without limiting the generality of the foregoing, oils in this category include the substances listed under Category I in Appendix I to this Annex.

Category II (Non-Persistent). Oils which consist wholly of distillate fractions and of which more than 50% by volume distils at 340°C when tested by ASTM 86/64. Without limiting the generality of the foregoing, oils in this category include the substances listed under Category II in Appendix I to this Annex."

CANADA

(4) The following should be inserted at the end of the paragraph:

"........... and a chemical tanker when carrying a cargo or part cargo of oil in bulk."

Explanatory Note

This change is to bring chemical tankers within the scope of Annex I as oil tankers at such time as these ships carry oil. Similar to the provision in Regulation 1(1) of Annex II.
(5) "New ship" means a ship:

(a) for which the building contract is placed, or in the absence of a building contract, 2/ the keel of which is laid, or which is at a similar stage of construction on or after the date of entry into force of the present Convention; or

(b) the delivery of which is [three/ five] 3/ years or more after the date of entry into force of the present Convention; or

(c) a major conversion of which is commenced on or after the date of entry into force of the present Convention.

(6) "Existing ship" means a ship which is not a new ship.

2/ One delegation suggested that the words "in the absence of a building contract" should be deleted.

3/ Of those expressing an opinion, preference was divided between three and five years.

(8) Delete definition of "International voyage".

Explanatory Note

Consequential to the proposed amendment of Regulation 5(1) below.

(16) In third line of paragraph, delete word "tanker" and insert "ship".

Explanatory Note

This change makes the definition of "clean ballast" general in application.

DENMARK

(1) "Oil"

Reference is made to comments under Regulation 9(1) (Control of Discharge of Oil).

(5) "New Ship"

Amend sub-paragraph (b) to read-

"the delivery of which is three years or more after the date of entry into force of the present Convention; or"

The Danish Government believes that, taking into account the time which must elapse between the Conference and the date on which the Convention enters into force, a figure of three years is fair and realistic.
(7) "Major Conversion" \textsuperscript{4}/ means a conversion of an existing ship:

(i) which so increases dimensions or capacities that the ship, if it were a new ship, would become subject to relevant provisions of the present Convention, not applicable to it as an existing ship; or

(ii) which changes the type of the ship; or

(iii) the intent of which in the opinion of the Administration is substantially to prolong its life.

(8) "International voyage" \textsuperscript{5}/ means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; [and for this purpose every territory for which the international relations of which a Contracting Government is responsible or for which the United Nations are regarded as a separate country.]

(1) Amend to:

"Oil means petroleum ... (other than petrochemicals i.e. petroleum derived chemicals, which are subject to ...)"

NB This clarification was already accepted at PCMP.

INTERNATIONAL CHAMBER OF SHIPPING

(1) "Oil"

ICS supports a comprehensive definition of oil in Regulation 1 but believes that a distinction should be drawn within the Annex between persistent and non-persistent oils. ICS submits that the behaviour of most non-persistent products is very different from that of the persistent oils which are the subject of the existing Oil Pollution Convention, and that they should be differently controlled. ICS therefore suggests the division of oils into two categories, either by two separate lists in an Appendix to the Annex or by two additional definitions of a generic nature in Regulation 1.

(5) "New ship"

Amend sub-paragraph (b) to read:

"the delivery of which is three years of more after the date of entry into force of the present Convention; or"

Comment

ICS believes that, taking into account the time which must elapse between the Conference and the date on which the Convention enters into force, a figure of three years is fair and realistic.
REGULATION 1

(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°05' 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 on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

Some delegations proposed deletion of the reference to the 1958 Geneva Convention because that Convention is not in force for the majority of States and because its provisions may come to be modified by the UN Conference on the Law of the Sea convened pursuant to Resolution 1536(14) of the General Assembly.

PROPOSED AMENDMENT TO REGULATION 1

JAPAN

Definition of "Oil"

It might be appropriate to apply to the non-persistent oil the criteria different from those applied to the persistent oil. Japan has an intention to study poisonous or diffusive characters etc. of the non-persistent oil in order to make sufficient data available at the Conference in October.

Definition of "New ship"

Japan is in favour of "3 years" in the square brackets.

NETHERLANDS

(1): The last line should read as follows "listed in Category I and II in Appendix I to this Annex".

Explanation

We have proposed in our comment on Appendix I to make in that Appendix a distinction between persistent and non-persistent oil products, since some of the regulations of this Annex obviously relate only to persistent oil products, whereas in other regulations there should be separate provisions for persistent and non-persistent oil products.

For reasons see footnote 14 and document PCMP 4/11 mentioned in part. III of the Appendix to conference document MP/Conf/inf.2.

With a view to this we suggest to reflect this distinction also in the definition of oil where reference is made to the substances listed in Appendix I.

(5): The words "in the absence of a building contract" should be retained.

(16): In the third line: substitute "ship" for "tanker".

Explanation

A tank as referred to in the first line can also be a (deep) tank of a cargo ship which makes it more appropriate to change the word "tanker" in the third line into "ship".
(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 are 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 that part of 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, sludge 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 stationary tanker into clean calm water on a clear day would produce no visible traces of oil on the surface of the water or on adjoining shore lines or cause a

PROPOSED AMENDMENTS TO REGULATION 1

Norway supports the view that two lists of products should be provided, one for persistent oil and the other for non-persistent oil.

(5)(b) should read: "the delivery of which is five years or more after the date of entry into force of the present Convention."

(8) Delete the words within the square brackets.

(16) In the 9th line delete the brackets.

OIL COMPANIES INTERNATIONAL MARINE FORUM

(1) Replace this paragraph with the following: "(1)'Oil' means petroleum in any form including crude oil, residual fuel oil, sludge, oil refuse and refined products (other than petrochemicals, which are subject to the provisions of Annex II of the present Convention). For the purposes of Chapter II of this Annex oil shall be divided into two categories. The list of oils carried in bulk and presently categorised is set out in Appendix I to this Annex."

Comment

We strongly support the division of petroleum oils into two categories - persistent and non-persistent - with different control methods specified for each group. A recommended list of oils in each category is included in this submission in the comments upon Appendix I. Consequential changes may also be necessary in cross references to Regulations.

Footnote 1/: Prefer to retain the present text as drafted with Annex I referring only to petroleum oils. In view of the limited and specialist carriage of animal and vegetable oils it is more appropriate to include such materials in Annex II Noxious Liquid Substances in Bulk (other than oil). See comments on Regulation 1 (1) above.

5) (a) - Footnote 2/: Prefer to retain existing text in the draft.

(5) (b): Delete square brackets and delete "three" retain "five".
sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines. If the tank from which ballast is discharged is fitted with an oil content monitoring arrangement 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 or compartment permanently allocated to the carriage of ballast or cargoes other than oil and which is completely separated from the cargo oil and oil fuel system.

(18) "Length" (L) is 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.8/ 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.

8/ One delegation suggested a modification of the definition of L so as not to penalize ships with twin screws and twin rudders.

Comment

Prefer five years in view of potential backlog of deliveries from yards.

(7) (iii): Insert "in order to avoid compliance with the requirements of this Annex for new ships" at the end of the present text.

Comment

This is a desirable clarification of intent and should prevent mis-interpretation of present text. See comment under 7 (iii) above.

(10): Delete entire sub-paragraph.

Comment

For detailed reasons for this recommendation please refer to cover document submitted with these comments.

(16): Delete [15] and insert "25" in third line from end.

Comment

In our opinion 25 parts per million is a more realistically obtainable figure.

(22): Delete "summer load waterline"
Insert "the geometric summer freeboard loadline" in line 2.

Comment

Since "deadweight" is used in determination of values in several Regulations in Annex I such as Regulation 9, 13, and 24 "deadweight" must be defined in a precise way not subject to differing interpretations. While with existing freeboard draft tanker designs there is little chance of differing interpretation, if segregated ballast tankers evolve in the future they will almost
"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.

"Amidships" is at the middle of the length (L).

"Breadth" (B) is 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.

"Deadweight" (DW) means the difference between the displacement of a ship at summer load waterline and the light weight of the ship in metric tons.

"Lightweight" means the displacement of a ship in metric tons without cargo, oil fuel, lubricating oil, ballast and freshwater in tanks and passengers and their effects.

"Permeability" of a space means the ratio of the volume within that space which can be occupied by water to the total volume of that space.

"Volumes" and "areas" shall be calculated in all cases to moulded lines.

certainly have excess freeboard and therefore a substantial range of choices could be made for "Summer Load Water Line" in what would otherwise be identical tankers.

The proposed change should eliminate such differing interpretation.

SPAIN

(9) Delete the words in square brackets.

(10) The special areas should be listed here.

SWEDEN

(1) Proposed requirements relevant to the black oil (persistent) group in Regulation 11 is not appropriate for the white oil (non-persistent) group. In order to make it possible to differentiate between the two groups a definition of "persistent oil" should be inserted.

Proposed amendment: "(4A) 'Stationary ship" means a ship or craft designed for such special purpose as drilling or similar work, when stationary".

Comment

A definition of "stationary ship" mentioned in Regulation 2 and 26 should be inserted.

(7) It is understood that work caused by a normal classification shall not be considered as a "major conversion".

(9) The main definition of "nearest land" should be transferred to an article.

(16) Amend to:

"'Clean ballast' means ballast water in a tank or compartment which ... of visible traces."

(23) The following definition is used for Swedish Trim and Stability books:
The Light Ship Weight is the weight of ship complete and ready for sea in every respect. It includes anchors, cables hawsers, according to class regulations, all stationary equipment, furniture, silver, linen and china, stationary and loose instruments for navigation, fully equipped workshops for engineers, electrician and carpenter. Water in one donkey boiler, main and auxiliary machinery in working condition i.e. oil and water in machinery systems. Spare parts according to class regulations and respective makers standard.

The following items are not included:

- fuel oil in settling and storage tanks, lubricating oil, fresh water in culinary or feed water tanks, consumable, refrigerated or dry stores, crew or their effects.

**USSR**

(1) and footnote 1(i). Vegetable oil and animal fat are not recommended for inclusion in the list of substances falling within the "oil" category in the sense of this Paragraph. These kinds of fat differ considerably from natural oil, and therefore it would be advisable to include them under noxious substances other than oil.

(5)(b). Square brackets to be deleted, and a period of five years to be retained.

(8). The definition "International voyage" to be limited by the following text: "International voyage means a voyage from a country, to which the present Convention applies, to a port outside such country, or conversely."

Footnote (5). It is inexpedient to introduce the terms "International water" or "Proceeding to sea" into the definition of "International voyage", as these terms have no precise international interpretation.

(9) and footnote 7. The text about the Geneva Convention, 1958, to be left in the paragraph, as the condition for estimation of the width of territorial sea as presented in it, is the most acceptable one.

(16). Square brackets at figure 15 to be deleted, and this value to be considered quite acceptable for characterization of the term
(17). Words "other than oil" to be substituted by "other than oil or other noxious substance".

Add the following definition:

"Stationary ship" means a vessel that performs her functions in a fixed position in accordance with her design."

UNITED KINGDOM

(1) The United Kingdom considers that discharge of animal and vegetable oils should be regulated but that it might be more appropriate to do so under Annex II. It will express a firm view on this point at the Conference.

Attention is also drawn to paper CONF/8/18, submitted jointly by the Delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom, on the question of having separate lists, and different conditions governing the discharge, of "persistent" and "non-persistent" oils.

(5) "New ship"

The United Kingdom would be content with a period of 3 years in paragraph (5)(b).

(7) "Major conversion"

Whilst sympathetic to the intention of Footnote 4 the United Kingdom believes that the motive which it seeks to impute would be impossible to prove in a Court of Law and that the words proposed should not be incorporated in the definition.
REGULATION 2

Application

(1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships other than stationary ships for which only Regulation 26 of this Annex shall apply.

(2) In ships other than oil tankers fitted with cargo spaces which are capable of carrying oil in bulk of [200] cubic metres or above, the requirements of this Annex for oil tankers, except those of Regulations 13, 22, 23, 24(2) and (3) and 25 shall apply to the construction and operation of those spaces.

(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.

2/ The term "stationary ships" might need to be improved. Further consideration should also be given to the implications of extending the requirements for fixed platforms to other stationary craft.

PROPOSED AMENDMENTS TO REGULATION 2

CANADA

(2) Delete existing paragraph and substitute the following:

"In ships other than oil tankers, which are fitted with cargo spaces capable of carrying oil in bulk of [200] cubic metres and above, the requirements of Chapter I and Regulations 9(1)(a), 11, 12, 15, 18 and 24(1) and (4) of this Annex shall, in addition to the other requirements of this Annex for such ships, apply to those spaces."

Explanatory Note

This proposal is solely for the purpose of clarifying the intent of the existing text as applicable to ships other than tankers. Submission of this proposal is not to be taken as indicating support for the intent of the paragraph.

THE NETHERLANDS

(2) Amend this paragraph as follows:

"When in ships other than oil tankers in a space oil is carried in a quantity of [200] cubic metres or above the requirements of this annex for oil tankers except those of Regulation 11, 13, 22, 23, 24(2) and (3) and 25 shall apply to the construction and operation of that space, whilst with respect to the methods to effect the control of discharge the methods specified in regulation 11(1)(b) or alternatively 11(1)(c) shall be applied when it concerns oil listed under category I of appendix I and the method specified in reg.11(4) when it concerns oil listed under category II of appendix I."
(4)(a) Any hydrofoil, air-cushion vehicle and similar high speed craft 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 Administration is satisfied that the construction and equipment of that ship provides equivalent protection for the prevention of pollution by oil, having regard to the service for which it is intended, and that they are acceptable to the Governments of the States to be visited by the ship.

(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 communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Contracting Governments for their information.

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**PROPOSED AMENDMENTS TO REGULATION 2**

**THE NETHERLANDS (CONT.)**

**Explanation**

In the proposed text account has been taken of our proposals for appendix I and regulation 11. The provisions of this paragraph should apply only to spaces in which oil actually is carried in bulk of [200m³] or more and not to such spaces which are capable to do so but in which oil is never carried. Where on cargo vessels in which oil is carried in deep tanks exceeding 200m³ in many cases only the in-port disposal method is applied when such spaces are cleaned we consider it unnecessary and unreasonable to require without any distinction that all the arrangements are present on board to carry out both the IOT-system as specified in reg.11(c) and the in-port disposal system as specified in reg.11(b).

We feel that the option for one of the methods or both should be left open in this paragraph.

**OIL COMPANIES INTERNATIONAL MARINE FORUM**

(1) and Footnote 2/ : See comments under Regulation 26.

**SPAIN**

(1) The term "stationary ships" is not very precise and either another more exact term should be found or else it should be included with the definitions in Regulation 1 or in the Convention itself.
This Regulation is generally satisfactory but the
United Kingdom may wish to revert at the Conference
to such questions as the use of the term "stationary
ship" and the definition of "novel craft" in
paragraph (4)(a).

USSR

(2) Square brackets at figure 200 to be deleted.

(4)(a) and Footnote 10/: The text at the beginning
of Paragraph to be substituted by:

"Any hydrofoil, hovercraft and other new type
vessel (near-surface, submarine craft, etc.),
whose constructional features are such as to
render"..., and further as listed.
Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus, to be fitted, or any other provision to be made in a ship, other than that required by this Annex if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or provision, is at least as effective as that required by this Annex.

(2) The Administration which allows a fitting, material, appliance or apparatus, or provision, other than that required by this Annex shall communicate to the Organization for circulation to the Contracting Governments particulars thereof, together with a report of any trials made.

PROPOSED AMENDMENTS TO REGULATION 3

SWEDEN

This regulation contains provisions which are equally applicable to all annexes and could therefore be transferred to an article. Cf. SOLAS Chapter I, Reg.5.
REGULATION 4

Inspection and Survey

(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 and inspections specified below:

(a) A 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 and equipment insofar as the ship is covered by this Annex. This survey shall be such as to ensure that the arrangements and material fully comply with the applicable requirements of this Annex.

(b) A periodical survey 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 requirements of this Annex.

(c) A periodical inspection at intervals specified by the Administration, but not exceeding two years, which shall be such as to ensure that the equipment and

PROPOSED AMENDMENTS TO REGULATION 4

AUSTRALIA

(1)(c) - It is suggested the provision should be rephrased:

"Following completion of each periodical inspection, an endorsement to that effect shall be made on the International ...(etc.)"

FEDERAL REPUBLIC OF GERMANY

(a) - The first sentence of para (1) should read:

"(1) Every oil tanker of [150] tons gross tonnage and above, and every other ship of [400] tons gross tonnage and above [and/or] [with a propelling power of [1,000] HP and above] shall be ...."

See General Remarks on Annex I.

(b) - Sub-paragraph (c) of paragraph (1) should provide for a period "not exceeding two and a half years" instead of "two years".

Remarks:

The period should be half of that provided for under sub-paragraph (b) and furthermore correspond with the survey periods of Classification Societies.

11/ Some delegations suggested that a two-month extension of the date of periodical inspection should be granted.
associated pumps and pipings, including oil discharge monitoring and control systems, fully comply with the applicable requirements of this Annex and is in good working order. Such periodical inspection 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 subjected to the provisions of paragraph (1) of this Regulation in order to ensure that the provisions of this Annex are complied with.

(3) The survey and inspection 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 survey and inspection 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 survey and inspection.

(4) After any survey of the ship under this Regulation has been completed, no 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.

PROPOSED AMENDMENTS TO REGULATION 4

NETHERLANDS

(1)(c) - Amend this paragraph as follows:
"A periodical inspection at intervals specified by the Administration but not exceeding 33 months, which shall be ..."

Explanation
Since a periodical survey shall take place at intervals not exceeding 5 years with the proposed amendment it is possible to keep the periodical inspection limited to one in this period of 5 years (= 60 months).

NORWAY

(1) Delete the brackets in the first sentence.

OIL COMPANIES INTERNATIONAL MARINE FORUM

(1)(c) - In view of the pattern of trade of many oil tankers provision should be made in this regulation for extension of the certificate. The extension provisions of SOTAS 1960 Chapter I Part B Regulation (14) (c) and (d) should be adopted.

Footnote 11/ : See comments under 4(1) (c) above.

SWEDEN

The difference between "survey" and "inspection" should be clarified.

USSR

(1) Square brackets at figures 150 and 400 to be deleted.
REGULATION 5

Issue of Certificate

(1) An International Oil Pollution Prevention Certificate (1973) shall be issued 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 on international voyages, after survey to such ship in accordance with the provisions of Regulation 4 of this Annex.

(2) Such Certificates 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.

PROPOSED AMENDMENTS TO REGULATION 5

CANADA

(1) In sixth line of the paragraph delete the words "which are engaged in international voyages".

Explanatory Note

Regulation 4 requires that all ships of the specified gross tonnages and above be surveyed and inspected at specified intervals, whereas Regulation 5 only requires certification if ships are engaged on international voyages. Some form of certification will be required by Administrations for recording, periodic survey and inspection purposes. In this respect the issue of an International Oil Pollution Prevention Certificate (1973) to all ships to which Regulation 4 applies would serve such administrative purposes irrespective of the type of voyage made by these ships as well as for the purposes specified in Article 5 of the Draft Convention. The adoption of such a procedure of certification would not then require that "International voyage" be defined as these ships would hold certificates at such time as they arrive in the ports and off-shore terminals of another Contracting State.

FEDERAL REPUBLIC OF GERMANY

Paragraph (1) should read:

"(1) An International Oil Pollution Prevention Certificate (1973) shall be issued to any oil tanker of [150] tons gross tonnage and above and any other ships of [400] tons gross tonnage and above/and/or/with a propelling power of [1,000] HP and above/which are ..."

See General Remarks on Annex I.

NORWAY

(1) Delete the brackets in the first sentence.
PROPOSED AMENDMENTS TO REGULATION 5

USSR

(1) Square brackets at figures 150 and 400 to be deleted.

PROPOSED AMENDMENTS TO REGULATION 6

SWEDEN

This regulation contains provisions which are equally applicable to all annexes and could therefore be transferred to an article.

REGULATION 6

Issue of a Certificate by Another Government

(1) A Contracting Government may, at the request of another Contracting Government, 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 Government.

(3) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is entitled to fly, and it shall have the same force and receive the same recognition as the certificate issued under Regulation 7 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 Certificates

(1) The Certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.

(2) The forms of the Certificates to be issued to oil tankers and to ships other than oil tankers shall correspond to those of the models given in Parts A and B of Appendix II to this Annex respectively.

REGULATION 8

Duration and Cancellation 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.

PROPOSED AMENDMENTS TO REGULATION 7

FEDERAL REPUBLIC OF GERMANY

Paragraph (5) should read:

"(5) 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 twelve months or ..."

Remarks:
The proposed period of three months seems to be considerably too short especially in cases when the transfer to another flag takes place anywhere in a foreign port and the ship is engaged in a fixed service.
(2) If, after the periodical survey referred to in Regulation 4(1)(b) of this Annex, a new Certificate cannot be issued to the ship before the expiry of the certificate originally issued, the person or organization carrying out the survey may extend the validity of the original Certificate for a period of which shall not exceed five months. This extension shall be endorsed on the Certificate, and shall be granted only where there have been no alterations in the structure, equipment and arrangements. 12/

(3) A Certificate shall cease to be valid if alterations have taken place in the arrangement, construction, equipment and material required without the sanction of the Administration, except the direct replacement of such equipment, and shall be cancelled by the Administration.

(4) A Certificate issued to a ship by the Administration shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (5) of this Regulation.

THE NETHERLANDS

(2): substitute the following paragraphs for this para.

"( ) If a ship at the time when the certificate expires is not in a port of the country in which it is registered, 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 country in which it is registered or is to be surveyed and then only in cases where it appears proper and reasonable to do so.

( ) No certificate shall be thus extended for a longer period than five months and a ship to which such extension is granted shall not on its arrival in the country in which it is registered or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or country without having obtained a new certificate.

( ) A certificate which has not been extended under the foregoing provisions 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."

Explanation

The present wording is considered too strict and has already caused problems in practice as experience with the Load Line Convention has learned.

We prefer the wording of par.(c), (d) and (e) of reg.14 of Chapter I of the 1960 Safety Convention which gives the opportunity for a survey in the ports of the country of registry or in other ports where such a survey can be carried out. The above proposed paragraphs are an exact repetition of the text of the paragraphs in SOLAS.

12/ One delegation suggested that the wording similar to Regulation 14 of Chapter I of the 1960 Safety Convention should be used in lieu of the wording of the 1966 Load Line Convention used in the existing text.
(5) 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 three months 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.

PROPOSED AMENDMENTS TO REGULATION 8

OIL COMPANIES INTERNATIONAL MARINE FORUM

(2) and Footnote 12/: We support the suggestion that wording conforming with SOLAS Chapter I Regulation 14 be used.

SWEDEN

(5) Amend to: "Upon transfer....time of transfer and of the relevant survey report."

Comment: The new survey to be carried out upon the transfer would be simplified if the new Administration received a copy of the relevant survey report.

PROPOSED AMENDMENTS TO REGULATION ...

NETHERLANDS

Insert the following text:
"The notification procedure sets out in Article 7 of the present Convention shall apply to all incidents which have given or may give rise to discharge of oil, exceeding [15]m³."

Explanation

We propose this text as a complement of Article 7 since we feel that a certain quantification of the amount of oil involved in an incident is necessary in order to avoid that even the smallest quantity has to be reported.

13/ Depending on the final text of Article 7 to be adopted by the Conference, there might be a need to include appropriate requirements in this Annex.
REGULATION....

PROPOSED AMENDMENTS TO REGULATION....

UNITED KINGDOM

Footnote 13

The United Kingdom considers that Article 7 should be fully comprehensive as regards reporting requirements so as to eliminate the need for additional requirements in this and other Annexes.

USSR

Footnote 13.

Regulation "Reports on Incidents" not to be included in this Annex. The presence of Article 7 in the Convention would suffice.
CHAPTER II

REQUIREMENTS FOR CONTROL OF OPERATIONAL POLLUTION

REGULATION 9

Control of Discharge of Oil 14/

(1) Subject to the provisions of Regulation 10 of "his Annex, 15/ any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker:

14/ There was a reasonable division of opinion among delegations on the need to develop special requirements under this Regulation for non-persistent oil. A proposed approach of dealing with this matter submitted by several delegations is shown on page 57 of this document as an addendum to this footnote. Time did not permit examination of this proposal in any depth.

15/ Some delegations suggested the insertion of the following words at the beginning of the paragraph:

"Without prejudice to more stringent regulations which a coastal State may make [within the limits of national jurisdiction] in respect of areas under its jurisdiction/in respect of waters under its jurisdiction,"

PROPOSED AMENDMENTS TO REGULATION 9

(CANADA)

(l)(a)(v1) and (vii)  Delete sub-paragraphs and substitute the following:

"(v1) after [2] years from the date of entry into force of the present Convention, the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulation 15 of this Annex; and

(vii) the discharge of oil or oily mixture from machinery space bilges of the tanker, excluding cargo pump room bilges, shall be governed by sub-paragraph (b) of this paragraph;"

Explanatory Note

These changes clarify the text and include the [2] year period referred to in Regulation 11(3) of the Draft Convention.

(DENMARK)

(1) Amend paragraph (1) to reflect the approach set out in the addendum to footnote 14 (See page 57 of the text).

The Danish Government strongly supports the development of special requirements for non-persistent oils. The controls in Regulation 9 as drafted are based on the 1969 Amendments, which - as far as tankers are concerned - gave recognition to the use of the load-on-top system. The oils listed in Category II in the addendum to footnote 14 (page 59) behave differently from those in Category I, and the load-on-top process is inappropriate for Category II oils. The Danish Government submits that the outline of a procedure as presented on page 57 is more realistic and merits general support.
REGULATION 9

(i) the tanker is proceeding en route;

(ii) the tanker is more than [50]16 nautical miles from the nearest land;

(iii) the tanker is not within any of the areas defined in Regulation 1(10) of this Annex;

(iv) the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

16/Some delegations considered that it would be desirable to revise the various figures shown in brackets in this Regulation, since in their view technical advances make possible a significant reduction in the amount of oil being discharged from ships and a greater "distance from land" requirement would represent reasonable tightening of the 1969 Amendments requirements. These delegations further suggested substitution of the following figures for those in square brackets in this Regulation, believing these figures to be technically achievable and highly desirable with respect to the protection of the marine environment: 100 nautical miles in sub-paragraph (1)(a)(ii) and 30 litres per nautical mile in sub-paragraphs (1)(a)(iv) and (1)(b)(iii).

PROPOSED AMENDMENTS TO REGULATION 9

(ii) Amend paragraph (1)(b)(iv) to read:-
"the discharge is made as far as practicable from the land."

The Danish Government believes that the requirement to fit an approved separator on all but the very smallest vessels (see Regulation 16(2)) should be an adequate safeguard against pollution from discharge of oil or oily mixtures from machinery space bilges, and that a [10] mile prohibited zone should not be necessary.

(iii) Amend paragraph (1)(b)(vi) to read:-
"the ship has in operation an oily water separating or filtering system or other installation as required by Regulation 16 of this Annex."

As explained in comments under Regulation 16, the Danish Government believes that a monitoring and control system ought not to be required on ships other than tankers. The wording above also includes a suggested amendment to bring it into line with that in Regulation 16.

DENMARK, FINLAND, POLAND AND SWEDEN (Identical comments submitted individually)

(1)(b)(v): amend to read: - "the ship, if of 400 tons gross" etc.

Remarks:

The draft provisions 9(1)(a)(iii) and 9(1)(b)(v) imply total prohibition against discharge of oil or oily mixtures other than mixtures equivalent to clean ballast within Special Areas for all tankers and for all other ships above a certain size limit.
REGULATION 9

(v) the total quantity of oil discharged into the sea which may be permitted only during the first or second voyages following unloading of the cargo shall not exceed:

(1) for the new tankers of less than 100,000 tons deadweight and for existing tankers 1/5 of the total quantity of the cargo which the residue formed a part; and

(2) for new tankers of 100,000 tons deadweight or more, 1/3 of the total quantity of the cargo of which the residue formed a part;

PROPOSED AMENDMENTS TO REGULATION 9

It is desirable to apply the same size limit as that for ships other than oil tankers in Regulation 4 regarding Inspection and Survey, i.e. 400 tons gross tonnage. Such a limit is justified because the bilge water in ships smaller than 400 tons normally amounts to not more than 300-500 litres per day and ship and contains normally not more than one or two per cent of oil.

Moreover, the provisions under Regulation 9(1)(b) will regulate the discharges of bilge water of such smaller ships for which the requirements for special areas do not apply.

(2): amend to read:- "Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate additional requirements of Regulation 12 of this Annex."

Remarks:
The addition is made in order to avoid misinterpretation of this paragraph.
The need of this paragraph should be reconsidered.

DENMARK, FEDERAL REPUBLIC OF GERMANY,
NETHERLANDS, NORWAY AND UNITED KINGDOM

(Joint Submission)

Amend the Regulation to read:-

"Control of discharge of Oil"

1. Subject to the provisions of Regulation 10 of this Annex, any discharge into the sea of oil of Category I (persistent oil) or mixtures containing such oils from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) For an oil tanker

(1) The tanker is proceeding en route;
REGULATION 9

(vi) the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex;

(vii) the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex. The discharge of oil or oily mixture, other than mixture equivalent to clean ballast, from machinery space bilges, excluding cargo pump room bilges, shall be governed by sub-paragraph (b) of this paragraph;

(b) for a ship other than an oil tanker:

(i) the ship is proceeding en route;

(ii) the oil content of the discharge is less than [100] parts of oil per 1,000,000 parts of effluent;

(iii) the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

PROPOSED AMENDMENTS TO REGULATION 9

(ii) The tanker is more than [50] nautical miles from the nearest land;

(iii) The tanker is not within any of the areas defined in Regulation 1(10) of this Annex;

(iv) The instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

(v) The total quantity of oil discharged into the sea shall not exceed

(A) for existing tankers, \(\frac{1}{15000}\) of the total quantity,

(B) for new tankers, \(\frac{1}{30000}\) part of the total quantity up to a maximum of [6] cubic metres, and thereafter [6] cubic metres or \(\frac{1}{30000}\) of the total quantity, whichever is the greater, of the cargo of which the residue forms a part;

(vi) The tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex;

(vii) The tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex. The discharge of oil or oily mixture, other than clean ballast equivalent, from machinery space bilges, excluding cargo pump room bilges, shall be governed by sub-paragraph (b) of this paragraph;

(b) For a ship other than an oil tanker

(i) The ship is proceeding en route;

(ii) The oil content of the discharge is less than [100] parts of oil per 1 million parts of effluent;
PROPOSED AMENDMENTS TO REGULATION 9

(iii) The instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

(iv) The discharge is made as far as practicable from land, but in no case less than [10] nautical miles from the nearest land;

(v) The ship, if of [ ] tons gross tonnage or above, is not within any of the areas defined in Regulation 1(10) of this Annex;

(vi) The ship has in operation an oil discharge monitoring and control system or oily water separating equipment required by Regulation 16 of this Annex.

2. Subject to the provisions of Regulation 10 of this Annex, any discharge into the sea of oils of Category II (non-persistent oils) or mixtures containing such oils from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) On completion of cargo discharge, cargo tanks and pipelines are stripped and the strippings discharged ashore to the maximum extent practicable.

(b) Cargo pipelines and pumps are not flushed direct to the sea, but are flushed back to an appropriate tank.

(c) The discharge to the sea of tank washings and line flushings shall commence only when there is at least \( \frac{1}{100} \) of the tank volume of water in the mixture in the tank, and the oil content is not more than \( \frac{1}{10} \) of the volume of the mixture.

(d) Any discharge to the sea shall be at the minimum rate practicable, and when the ship is proceeding on route at a speed of at least [4] knots.

(e) Such discharge shall be made only when the ship is more than [10] nautical miles from the nearest land and in a depth of water not less than [25] metres.

Paragraphs 2, 3, 4 and 5 should be renumbered 3, 4, 5 and 6 respectively.
REGULATION 9

(3) [ ] 21/ 

(4) The discharge shall not contain chemicals or other substances which are hazardous to the marine environment. The discharge shall not contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

21/ There was unanimous agreement among the delegations that it would be desirable to include a provision facilitating enforcement of paragraphs (1) and (2) of this Regulation, provided that such a provision could be cast in terms compatible with the various legal systems in Contracting States. It was therefore determined that a paragraph in the draft Annex should be reserved for such a provision. However, no agreement was reached on the legal principles to form the basis of such a provision. It was agreed that this matter should be studied by interested Governments prior to the Conference, so that an informed decision can be made at that time. The following provisions were submitted by various delegations for consideration by interested Governments:

PROPOSED AMENDMENTS TO REGULATION 9

Remarks:

Separate Treatment for "Persistent" and "Non-Persistent" Oils

It appears that many of the proposed methods of dealing with oil retention as set out in Regulation 9 are not appropriate to non-persistent oils, since product quality considerations make it inadvisable to mix residues with subsequent cargoes.

The delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom consider (see General Remarks on Annex I) that the proper course to adopt is for different treatments to be accorded to persistent and non-persistent oils with regard to discharges of these substances from ships. It is, therefore, proposed that oils should be grouped into 2 categories. Category I should cover the persistent oils, for example, crude oil, residual fuel oil, heavy diesel oil, lubricating oil and any other oil which is shown to have an equivalent pollution potential and characteristic, and should in general cover all oils not included in Category II. Category II should cover all the non-persistent oils, and should comprise those oils which consist only of distillate fractions of which more than 50% by volume distils at 340°C when tested by ASTM 86/64.

These proposals entail modifications in the treatment required for such oils under Regulation 9, to bring them more into line with Annex II substances. The redraft of this Regulation above has been prepared by the United Kingdom for consideration by the Conference. Whilst this is agreed in principle by the other delegations in whose name the paper is submitted, the United Kingdom acknowledges that some of those delegations may wish to propose amendments of detail. A redraft of the definition of oil is also submitted (see comments on Regulation I). The above delegations recognise that the Conference may in considering this definition, wish to re-examine the assignment of specific types of oil to Categories I or II.
The provisions of sub-paragraph (1)(a) of this Regulation shall not apply to the discharge of clean or segregated ballast provided that any such discharge which has been contaminated with oil to a level above that which would be permitted as clean ballast shall be treated as oily mixture and shall comply with the provisions of paragraph (1) of this Regulation.

Evidence of visible traces of oil on or below the surface of the water in the vicinity of a ship or its wake shall be cause for investigation by appropriate officials of Contracting States of all relevant facts, including wind and sea conditions and the track and speed of the ship, bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 12 of this Annex, as applicable. If on the basis of the facts developed in the investigation, the visible traces can reasonably be attributed to a discharge from that ship, evidence of such traces and facts shall [solely for the purpose of imposing monetary penalties] be sufficient to establish a violation of this Regulation or Regulation 12 of this Annex, as applicable, unless probative evidence is presented.

Delete the words "Control of" from the heading. These words do not reflect correctly the contents of the Regulation.

This Regulation should read:

"Control of Discharge of Oil"

Subject to the provisions of Regulation 9A and 10 of this Annex, any discharge into the sea of oil or oily mixture, other than mixture equivalent to clean ballast, from ships to which this Annex applies shall be prohibited:

(a) regarding an oil tanker, subject to the provisions of sub-paragraph (b) of this Regulation:

(i) within any Special Area defined in Regulation 1(10) of this Annex,

(ii) without Special Areas, at a distance of [50] nautical miles or less from the nearest land, and

(iii) anywhere else except when all the following conditions are satisfied:

1. the tanker is proceeding en route;

2. the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;

3. the total quantity of oil discharged into the sea which may be permitted only during the first or second voyages following unloading of the cargo does not exceed the relevant following fraction of the total quantity of the cargo of which the residue formed a part.
REGULATION 9

presented that the ship did not discharge oil or that any discharge of oil did not violate the provisions of this Regulation or Regulation 12.

(ii) Modify the text in (i) above by inserting the following: "Any Contracting State may adopt the following rule of evidence:"

(iii) If it is proven that oil, making visible traces on or below the surface of the water in the vicinity of a ship or its wake, has been discharged from that ship, a violation of this Regulation or Regulation 12 of this Annex, as applicable, shall be deemed to have been committed, unless probative evidence is presented that the discharge of oil did not violate the provisions of this Regulation or Regulation 12.

(iv) Evidence of visible traces of oil on or below the surface of the water in the vicinity of the ship or its wake which, taking into account existing wind and sea conditions and the track and speed of the ship, may reasonably be attributed to a discharge

PROPOSED AMENDMENTS TO REGULATION 9

1/15,000 for existing tankers;
1/15,000 for new tankers of 150,000 tdw or less;
1/30,000 + 5 for new tankers between 150,000 and 375,000 tdw;
1/50,000 + 10 for new tankers of 375,000 tdw or more;

4. the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex;

5. the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex;

(b) regarding a ship other than an oil tanker and the discharge from machinery space bilges, excluding cargo pump room bilges, of an oil tanker:

(i) within any Special Area defined in Regulation 1(10) of this Annex, if the ship is [of 400 tons gross tonnage or above] [and/or] [has a propelling power of [1000] HP and above],

(ii) without Special Areas at a distance of [10] nautical miles or less from the nearest land297, and

(iii) anywhere else except when all the following conditions are satisfied:

1. the ship is proceeding en route;
2. the oil content of the discharge is less than [10] parts of oil per 1,000,000 parts of effluent;
3. the instantaneous rate of discharge of oil content does not exceed [60] litres per nautical mile;
PROPOSED AMENDMENTS TO REGULATION 9

4. the ship has in operation an oil discharge monitoring and control system or oily water separating equipment or other installation as required by Regulation 16 of this Annex.

(2) [21/]

(3) The discharge shall not contain chemicals or other substances which are hazardous to the marine environment. The discharge shall not contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

Remarks:

The new wording - without major changes in substance - has been proposed to make this principal general provision more clear and to avoid any misinterpretation. Especially the intended total prohibitions of discharge should be clearly expressed and not be indicated by a double negative.

Regarding sub-paragraph (1)(a)(iii) 3. Cf. footnote 19.

The drafted paragraph (2) could be deleted as the new wording of Regulation 12 proposed by the Helsinki Meeting does not include any additional requirements but only the reference to the prohibition of discharge now clearly expressed in Regulation 9. Further alterations proposed by the Helsinki Meeting are overruled by this new wording and could therefore be deleted.

Footnote 14:

A new Regulation 9A should be developed on the concept lined out on page 57 of the Draft containing special requirements for "non-persistent oil" which better should be designated as "white refined product" as opinions on the conception of "persistence" are widely divided. The "List of Oils in Category II" on page 59 of the Draft should further be considered.
PROPOSED AMENDMENTS TO REGULATION 9

INTERNATIONAL CHAMBER OF SHIPPING

(a) Amend paragraph (1) to reflect the approach set out in the addendum to footnote 14 (see page 57 of the text).

Comment

ICS strongly supports the development of special requirements for non-persistent oils. The controls in Regulation 9 as drafted are based on the 1969 Amendments, which - as far as tankers are concerned - gave recognition to the use of the load-on-top system. The oils listed in Category II in the addendum to footnote 14 (page 59) behave differently from those in Category I, and the load-on-top process is inappropriate for Category II oils. ICS submits that the outline of a procedure as presented on page 57 is more realistic and merits general support.

ICS is currently considering a clearer distinction between the two categories of oil, and hopes to offer further advice on this matter shortly.

(b) Delete all square brackets in paragraph (1).

Comment

ICS believes that the figures in square brackets in paragraph (1) should not be revised. The figures are realistic in the context of all practical operating conditions, and although technical development is obviously to be encouraged, ICS submits that the essential is to ensure adherence to these limits, which were selected on the basis that they avoided pollution.

(c) Recommendation

Amend paragraph (1)(b)(iv) to read:

"the discharge is made as far as practicable from the land."
REGULATION 9

PROPOSED AMENDMENTS TO REGULATION 9

Comment

ICS believes that the requirement to fit an approved separator on all but the very smallest vessels (see Regulation 16(2)) should be adequate safeguard against pollution from discharge of oil or oily mixtures from machinery space bilges, and that a [10] mile prohibited zone should not be necessary.

(d) Recommendation

Amend paragraph (1)(b)(vi) to read:

"the ship has in operation an oily water separating or filtering system or other installation as required by Regulation 16 of this Annex."

Comment

As explained in comments under Regulation 16, ICS believes that a monitoring and control system should not be required on ships other than tankers. The wording above also includes a suggested amendment to bring it into line with that in Regulation 16.

NETHERLANDS

The following amended text for this regulation is proposed.

"(1) Subject to the provisions of Regulation 19 of this Annex any discharge into the sea of oil or oily mixtures other than those listed under Category II of Appendix I to this Annex from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker:

(i) the tanker is proceeding en route;

(ii) the tanker is more than 50 nautical miles from the nearest land;"
(iii) the tanker is not within any of the areas defined in Regulation 1(10) of this annex;

(iv) the instantaneous rate of discharge of oil content does not exceed 60 litres per nautical mile;

(v) the total quantity of oil discharged into the sea which may be permitted only during the first or second voyages following unloading of the cargo shall not exceed:

1. for the new tankers of less than 100,000 tons deadweight and for existing tankers 1/15,000 of the total quantity of the cargo of which residue formed a part; and

2. for new tankers of 100,000 tons deadweight or more, 1/30,000 of the total quantity of the cargo of which the residue formed a part;

(vi) the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this annex;

(vii) the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex

The discharge of oil or oily mixture, other than mixture equivalent to clean ballast, from machinery space bilges, excluding cargo pump room bilges, is governed by sub.paragraph (b) of this paragraph;

(b) for a ship other than an oil tanker of [400] tons gross tonnage and above

1. the ship is proceeding en route;

2. the oil content of the discharge is less than 100 parts of oil per 1,000,000 part of effluent;

3. the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;
(iv) the discharge is made as far as practicable from the land, but in no case less than 10 nautical miles from the nearest land;

(v) the ship if of [ ] tons gross tonnage or above is not within any of the areas defined in Regulation 1(10) of this annex;

(vi) the ship has in operation an oily water separating equipment or other installation as required by Regulation 16 of this Annex.

(new par.) (c) for a ship other than an oil tanker of less than [400] tons gross tonnage:

(i) the ship is proceeding en route;

(ii) the instantaneous rate of discharge of oil content does not exceed 10 litres per nautical mile;

(iii) the discharge is made as far as practicable from the land but in no case less than 5 nautical miles from the nearest land.

(new par.) (2) Subject to the provisions of Regulation 10 of this Annex any discharge into the sea of oil or oily mixture as listed under Category II of Appendix I to this annex from ships to which this annex applies shall be prohibited except when all the following conditions are satisfied:

(i) the ship is proceeding en route;

(ii) the discharge is made as far as practicable from land but in no case less than 5 nautical miles from the nearest land;

(iii) the ship is not within any of the areas defined in Regulation (1)(10) of this annex;
(iv) the ship's tanks have been stripped, lines drained and discharged ashore to the maximum extent practicable before sailing from a discharge port when ballast water is loaded in a tank or tanks from which cargo has been discharged;

(v) before any discharge of ballast water is made into the sea, lines have been flushed with water back into the appropriate cargo tank or tanks and such tank or tanks have been filled-up with water to an amount of at least [1/100]th of the appropriate tank volume.

(3) Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate requirements of Regulation 12 of this Annex.

(4) [ ]

(5) The discharge shall not contain chemicals or other substances which are hazardous to the marine environment. The discharge shall not contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(6) The provisions of sub-paragraph (1)(a) of this Regulation shall not apply to the discharge of clean segregated ballast provided that any such discharge which has been contaminated with oil to a level above that which would be permitted as clean ballast shall be treated as oily mixture and shall comply with the provisions of paragraph (1) of this Regulation."

Explanation.

In this regulation separate provisions should be made for persistent and non-persistent oils.
To this end par.(1) is so amended that it applies only to oils or oily mixtures other than those listed under Category II of Appendix I. This means that if oils are not yet categorized they fall under the provisions for Category I until the category has been established. In fact the list for Category I is an "open" one and that for Category II is a "restrictive" one. In (a new) par.(2) the provisions are made for substances listed under Category II of Appendix I. (On page 59)

Par.1(b) and (c) make a distinction between ships for which certain equipment is required and ships for which no equipment is required according to Regulation 16. Ships with equipment can comply with the combined criteria of no more than 100 ppm oil in the effluent and an instantaneous rate of discharge of 30 litres or less per nautical mile. It is not reasonable to require ships which are not obliged to be fitted with a separator to comply with the 100 ppm criteria. Better is, therefore, to lay down a very low instantaneous rate of discharge (10 litres) and because it concerns small and very small ships to permit them to discharge closer to land (see new par.(1)(c)).

A step further might be the total prohibition of discharge into the sea of oil for very small ships e.g. of less than 50 tons gross. If this would be possible, but we doubt it since these ships have to apply the in-port disposal-method in very small ports which is often not possible, no distinction in criteria and required equipment (separator) would be necessary for ships of 50 gross tons and over with the exception of the distance from nearest land which should be for ships of 400 tons gross and over 10 nautical miles and smaller ships 5 nautical miles.

In par.(1)(b)(vi) we have proposed the deletion of the words "oil discharge monitoring and control system" since, as we will explain under Regulation 16, we do not consider it reasonable nor necessary to require such advanced equipment for the discharge of small quantities of oil residues from even the largest cargo vessel. With a separator the criteria for discharge can be easily achieved and adhered to.
Finally we have proposed a new par. (2) dealing with criteria for the discharge of non-persistent oil products other than lubricating oil.
In fact the provisions are based on the reasoning followed in the addendum to Footnote 14 in Annex I.

NORWAY

Amend the heading to read: "Control of Discharge of Persistent Oil."

(1) The sub-paragraph should read: "Subject to the provisions of Regulation 10 of this Annex any discharge into the sea of oil or oily mixtures as listed in Appendix [1A] from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:"

Comments: Norway is of the opinion that the requirements proposed for the persistent oils in this Regulation are not appropriate for the non-persistent oils.

The present Appendix I to Annex I should be divided into two lists, one for persistent oils and the other for non-persistent oils. A new Regulation should be introduced to cover control of discharge of non-persistent oil.

(1)(a)(ii): Delete the brackets.
(1)(a)(iv): Delete the brackets.
(1)(a)(v): Delete the brackets.
(1)(b)(ii): Delete the brackets.
(1)(b)(iii): Delete the brackets.
(1)(b)(iv): Delete the brackets.
(1)(b)(vi): Delete the words: "... oil discharge monitoring and control system or ...".
Comments: An oily water separator or a filtering system is required by Regulation 16(2) for any ship of 400 gross tons and above, and a monitoring system is felt to be of no importance.

The view expressed in Footnote 20 to the effect that ships less than 400 tons gross tonnage engaged only on coastal voyages may be granted exemption, is supported.

(3) The wording as drafted in Footnote 21 is not acceptable.

SWEDEN

(1)(a)(iv): It should be considered to insert in addition to existing condition, 60 litres per nautical mile, the condition that the oil content shall be less than 100 ppm.

(1)(a)(v): Amend to read:
"the total quantity of oil residues discharged into the sea during the cleaning operation and/or the ballast operation following the unloading of a tanker shall not exceed [1/15 000] of the total quantity of the cargo of which the residue formed a part or [5] ton, whichever quantity is the smaller;"

Remarks:

Reference to first and second voyages is difficult to understand. An alternative text is proposed for consideration. Cf Annex II Reg 5(2) and 5(3).

(1)(a) last paragraph:
It might be necessary to include a new paragraph to clarify that the limit 60 litres per nautical mile should be applied to the total quantity discharged from cargo tanks and machinery space bilges.
(1)(b)(iv): Amend to read:
"The discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land;"

Remarks:
For reasons of simplicity the more common limit 12 nautical miles should be used.

Insert the following -
(3) "If it is proven that oil, making visible traces on or below the surface of the water in the vicinity of a ship or its wake, has been discharged from that ship, a violation of this Regulation or Regulation 12 of this Annex, as applicable, shall be deemed to have been committed, unless it has been made likely that the discharge of oil did not violate the provisions of this Regulation or Regulation 12."

Remarks:
The proposed text corresponds to alternative (iii) of Footnote 21. However a change has been made in the last part of the sentence concerning the degree of counter-evidence demanded.

OIL COMPANIES INTERNATIONAL MARINE FORUM

Footnote 14/ OCIMF firmly supports the view that the discharge of non-persistent oils should be governed by less stringent criteria than those applicable to persistent oils. It has not been shown that the discharge of non-persistent oils warrant the same treatment as persistent oils, or that they create the same degree of harm to the environment.

(1) Delete "oil or oily mixtures" in line 3; insert "oils in Category I as defined in Regulation 1(1) of the Annex or oily mixtures containing such oils."
Remarks:
In relation to the definition of "oil", OCIMF advocates that
diesel should be divided into two categories, Category 1 repre-
senting persistent oils and Category 2 representing non-
persistent oils respectively. It is therefore proposed that
the criteria contained in 9(1) should be applicable to
Category 1 oils only.

(1)(a)(ii) and Footnote 16: Delete square brackets.
As indicated in the covering letter OCIMF favours universal
application of the discharge criteria in the 1969 Amendments,
and believes that strict observance will reduce to minimal
portions or eliminate altogether harm to the environment.
It is not considered that further restricting the criteria
will significantly assist, but that enforcement of the
existing criteria would achieve better results. OCIMF there-
fore supports retention of the figures throughout this
paragraph.

(1)(a)(iii) Delete this sub-paragraph:
In accordance with the view expressed under 1(10) that Special
Areas are not necessary, the reference here should be deleted.

(1)(a)(iv): Delete square brackets.
See comment under (1)(a)(ii).

(1)(a)(v) and Footnote 17:
Delete present text and insert:
"(v) the total quantity of oil discharged into the sea which
may be permitted only between successive unloadings of the
total loaded cargo shall not exceed:"
It is considered that the present wording is not clear, and
suggested redraft is proposed to clarify the intent.

(1)(a)(v)(1): Delete square brackets.
Change the words "of the total quantity of the cargo of which
the residue formed a part" in sub-paragraphs (1) and (2) to
read "of the total carrying capacity of the ship".
In relating the quantity that may be discharged to the quantity of cargo carried, no account is taken of the fact that the same number of cargo tanks may be employed for the carriage of a part cargo as would be required for a full cargo, so that the tank washing required would be the same, and would result in a similar quantity of residue. For practical reasons, therefore, OCIMF prefers reference to the carrying capacity of the ship.

As indicated under 9(1)(a)(ii) OCIMF accepts the figures stated. OCIMF does not believe that there is any necessity for an interpolation formula, as suggested in Footnote 19.

(1)(a)(v)(2) and Footnote 18: Delete square brackets.

Improvements in the design of ships enables the more restrictive criteria to be met, although there may be difficulties for existing vessels. OCIMF accordingly oppose the proposal in the footnote.

Footnote 19/: Prefer retain text in draft Convention.

Change the words "has in operation" to "is equipped with".
A mandatory requirement that no discharge should be permitted unless the monitoring and control system is in operation could introduce unnecessary difficulties under some circumstances e.g. in the event of a breakdown of equipment. OCIMF is satisfied that the discharge of a substantial part of the settled water from a tank can be made without monitoring and without risk of breach of Convention requirements.

(1)(a)(vii):
The second sentence qualifies the whole of subsection (a) and should therefore not be inset under (vii).
Insert after "pumproom bilges" the words "unless such oil or oily mixtures have been combined and discharged in accordance with this sub-paragraph."

In tankers oil from machinery space bilges may be mixed with oil from cargo pumproom bilges, in which event it is considered that the mixture should be treated in accordance with the criteria in 9(1)(a), and not have to be dealt with in accordance with 9(1)(b).
(1)(b)(ii), (iii) and (iv): Delete square brackets.

As indicated under 9(1)(a)(ii) OCIMF accepts the figures for discharge criteria, without further restriction.

(1)(b)(v): Delete this sub-paragraph.
See comments under (1)(a)(iii).

(1)(b)(vi): Delete "and control" in line one.
It is considered unnecessary to have a requirement for control as well as for the monitoring of discharges - see comments under 16(v).

(2): Delete this paragraph and insert a new paragraph:

"(2) Subject to the provisions of Regulation 10 of this Annex, any discharge into the sea of oils in Category 2 as listed in Appendix I to this Annex or mixtures containing such oils from oil tankers to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) the cargo tanks have been stripped and lines drained ashore to the maximum extent possible;
(b) the oil in cargo pipelines is drained or flushed back into appropriate cargo tanks;
(c) the oil in cargo tanks is diluted by the addition of a volume of water of not less than 1/100 of the total volume of the tanks involved;
(d) the tanker is proceeding en route at a speed of at least 7 knots;
(e) the discharge is made with the tanker not less than 12 nautical miles from the nearest land and in a depth of water of not less than 12 metres."

See comments under 1(10).
See comments under 9 above.

It is apparent from the criteria suggested in the Addendum to Footnote 14 governing the discharge of clean oils that the prime purpose is to ensure reasonable dilution and dispersal.
of such oils. OCIMF accordingly commends for consideration this draft text embodying the suggested criteria.

(4) Delete "which are" in line 2 and insert "in sufficient quantities to be".

Without qualification, the requirement in the first sentence that the discharge shall not contain chemicals which are hazardous to the marine environment could be interpreted as meaning that no chemicals might be used if they can be shown to be in any way hazardous, notwithstanding that when diluted in the discharge there is no hazard.

**SPAIN**

(1)(a)(ii): suggest amend to read 
"...100 miles...".

(1)(b)(iv): substitute "12" for [10] for ships of over 400 tons gross tonnage and "6" for smaller ones.

(2) - It says here: "...ships while operating..." and Regulation 12 (2)(a) only establishes regulations for oil tankers.
There should be some consistency.

**USSR**

(1) and Footnote 15. The suggestion presented in the text of the footnote to be accepted, but to be worded as follows:
"Without prejudice to more stringent measures, which a coastal State may take within its national jurisdiction..."

(1)(a)(v). Existing text to be substituted by:
"(v) the total quantity of oil discharged into the sea, which may be permitted during all voyages with ballast, loaded after unloading of the cargo, shall not exceed:". 51
(1)(a)(vii). Existing text to be supplemented with:
"but this shall not be done simultaneously with the discharge of oily mixture from cargo tanks".

(1)(b). The following words to be put at the beginning of the text: "for a ship other than an oil tanker of 400 tons gross tonnage and above".

(1)(b)(iv). Square brackets to be deleted, figure 10 to be substituted by 12.

Observations have shown that littoral currents, which affect the movement of pollutants significantly, and have features characterized by the presence of visible vortices. The vortices' structure is disordered within the 4–5 km off-shore zone and is reminiscent of the usual turbulent boundary layer motion. The off-shore zone from 4–5 km to 20–30 km (depending on depths within the zone) is occupied by isolated powerful vortices of 22–25 km diameter. Calculations show that, when pollutants are within the zone nearer to a shore than 20 km, a risk arises that the pollutants will be moved intensely in the unfavourable direction. The risk is aggravated by the action of breezes blowing landwards during the day-time. The zone in which their action might be felt is of the order of 22–25 km width as well.

(1)(b)(v). Add the following:
"A ship of less gross tonnage which, while in these areas, discharges oil or oily mixtures into the sea as defined in sub-paragraphs (i), (ii), (iii), (iv) and (vi) of paragraph (1)(b) of this Regulation".

"For ships of 400 tons gross tonnage and less while outside the special areas, the Administration shall, as far as practicable and reasonable, undertake appropriate measures to equip them with facilities to ensure the storage of oil residues on board and their discharge in correspondence with the requirements of sub-paragraphs (i), (ii), (iii), (iv) and (vi) of paragraph (1)(b) of this Regulation."
(2) is to be formulated as follows:

(2) "Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate additional requirements as set out in Regulation 12 of this Annex."

(3) and Footnote 21. The provisions facilitating the enforcement of paragraphs (1) and (2) will undoubtedly be useful, but they must be based on principles which do not presuppose that proving his innocence is the duty of the accused.

UNIVERSAL KINGDOM

See proposals above submitted by the Delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom, which include a re-draft of parts of this Regulation.

The United Kingdom does not support proposals to increase the figure in square brackets in paragraph (1)(a)(ii) and reduce that in paragraph (1)(a)(iv).

It is accepted that some provision for facilitating enforcement of paragraphs (1) and (2) could usefully be included in paragraph (3) but the United Kingdom remains opposed to any provision which does not require the prosecution to prove that oil causing visible traces on the surface of the sea near a suspected ship was in fact discharged from that ship.

JAPAN

1. Change (1)(a)(iv) into the following:

(iv) the instantaneous rate of discharge of oil content does not exceed:

(1) for the new tanker 30 litres per nautical mile and
(2) for the existing tanker 60 litres per nautical mile.
2. Change (1)(a)(v)(1) and (2) into the following:

(1) for the new tanker \(\frac{1}{100,000}\) of the total quantity of the cargo of which the residue formed a part; and

(2) for the existing tanker \(\frac{1}{15,000}\) of the total quantity of the cargo of which the residue formed a part.

3. Change (1)(b)(iv) into the following:

(iv) the discharge from the ship of 400 tons gross tonnage or above is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land;

4. Add the following as paragraph (6):

(6) The provisions of sub-paragraph (1)(b) of this Regulation shall not apply to the discharge of bilge water equivalent to clean ballast.

U.S.A.

Amend to read:

"(1) Subject to the provisions of Regulation 10 of this Annex, any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

(a) for an oil tanker

  (i) the tanker is proceeding en route;

  (ii) the tanker is more than 100 nautical miles from the nearest land;

  (iii) the tanker is not within any of the areas defined in Regulation 1(10) of this Annex;"
PROPOSED AMENDMENTS TO REGULATION 9

(iv) the instantaneous rate of discharge of oil content does not exceed 20 litres per nautical mile;

(v) the total quantity of oil discharged into the sea which may be permitted only during the first or second voyages following unloading of the cargo shall not exceed:

(1) for new tankers, \(1/30,000\) of the total quantity of the cargo which the residue formed a part; and

(2) for existing tankers, \(1/15,000\) of the total quantity of the cargo which the residue formed a part;

(vi) the tanker has in operation an oil discharge monitoring and control system required by Regulation 15 of this Annex;

(vii) the tanker has in operation a slop tank arrangement required by Regulation 15 of this Annex.

(viii) the discharge of oil or oily mixture, other than mixture equivalent to clean ballast, from machinery space bilges, excluding cargo pump room bilges shall be governed by sub-paragraph (b) of this paragraph unless they are combined with cargo tank residues.

(b) for a ship other than an oil tanker;

(i) the ship is proceeding en route;

(ii) the oil content of the discharge is less than 100 parts of oil per 1,000,000 parts of effluent;

(iii) the instantaneous rate of discharge of oil content does not exceed 20 litres per nautical mile;

(iv) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.
(v) the ship is not within any of the areas defined in Regulation 1(10) of this Annex;

(vi) the ship has in operation an oil discharge monitoring and control system or oily water separating equipment or other installation as required by Regulation 16 of this Annex.

(2) Ships, while operating in special areas defined in Regulation 1(10) of this Annex shall be subject to appropriate requirements of Regulation 12 of this Annex.

(3) Evidence of visible traces of oil on or below the surface of the water in the vicinity of a ship or its wake which, taking into account existing wind and sea conditions and the track and speed of the ship, may reasonably be attributed to a discharge from that ship, shall be evidence sufficient to establish a violation of this Regulation or Regulation 12 of this Annex, as applicable, unless probative evidence is presented that the ship did not discharge oil or that any discharge of oil did not violate the provisions of this Regulation or Regulation 12."

(4) As in Fifth Draft.

(5) As in Fifth Draft.
The delegations of Denmark, France, Federal Republic of Germany, Netherlands, Norway, Sweden and the United Kingdom are of the opinion that the treatment proposed for the black oil (persistent) group in Regulation 9 is not appropriate for the white oil (non-persistent) group, the actual hazards of which have not been adequately evaluated.

(a) Black oils because of their persistence can travel on the surface of the water for some distance under the action of winds and currents. The controls of effluents in Regulation 9 (60 litres per mile) ensure that crude oil tank washing and other discharges do not pollute and the 50 mile requirement for these effluents provides a very large margin for the protection of shallow areas and beaches in the area if the stipulated discharge criteria are inadvertently exceeded.

(b) White oils even when discharged in substantial quantity in the open sea have very short lived persistence as evidenced by the recent tests by the United Kingdom off Milford Haven (PCMF/4/33). These tests involved the discharge of gas oil and gasoline at rates and concentrations which would never be reached in operational practice (the rates were as high as 50 m³ and 30 m³ per mile respectively). The heavy gas oil, the least volatile of the white oil group, produced only trace indications 2½ hours after the discharge when only a small quantity (between 2% and 12% of the original discharge) remained in the sea at a concentration below 0.5 ppm in the sub-surface layers. A similar test with gasoline, with its higher evaporative rate, produced no discernible traces either on the surface or in the water column in 60 minutes from the discharge, the discharge, in this time, having vaporised completely. The residues in the water are considered to be no more harmful probably than substances in Annex II, Category C.

(c) Retention procedures appropriate for the carriage of crude oils are not applicable for white oils since it is inadvisable to mix retained product residues with subsequent cargoes.

Nevertheless it is believed that some sensible control should be imposed upon white oil discharge to the sea in order to prevent malpractice and to ensure that no pollution of the sea is produced when such discharge takes place by regulating the discharge in a way which will aid its natural evaporation and dispersal.

The basis on which controls which the delegations consider would produce no pollution of the sea could, it is suggested, be produced by developing the following concepts:

(1) Ships on final discharge of white oil cargoes shall strip the cargo tanks and drain lines ashore to the maximum extent practicable.
(2) Lines shall not be flushed direct to sea but flushed back to appropriate cargo tanks.

(3) Discharge to the sea of line flushings and/or tank wash water from cargo tanks shall only commence when there is water in the tank bottom of at least $\frac{1}{100}$ of the tank volume.

(4) Such discharge to the sea should be at the minimum rate practicable by the ship's pumping arrangements.

(5) Such discharge shall only be made when the tanker is at least [ ] miles from the nearest land, is in a given depth of water, and is proceeding en route at a specified minimum speed.

A preliminary division of the oils listed in Appendix to this Annex into Class I (persistent or black oils) and Class II (non-persistent or white oils) is attached for further consideration. (See next page).

The delegations mentioned consider that the above procedure is more consistent with the proposals in Annex II for generally similar but, in some cases, more toxic substances than the petroleum products referred to here. If there is doubt as to the adequacy of the above procedure it is suggested that a representative selection of white oil products be put forward to GESAMP for expert assessment of the comparative hazards.
## APPENDIX

### List of Oils in Category I

**Crude Oils**
- Reconstituted Crude

**Diesel Fuels**
- Marine Diesel Oils

**Residual Fuel Oils**
- No.4 Fuel
- No.5 Fuel
- No.6 Fuel
- Bunker "C"

**Asphalts**
- Coatings
- Road Oils

**Lubricating Oils**
- Automotive
- Industrial
- Cutting Oils
- Transformer Oils

**Lubricating Oil Blend Stocks**
- Bright stocks
- Lubricating Oil Distillates
- Solvent Neutral Oils
- Lubricating Oil Additives

### List of Oils in Category II

**Natural Gas Liquids**

**Gasoline**
- Automotive
- Aviation
- Marine

**Jet Fuels**
- JP 1
- JP 3
- JP 4
- JP 5
- Turbo Fuel

**Kerosines**
- Paraffin

**Distillates**
- Gas Oils
- Automotive Diesel
- Heating Oils
- Marine Gas Oil

**Fuel Oil**
- No.1 (Kerosine)
- No.2 (Distillates)
Exception

Regulation 9 of this Annex shall not apply to:

(a) the discharge of oil or oily mixture from a ship necessary for the purpose of securing the safety of a ship or saving life at sea; or

(b) the escape of oil or oily mixture resulting from damage to a ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or

(c) the discharge into the sea of substances containing oil, approved by the Administration, when being used as dispersants for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

Delete paragraph (b) and substitute the following:

"(b) the escape of oil or an oily mixture resulting from damage to a ship or its equipment if all reasonable precautions have been taken

(i) to avoid the damage to the ship or its equipment, and

(ii) to prevent or minimize the escape; or"

Explanatory Note

It is considered that reasonable precautions must be observed at all times to avoid accidental escape of oil. The proposed amendment emphasises the need for continuing awareness of this responsibility.
REGULATION 11

Methods to effect the Control of Discharge of Oil from Oil Tankers

(1) Every oil tanker shall operate under such methods as appropriate to comply with the discharge criteria specified in Regulation 9 of this Annex. To this end the following operating methods shall apply, subject to the provisions of paragraphs (2) and (3) of this Regulation and Regulation 12 of this Annex:

(a) segregated ballast tanks specified in Regulation 13 of this Annex;

(b) retention of oil on board specified in Regulation 15 of this Annex;

(c) in-port disposal to shore-reception facilities specified in Regulation 20 of this Annex.

PROPOSED AMENDMENTS TO REGULATION 11

CANADA

1. Delete existing paragraphs and substitute the following:

"(1) Subject to the provisions of Regulation 12 of this Annex, every oil tanker of [150] tons gross tonnage and above shall, in order to comply with the discharge criteria specified in Regulation 9 of this Annex, be capable of operating under both of the following methods:

(a) retention of oil on board, (Load-on-Top); and
(b) retention of oil on board with subsequent disposal to a reception facility specified in Regulation 20 of this Annex;

and to this end shall comply with the requirements of Regulation 15 of this Annex.

(2) The Administration shall ensure that oil tankers of less than [150] tons gross tonnage shall, as far as is reasonable and practicable, comply with the provisions of paragraph (1) of this Regulation."

2. Transfer paragraph (2) of existing text to Regulation 13 as first paragraph.

Explanatory Note

Regulation 11 has been re-drafted for clarity so that all provisions for segregated ballast tanks would be contained in Regulation 13 as re-drafted; and Regulation 11 would further contain provisions regarding the compliance of smaller ships in keeping with the expressed intent of Regulation 4(2) of this Annex. Paragraph (3) of original text of Regulation 11 would not be required as a consequence of the earlier proposed changes to Regulation 9(1)(a)(vi) and (vii). This proposal and consequential changes are solely for the purpose of clarifying the intent of the existing text and are not to be taken as indicating support for the intent of the regulation as originally drafted.
(2) Every oil tanker (excluding combination carriers) of 150,000 tons deadweight and above and every combination carrier of 100,000 tons deadweight and above, for which the building contract is placed on or after [1 January 1978], or in the absence of a building contract the keel of which is laid or which is at a similar stage of construction on or after [1 January 1980], or the delivery of which is on or after [1 January 1981], shall be

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(23) Several delegations were of the opinion that there should be no mandatory requirements for segregated ballast tankers and therefore the paragraph should be deleted.

(24) Some delegations were of the opinion that the dates should be 1 January 1976, 1 January 1976 and 1 January 1979 respectively. The United States stated that the dates indicated in the draft would fail to meet the objectives of the Conference decided by the Assembly Resolution A.237(VII) and Recommendation 92 of the Stockholm Conference.

(25) Some delegations suggested the deletion of the words "or the absence of a building contract".

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DENMARK

(1) Delete paragraph (2).

The Danish Government doubts whether there is a need for a mandatory requirement for segregated ballast, and believes that a policy of alternative options should be maintained.

(1i) The Danish Government is inclined to feel that the requirements in Regulation 15 are inappropriate for non-tankers with oil-carrying capacity, and that these vessels should only have to be able to comply with the method referred to in paragraph (1c) of Regulation 11 (in-port disposal).

It is suggested that this point might be met by suitable amendment to Regulation 11.

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FEDERAL REPUBLIC OF GERMANY

This Regulation should read:

"(1) Every oil tanker shall operate under such methods as appropriate to comply with the discharge criteria specified in Regulation 9 of this Annex. To this end the following operating methods shall apply, subject to the provisions of paragraph (2) of this Regulation and Regulation 12 of this Annex:

(a) segregated ballast tanks specified in Regulation 13 of this Annex;

(b) retention of oil on board specified in Regulation 15 of this Annex;

(c) in-port disposal to reception facilities specified in Regulation 20 of this Annex."
designed, constructed and equipped in compliance with the requirements of Regulation 13 of this Annex.\textsuperscript{26/}

(3) As from the date of the entry into force of the present Convention every oil tanker shall be capable of operating under both the methods specified in sub-paragraphs (1)(b) and (1)(c) of this Regulation to the standards and requirements of Regulation 9(1)(a) of this Annex, except for the requirements of Regulation 9(1)(a)(iii)\textsuperscript{4} and 5 of this Annex which shall be provided before the expiry of a period of [2] years from that date.

\textsuperscript{26/} Some delegations suggested that further consideration should be given to the possible inclusion of wording such as "This requirement shall not apply to oil tankers which do not normally carry water ballast in their cargo tanks and which in their particular route and due to their design have the facility to dispose of their dirty ballast, tank washings and slops in accordance with the discharge criteria and those operating in special areas."

(2) As from the date of the entry into force of the present Convention every oil tanker shall be capable of operating under both the methods specified in sub-paragraphs (1)(b) and (1)(c) of this Regulation to the standards and requirements of Regulation 9(1)(a) of this Annex, except for the requirements of Regulation 9(1)(a)(iii)\textsuperscript{4} and 5 of this Annex which shall be provided before the expiry of a period of [2] years from that date."

Remarks:

For the deletion of the drafted sub-paragraph (2) see General Remarks on Annex I.

The new sub-paragraph (2) has been adjusted to the proposed new wording of Regulation 9.

INTERNATIONAL CHAMBER OF SHIPPING

A. Comment

Consistent with its remarks under Regulations 1(1) and 9, ICS believes that this Regulation as a whole needs revision to take account of the division of oils into two categories. As drafted, the Regulation should be restricted to persistent oils (Category I), and new wording introduced to deal with non-persistent oils (Category II).

B. Recommendation

Delete paragraph (2).

Comment

The general view of ICS continues to be that there is no need for a mandatory requirement for segregated ballast, and that the concept of alternative options should therefore be reflected in the Regulations.
C. Comment

ICS believes that there is some inconsistency between Regulation 2(2) and Regulation 11. Regulation 2(2) explains that non-tankers capable of carrying a certain quantity of oil as cargo shall for most purposes (including those in Regulation 11) be regarded as oil tankers. Thus under paragraph (3) of Regulation 11 such non-tankers must be able to operate under both the retention on board and in-port disposal methods. ICS feels that the requirements in Regulation 15 are quite inappropriate for non-tankers with oil-carrying capacity, and that these vessels should only have to be able to comply with the method referred to in paragraph (1)(c) of Regulation 11 (in-port disposal). Any non-tanker wishing to discharge oil residues at sea in accordance with the provisions of Regulation 9 would, of course, still have to comply with the terms of Regulation 15, but would not of necessity be constructed to do so.

It is suggested that this point might be met by amendment to Regulation 11 along the following lines:

(1) Amend the seventh and eighth lines of paragraph (1) to read:
"paragraphs (2), (3) and (4) of this Regulation..."

(2) Add to the beginning of paragraph (3) the words:
"Subject to the provisions of paragraph (4) of this Regulation, as from the date..."

(iii) Add a new paragraph (4) as follows:
"As from the date of entry into force of the present Convention every ship, other than an oil tanker, fitted with cargo spaces which are capable of carrying oil in bulk of [200] cubic metres or above shall be capable of operating under the method specified in sub-paragraph (1)(c) of this Regulation, and may operate under the method specified in sub-paragraph (1)(b) of this Regulation only if equipped in accordance with the requirements of Regulation 9(1)(a)(vi) and 9(1)(a)(vii) of this Annex."
D. Comment

As far as oil tankers themselves are concerned ICS strongly supports the requirement in paragraph (3). Recognizing that improvement of the procedures associated with retention of oil on board is of major importance, several constituents of ICS are currently engaged upon studies and further development of this method.

NETHERLANDS

(1) Insert in the first line after "oil tanker" the following words "carrying oils other than those listed under Category II of Appendix I to this Annex".

Add at the end of the first sentence after "annex" the words "except for the requirements of Regulation 9(2)" (of the text proposed by the Netherlands for Reg.9).

(2) Insert in the second sentence after "above" the words "to which paragraph (1) of this regulation applies".

(3) Insert in the second sentence after "tanker" the words "to which paragraph (1) of this regulation applies".

(4) Add a new par.(4) reading as follows:

"As from the date of entry into force of the present Convention every oil tanker carrying oils as listed under Category II of Appendix I to this Annex shall be capable, subject to the provisions of Regulation 12 of this Annex, operating under the methods specified in sub-paragraph (1)(c) of this regulation to the standards and requirements of Regulation 9(2) and (5) of this Annex. (of Netherlands proposal)

Explanation:
The provisions in par.(1) (2) and (3) should only apply to oil tankers carrying oils other than those listed under Category II of Appendix I. A separate new par.(4) is proposed dealing with tankers carrying the products listed under Category II of the above Appendix I."
Amend the heading to read: "Methods to effect the Control of Discharge of Persistent Oil from Oil Tankers".

Comments: See comments under Regulation 9(1)

(2) This paragraph should be deleted.

Comments: It is recognized that one of the main objectives of the 1973 Conference on Marine Pollution should be to achieve the complete elimination of intentional pollution by oil. That is to eliminate the likely damage to marine resources caused by operational discharge of oily water mixtures. To achieve this goal it is believed that any of the methods listed under 1(a), (b) and (c) or a combination thereof are possible solutions in this respect.

It is recognized that the construction of tankers with sufficient segregated ballast capacity will contribute substantially to the reduction of pollution caused by operational discharge. However, one should realize that also this provision has some major shortcomings:

- Unless requiring a segregated ballast tank capacity up to 60 - 70% of the dw capacity the segregated ballast tanker, on occasion, will have to load ballast in cargo tanks to achieve an acceptable ballast operation condition. As a consequence of this, a segregated ballast tanker must be equipped with a complete arrangement for application of the Load-on-Top system.

- Even with segregated ballast tanks, it will periodically be necessary to clean the cargo tanks in order to remove sludge build-up and to prepare the ship for dry-docking inspection and repairs. Tank-cleaning before dry-docking and repairs is found to be one of the major pollution causes.
- The segregated ballast tanker will have an increased freeboard which may affect the ship controllability. This will influence the ship's seaworthiness in an unfavourable way, particularly in wind at low speeds as occurs in harbour and docking situation.

Even if it is realized that the "load-on-top" system cannot be operated under all circumstances, it will contribute substantially to a reduced discharge of oil into the sea, and as an overall consideration will give the best result obtainable at the present stage of development.

Studies on possible improvements in the operation of crude oil tankers shows that:

- with two slop tanks in series and with a high liquid level in the slop tanks during the washing operation the oil content in the water that is discharged overboard, can be kept as low as 25-100 ppm,

- when using a conical expanding outlet on the pipe that discharge the slop into the tank, better results can be obtained than when discharging the slop through a regular cut-off pipe,

- using three slop tanks in series will result in lower oil concentrations in the separated water compared with the use of two slop tanks in series provided the settling period is the same,

- the use of moderate heating in both the primary and the secondary slop tank improves the oil/water separation,

- by increasing the volume of the primary slop tank better results can be obtained.
SWEDEN

Any agreement on shipping of oil should include an agreement on the method for disposal of oil residues.

(2) Reasons for proposed size limits have not been given. Segregated ballast seems to be equally or even more effective for the reduction of oil spillages in smaller ships. It should be noted that a segregated ballast system alone is not sufficient, it must be combined with one or both of the other methods.

(3) For new ships Regulations 9(1)(a)(v1) and 9(1)(a)(v11) should apply as from the date of the entry into force of the Convention. For existing ships a transitional period of 2 years seems to be too short.

OIL COMPANIES INTERNATIONAL MARINE FORUM

(1) Replace this paragraph with following:
"Every oil tanker engaged in the carriage of oils in Category I shall operate under the following methods to comply with the discharge criteria specified in Regulation 9 of this Annex, subject to the provisions of paragraphs (2) and (3) of this Regulation; Either (a) segregated ballast tanks specified in Regulation 13 of this Annex; or (b) retention of oil on board specified in Regulation 15 of this Annex.

In cases where the circumstances do not permit the procedure for retention of oil on board to be carried out there may be in-port disposal to shore reception facilities specified in Regulation 20 of this Annex, provided that where oily residues have been concentrated in accordance with Regulation 15 of this Annex, such oily residues may be discharged to shore reception facilities specified in Regulation 20 of this Annex".
REGULATION 11

PROPOSED AMENDMENTS TO REGULATION 11

Comments:
OCIMF believes that the prime methods of control should be segregated ballast tanks or retention of oil on board. In recognising that the retention of oil on board cannot always be practised, provision is made for disposal ashore in such cases.

Insert new paragraph as follows:
"Every oil tanker engaged in the carriage of oils in Category II as listed in Appendix I to this Annex shall comply with the discharge criteria in Regulation 9(2) of this Annex".

This paragraph is proposed in order to deal with the situation arising from the division of persistent and non-persistent oils into two categories.

(2) Insert "Operating in accordance with paragraph (1) of this Regulation", after the words "[100,000] tons deadweight and above".

This is a change consequential upon the proposal that the provisions of Regulation 11(1) shall be applicable to persistent oils only.

Delete square brackets on tonnages.
Delete square brackets on dates.

OCIMF accepts the tonnages and dates as stated.

Footnote 24: It is necessary to have regard to the practicalities of the position regarding the introduction of mandatory segregated ballast. OCIMF supports retention of the dates stated, and is opposed to the dates in Footnote 24 as being unrealistic.

Footnote 25: See comments under Regulation 1(5).

Footnote 26: The suggestion in Footnote 26 has not been considered by OCIMF.
(3) Insert "Operating in accordance with Paragraph (1) of this Regulation" after the words "every oil tanker."

Delete [2] insert 3

See comment under Regulation 11(2).

USSR

(2) and Footnote 23. The advantages, being a consequence of the constructional characteristics of tankers with segregated ballast, cannot serve as a basis for the acceptance of the proposition expressed in this footnote. As investigations performed in the USA, Great Britain, the USSR and Italy have proved, the fulfilment of requirements for segregated ballast tanks on big tankers does not substantially decrease their economical effectiveness and they are easily embodied constructionally.

(2). Square brackets at figures 150,000, 100,000 and noted dates to be deleted.

(2) and Footnote 26. The inclusion of the wording suggested in this footnote into text of the Regulation is inadvisable. Under normal operation in various conditions, oil tankers with an unlimited trading area must have the possibility of taking ballast. For tankers, designed for operation when features of particular routes and local conditions are taken into consideration, the possibility of non-fulfilment of these conditions shall be defined by the Administration based on the principle of equivalence.

(3). Square brackets at figure 2 to be deleted.
PROPOSED AMENDMENTS TO REGULATION 11

JAPAN

1. The study on Improved R.O.B. System which was reported at the Preparatory Meeting for the International Conference on Marine Pollution, 1973, has been progressing as shown in Annex 1 of MP/CONF/8/17 and there is a fair prospect of completion of this system. As this system when completed is effective for the prevention of marine pollution, Japan proposes the re-draft of paragraph (2) of this Regulation as given below, so that either the method of Segregated Ballast Tank System or Improved R.O.B. System may be adopted at the option of the Contracting States -

"(2) Every oil tanker (excluding combination carriers) of 150,000 tons deadweight and above and every combination carrier of 100,000 tons deadweight and above, for which the building contract is placed on or after 1 January 1978 or in the absence of a building contract the keel of which is laid or which is at a similar stage of construction on or after 1 January 1979 or the delivery of which is on or after 1 January 1980, shall be designed, constructed and equipped in compliance with the requirements of Regulation 13 or 15 of this Annex."

2. Change the words of "both the methods specified in sub-paragraph (1)(b) and (1)(c)" in paragraph (3) into the following: "either method specified in sub-paragraph (1)(b) or (1)(c)".

UNITED KINGDOM

The United Kingdom does not agree that certain ships should be exempted from the requirements of paragraph (2), as proposed in Footnote 26. It takes the view that exemptions from the requirements for new tankers to be constructed for segregated ballast operation should be kept to the absolute minimum.
Amend to read -

"(2) Every oil tanker (including combination carriers) of 20,000 tons deadweight and above, for which the building contract is placed on or after 1 January 1974 or in the absence of a building contract the keel of which is laid or which is at a similar state of construction on or after 1 January 1976, or the delivery of which is on or after 1 January 1977, shall be designed, constructed and equipped in accordance with the requirements of Regulation 13 of this Annex."
Methods for the Prevention of Oil Pollution from Oil Tankers while Operating in Special Areas

(1) Special Areas

(a) For the purposes of this Annex special areas shall include the Mediterranean Sea, Baltic Sea and Black Sea.

(b) Each Contracting Government of a State, the coastline of which borders on any of the special areas defined in Regulation 1(10) of this Annex, shall take appropriate measures in order to achieve the earliest adoption of the following methods for preventing oil pollution in respect of areas under its jurisdiction 27/.

27/ It was recognized that the words "under its jurisdiction" were inappropriate and would require revision. In this connexion one delegation suggested the following alternative wording:

"(b) Each Contracting Government of a State, the coastline of which borders on any of the special areas defined in Regulation 1(10) of this Annex, shall take appropriate measures within its jurisdiction to achieve the earliest adoption of the following methods for preventing oil pollution."

PROPOSED AMENDMENTS TO REGULATION 12

DENMARK, FINLAND, FEDERAL REPUBLIC OF GERMANY, POLAND AND SWEDEN (Identical comments submitted individually)

Amend the heading to read - "Special Areas and related requirements".

(1)(a) Amend to read - "... the Mediterranean Sea, the Baltic Sea Area and the Black Sea".

The following special circumstances are mentioned in order to indicate that the Baltic Sea Area needs a special protection and satisfies the conditions for designation as a Special Area.

(1) The Baltic Sea is an enclosed water body with extremely slow and irregular exchange of deep water with the ocean waters.

(2) The water in the Baltic Sea is cold, which markedly slows down chemical and biological degradation of certain pollutants.

(3) Aeration of the deep water in the Baltic Sea is very slow because of marked stratification of water masses. This also slows down degradation of certain pollutants.

(4) The stagnation of the deep water in the different basins of the Baltic Sea proper causes accumulation among other substances, especially of persistent pollutants. These pollutants are reintroduced into the surface layers during eventual turnover periods.

(5) The concentration of certain pollutants in organisms of the Baltic Sea are much (in certain cases ten times) higher than in the true marine environment of the seas.
Every oil tanker while operating in any special area, as defined in Regulation 1(10) of this Annex and listed in sub-paragraph (a) of this paragraph, shall be subject to the applicable provisions of this Regulation.

The Mediterranean Sea

The oil pollution prevention by oil tankers in the Mediterranean Sea, recognized as a special area, will be effected as follows:

(a) oil tankers, while operating in the Mediterranean Sea, shall retain on board all oil drainage and sludge, dirty ballast and tank washing waters and, [if proceeding to:

- oil loading terminals
- repair ports
- sea water courses with a low depth contour which may require ballast lightening],

shall discharge them only to shore reception facilities to be provided [there], as appropriate, by Contracting Governments.

Organisms in the Baltic Sea are of either true marine or true fresh water origin. Living in the brackish water of the Baltic Sea constitutes in itself an environmental stress upon which all other stresses are added. Environmental pollutants even in low concentrations could be such additional stresses.

It is very difficult to carry out oil combat operations in complex archipelagoes such as in Finland and Sweden. The main part of the stretch of coast in these countries is involved.

The characteristics of the Baltic Sea are further explained in MP/CONF/8/7/Add.1.

(1)(c): Amend to read - "Ships while operating...".

Comment:
The proposed text of Regulation 12(3) deals also with ships other than oil tankers.

(3): This paragraph should read -

"(3) Baltic Sea Area

(a) For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak.

(b) Ships, while operating in the Baltic Sea Area, are subject to all applicable provisions of this Annex, especially the prohibition of discharge as provided for in Regulation 9(1)(a)(iii) and 9(1)(b)(v)."

Remarks:
The border line is the same as that used in Regulation 51 of the International Convention on Load Lines, 1966.

No requirements supplementing Regulation 9(total prohibition for Special Areas) are necessary. Paragraph(b) is introduced for clarification.
REGULATION 12

(b) Each Contracting Government, not later than [1 January 1977], shall provide every oil loading terminal, repair ports and entrances to sea water courses with a low depth contour under its jurisdiction 217, located in the Mediterranean Sea, with facilities adequate for the reception and treatment of all the dirty ballast and tank washings waters from tankers.

During the period between the entry into force of the present Convention (if earlier than [1 January 1977]) and [1 January 1977] oil tankers, while navigating in the Mediterranean Sea, shall comply with the requirements of Regulation 13 of this Annex. After [1 January 1977] oil tankers loading in the Mediterranean ports, where such facilities are not yet available, shall comply with the requirements of Regulation 11 of this Annex until such facilities become available.

PROPOSED AMENDMENTS TO REGULATION 12

Obligations for all Coastal States to provide adequate reception facilities for ships operating in the Baltic Sea Area will be laid down in a regional agreement.

EGYPT

(1)(a): Delete the word "and" between the two words "Baltic Sea" and "Black Sea", then adding the following at end of the sentence:

"Red Sea and Arabian Gulf"

(2): The title to be read as follows: "The Mediterranean Sea, Red Sea and Arabian Gulf."
Add after the words "In the Mediterranean Sea" in the second line of the first sentence, the second line of sub-paragraph (2)(a), and in the eighth and eighteenth lines of sub-paragraph (2)(b), the following words:-

"Red Sea and Arabian Gulf."
Add between the words "Mediterranean" and "Ports" in the twenty-third line of sub-paragraph (2)(b) the following words:-

"Red Sea and Arabian Gulf."

NETHERLANDS

(2)(b): add the following words after "tankers" at the end of this paragraph:

"as would remain on board as a consequence of the application of this annex."

Explanation:
With the additional words it is intended to indicate that "adequate capacity" for shore facilities should be required within reasonable limits, that is to say where the LOT-method can be applied by tankers coming from outside the Mediterranean they should do so and not require that they can discharge the total bulk of their ballast and washings into shore reception facilities.
(c) After 1 January 1977 each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned all cases where the facilities are alleged to be inadequate.  

(3) Baltic Sea  
(4) Black Sea  
[to be prepared]  

Consideration should be given to the inclusion of an additional paragraph on similar lines to Regulation 20(2). This might include an obligation on Contracting Governments to furnish information to the Organization and keep it up to date on the facilities available at their loading terminals and repair ports. This provision might be included in paragraph (2)(c) of this Regulation or elsewhere in the Convention, perhaps in Article 11 (see footnote 48 under that Article).

It was noted that preparatory work was being carried out by coastal states concerned on proposals for the Baltic Sea which might be submitted to the Conference.

OIL COMPANIES INTERNATIONAL MARINE FORUM

Delete entire regulation.

Comment:

The alternative solution proposed by OCIMF is set out in the General Remarks on Annex I. See also our comments and proposals under Regulation 20 of Annex I.

SWEDEN

(2): If detailed provisions as to where shore reception facilities should be provided are included in the Convention also the special needs of OBO-carriers and the like should be observed.

UNITED KINGDOM

The United Kingdom has reservations about the creation of special areas since it believes that rigorous enforcement of the Convention's provisions will give adequate protection to those areas for which special treatment is claimed.

Recognising, however, that this appears to be a minority view the United Kingdom proposes that the following conditions should govern the creation of special areas:

(a) the additional restrictions on discharge of oil, over and above those imposed by the Convention generally, applying in each special area should be the minimum necessary to meet the special characteristics of the area concerned. In no circumstances should the creation of a special area enable less stringent requirements than those of the Convention generally to be applied within that area.
(b) No area should be designated as a special area for the purposes of the Convention except by a majority decision, taking into account all available information about the special features of the area concerned on which the case for special treatment is based, of (a) the International Conference on Marine Pollution 1973 or (b) the Marine Environment Protection Committee, if and when created by IMCO.

(c) Where the only permitted method of discharging oil residues within a special area is to reception facilities, the requirements of the Convention in respect of that area shall not come into operation until the Organisation is satisfied, on the basis of information supplied by the Governments of all the states surrounding that area, and by any other interested Government, that adequate reception facilities are available throughout the area.

USSR

The existing title of this Regulation to be replaced by the following:
"Special Areas and related requirements for prevention of oil pollution."

1(a) to be formulated as follows:
"For the purpose of this Annex special areas shall include the Mediterranean Sea, the Baltic Sea Area and the Black Sea."

(1)(b). The words - "in respect of areas under its jurisdiction", to be deleted. The text of the paragraph to end with the words - "oil pollution of these areas".

(1)(c). The words - "Every oil tanker" to be substituted by "Ships" both here and further on where it occurs in the text.
(3). To be formulated as follows:

(3) **Baltic Sea Area**

(a) "For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of the Skaw in the Skagerrak."
REGULATION 13

Segregated Ballast Oil Tankers

(1) Oil tankers provided with segregated ballast tanks in accordance with paragraph (2) of Regulation 11 of this Annex shall comply with the requirements of this Regulation.\[21/22\]

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PROPOSED AMENDMENTS TO REGULATION 12

CANADA

(1) Delete existing paragraph and substitute original text of Regulation 11(2) as Draft Convention.

Explanatory Note

Consequential to the proposed amendment of Regulation 11 as shown above.

(4) In second and third lines of paragraph delete words "Regulation 11(2) of this Annex" and substitute: "paragraph (1) of this Regulation". Also in fifth and sixth lines of paragraph delete words "referred to in Regulation 11(1)(a) of this Annex".

Explanatory Note

Consequential to the proposed amendments of Regulation 11 and Regulation 13(1) above.

DENMARK

Reference is made to the comments under Regulation 11.

It is suggested, however, that there might be a case for considering special requirements for segregated ballast tankers which might be constructed for certain specific trades, but in this context the Danish Government believes that further studies on segregated ballast designs should be undertaken.

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\[21/22\] One delegation expressed the view that segregated ballast capacity for oil tankers trading solely within [150] miles between oil loading and oil delivering terminals should be left to the option of the Administration. The segregated ballast capacity and operational range to be indicated on the corresponding certificate.

\[22/\] One delegation expressed the view that oil tankers applying solely the in-port disposal system as referred to in Regulation 11(1)(c) should be exempt from any requirement for segregated ballast. Such an exemption to be indicated on the corresponding certificate.
(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages under weather and sea conditions it may normally be expected to encounter having regard to its draught, freeboard, stability and manoeuvrability without recourse to the use of oil tanks for water ballast. \(^{22}\)

(1) Several delegations were in favour of specifying double bottom construction as an anti-pollution measure in the event of stranding by adding the following sentence: "This segregated ballast capacity shall be achieved in part by fitting throughout the cargo length a double bottom height of at least B/15".

(ii) One delegation proposed the height of double bottom be reduced to B/21 if the tanker is fitted with a double skin throughout the cargo length.

(iii) One delegation suggested that this sentence, if incorporated, should be included in Chapter III of this Annex as it would relate primarily to the minimization of accidental spills.

(a) Delete paragraph (3).

Remarks:

The proposed conditions lead to a kind of redundancy in determination and could probably hamper future technical development. Furthermore greater freedom regarding design and construction could rather more encourage ship-owners to install segregated ballast tanks on an optional basis.

(b) Delete paragraph (4).

Remarks:

As it is proposed to delete the former paragraph (2) in Regulation 11 and thus making segregated ballast tanks optional instead of mandatory this provision is superfluous.

(c) Renumber paragraph (5) to be (3).

INTERNATIONAL CHAMBER OF SHIPPING

At this stage, ICS would merely record that it does not believe that the requirements as drafted have received sufficient consideration. Certain studies on segregated ballast requirements are being conducted by ICS Constituents, and it is hoped to submit further comments later.

It is suggested that Footnote 31 merits further study, and that there might be a case for considering special arrangements for vessels constructed for certain specific trades.
(3) The capacity of the segregated ballast tanks shall be such as to achieve in the ballast condition a minimum forward draught of [0.025L] and an after draught to ensure adequate propeller and rudder immersion provided that:

(a) the provisions of paragraph (2) of this Regulation are met; and

\[24/\] These values are based upon classification society rules and present tanker practices. They do not reflect any experience or features of segregated ballast designs. Consideration should be given to the acceptance of a formula which would require draughts equal to lower percentages of length for large tankers and higher percentages of length for smaller tankers.

PROPOSED AMENDMENTS TO REGULATION 13

JAPAN

Japan has considered the capacity of the segregated ballast tank and the data as a result of this consideration is attached as Annex 2 of this paper. On the basis of this data Japan proposes the redraft of certain provisions of this Regulation as follows:

1. Delete sub-paragraph (3)(a) and (b) and change the words of "and an after...provided that" in paragraph (3) into the following:

"and the depth of the centre of propeller under the water is not less than 55% of propeller diameter. In this case, however, ships' condition shall not be trim by the head".

2. Delete the words of "or the following: ... full load displacement" in paragraph (4).

Note: We interpret that paragraph (5) of this Regulation permits in-port disposal to the shore-reception facilities.

NETHERLANDS

(3): Research and study on this subject is in progress in the Netherlands and hopefully a well developed proposal will be submitted in due time before the Conference. The reports on the research and the studies will be available at the Conference as background information.

Insert after par.(4) a new paragraph (5) reading as follows:

"( ) A lesser capacity for segregated ballast of an oil tanker may be accepted by the Administration provided that:

(a) on no occasion waterballast shall be carried in cargo tanks and the oil tanker shall only operate on short voyages of such duration as approved by the Administration. Additional ballast deemed necessary before departure on a ballast voyage because of expected weather and sea conditions shall consist of part of the cargo to be retained on board; or
PROPOSED AMENDMENTS TO REGULATION 13

(b) The oil tanker can apply solely the in-port disposal method as referred to in Regulation 11(1)(c).

The Administration shall indicate on the corresponding certificate such lesser segregated ballast capacity and the reasons for granting such relaxation and specify the areas or voyages for which the relaxation applies.

Renumber original par.(5) in par.(6).

Explanation:

The employment of oil tankers on short voyages is a growing transport requirement due to more intensive exploitation of oil fields in sea areas.

At present two 40,000 dwt. tankers are being modified to operate in a shuttle service from an oil production field in the North Sea to a near-by refinery. Voyage time being about 12 hours makes the application of the LOT-procedure impossible. In order not to lose time for in-port disposal of dirty ballast water these ships retain when in ballast condition that part of their cargo on board as is deemed necessary with a view to weather and sea conditions. A similar project is being considered for tankers between 70,000 and 100,000 dwt of which the voyage time will be approximately 20 hours. It can be foreseen that in future even larger vessels will be employed in the same trade pattern. Since these ships which are permanently employed in these services never carry ballast water in their tanks, but use oil as ballast, it is unreasonable to require for these oil tankers a large segregated ballast capacity. Under these conditions we consider it justified to provide for a possibility of a relaxation of this requirement which we have suggested in the form of par.(5)(a) above. The same applies to tankers which are permanently operating in an area where the application of the LOT procedure is prohibited or are in regular service on such short voyages that the application of LOT-procedure is not possible. Such ships are forced to apply solely the in-port disposal system and also for these cases we consider it justified to permit some relaxation of the large segregated ballast capacity requirement. The proposed text for par.(5)(b) provides for such a relaxation.
REGULATION 13

(ii) in combination carriers between 100,000 tons deadweight and 150,000 tons deadweight, the draught shall be such as to correspond to not less than [45] per cent of the full load displacement.

(iii) in oil tankers and combination carriers greater than 500,000 tons deadweight, the draught shall be such as to correspond to not less than [30] per cent of the full load displacement.

(4) Any oil tanker which is not subject to the provisions of Regulation 11(2) of this Annex shall be qualified as a segregated ballast tanker referred to in Regulation 11(1)(a) of this Annex provided that it complies fully with the requirements of paragraphs (1), (2) and according to the size, paragraph (3) of this Regulation or the following: In oil tankers (excluding combination carriers) less than [150,000] tons deadweight and combination carriers less than [100,000] tons deadweight, the capacity of the segregated ballast tanks shall be such as to achieve in the ballast condition a minimum forward draught of [0.025] L and an after draught to ensure adequate propeller and rudder immersion provided that:

PROPOSED AMENDMENTS TO REGULATION 13

NORWAY

(2) The view expressed in Footnote 33 is not supported.

(3) Amend the first sentence to read as follows: "The capacity of the segregated ballast tanks shall be such as to achieve in the ballast condition sufficient forward and after draught to ensure propeller and rudder immersion provided that...".

Comments: The present requirement for a minimum forward draught of 0.025 L represents for the larger ships a much more severe requirement than the proposed minimum segregated ballast capacity. The requirement should therefore be deleted.

OIL COMPANIES INTERNATIONAL MARINE FORUM

(1) Insert "and combination carriers" after "Oil tankers" in first line.

Comment: Consistent with Regulation 11(2).

Footnote 33: We strongly oppose any proposal of this nature for the reasons set out in the General Remarks on Annex I under the heading "Minimising of Accidental Outflow".

(3) Delete existing text. Insert

"(3) The minimum capacity of the segregated ballast tanks shall be such that in the ballast condition the propeller can be completely immersed with a trim no greater than 0.015 L, and provided further that the mean draft using segregated ballast only can be such as to satisfy the following formula:
(a) the provisions of paragraph (2) of this Regulation are met; and

[(b) in no case will the draught be such as to correspond to a ballast displacement less than [45] per cent of the full load displacement.]

(5) Where abnormally severe weather conditions render it necessary to carry additional water ballast in oil tanks, such ballast water shall be processed and disposed of in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 21 of this Annex.

Some delegations suggested that provisions should be included in this Regulation for sealing the valves for ballast water pipes to cargo oil tanks, so that whenever these valves were used to carry additional ballast in cargo oil tanks in exceptional circumstances, the broken seals may be taken as an indication that such cargo oil tanks had contained the ballast water contaminated with oil.

PROPOSED AMENDMENTS TO REGULATION 13

\[ d_m = 1.8 + 0.018L \]

in which:

\[ d_m = \text{mean draft in metres} \]

\[ L = \text{length as defined in Regulation 1 (18) of this Annex, in metres.} \]

Values for \( d_m \) as a function of \( L \) are given in the table below:

<table>
<thead>
<tr>
<th>( L )</th>
<th>( d_m )</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>5.4</td>
</tr>
<tr>
<td>250</td>
<td>6.3</td>
</tr>
<tr>
<td>300</td>
<td>7.2</td>
</tr>
<tr>
<td>350</td>
<td>8.1</td>
</tr>
<tr>
<td>400</td>
<td>9.0</td>
</tr>
</tbody>
</table>

Comment:
See "Level of Ballast" section in General Remarks on Annex I.

Footnotes 34 and 35: See proposed redraft of Para. (3).

(4) Delete existing text. Insert -

"(4) Any oil tanker or combination carrier which is not subject to the provisions of Regulation 11(2) of this Annex shall be qualified as a segregated ballast tanker referred to in Regulation 11(1)(a) of this Annex provided that it complies fully with the requirements of paragraphs (2) and (3) of this Regulation."

Comment:
We believe this revised wording represents a simplification of wording without change of substance.

(5) Insert at end of existing text:

"Connections between the ship's ballast loading system and cargo tanks used under this provision shall be so arranged that they can be sealed in a way still permitting rapid ballast handling but sufficient to indicate when such seals have been broken to permit ballast in cargo tanks."
PROPOSED AMENDMENTS TO REGULATION 12

Insert new paragraph
"(6) All ballast conditions specified in paragraphs (2) and (3) shall be achievable with bunker tanks empty".

Footnote 36: Comments

This proposal represents a simple means by which inspection can establish that the convention has or has not been complied with. See proposal for amending para.5.

SWEDEN

(3) The formula for minimum draught should be reconsidered. A combination of draught requirements and displacement requirement should be avoided.

U.S.A.

(1) Oil tankers provided with segregated ballast tanks in accordance with paragraph (2) of Regulation 11 of this Annex shall comply with the requirements of this Regulation.

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages under weather and sea conditions it may normally be expected to encounter having regard to its draught, freeboard, stability and maneuverability without recourse to the use of oil tanks for water ballast. This segregated ballast capacity shall be achieved in part by fitting throughout the cargo length a double bottom height of at least B/15. The double bottom height may be reduced to a value of B/21 when a double skin is provided throughout the cargo length.

(3) The capacity of the segregated ballast shall be such as to secure propeller immersion with a trim no greater than C_a* in the ballast condition and provided further that the mean draft (d_m) using segregated ballast only can be such as to satisfy the following:
\[ d_m = C_b + C_o L \]

where \( d_m \) is the mean draft in metres and \( L \) is the length in metres as defined in Regulation 11(18) of this Annex.

(4) Any oil tanker which is not subject to the provisions of Regulation 11(2) of this Annex shall be qualified as a segregated ballast tanker referred to in Regulation 11(1)(a) of this Annex provided it complies fully with the requirements of this Regulation.

(5) Where abnormally severe weather conditions render it necessary to carry additional water ballast in oil tanks, such water shall be processed and disposed of in accordance with the requirements of Regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in Regulation 21 of this Annex. All connections between the ship's ballast system and cargo tanks shall be sealed and arranged in such a manner that they may be rapidly brought into operation when necessary. The seal arrangement, however, shall be sufficient to indicate when the seals have been broken.

(6) The ballast condition specified in paragraphs (2) and (3) of this Regulation shall be achieved with bunker tanks empty. * = The constants \( C_a \), \( C_b \) and \( C_c \) are being finalized pending the outcome of model tests.

USSR

(2) and Footnote 33. The text of paragraph (2) to be supplemented with the text suggested in Footnote 33(1).

(3) and Footnote 34. There is no necessity to take into account the constructional peculiarities of tankers fitted with segregated ballast, as the trim of any tanker is defined mainly from conditions ensuring the seaworthiness of vessel. The influence of changing the parameters defining the seaworthiness of large tankers fitted with segregated ballast will be negligible.
Concerning the formula for determining the minimum draught for segregated ballast tankers, it is suggested to adopt the following relation between the forward draught of a tanker and her length:

\[ T_n = KL, \text{ where} \]
\[ L \text{ - is the length of the ship,} \]
\[ K = 0.03 \text{ for tankers of less than 20,000 d.w. tons} \]
\[ K = 0.02 \text{ for tankers of 500,000 d.w. tons} \]
\[ T_n \text{ - forward draught in metres} \]

Intermediate values of K coefficient to be defined by linear interpolation.

(3)(b). All square brackets to be deleted.

(3)(b) and Footnote 35. Apprehension of the possible appearance of "paragraph ships" is groundless, as at the present time the ratio of principal dimensions (L/B; B/T) has approached to optimum values which are governed by other factors, such as ensuring longitudinal strength, speed, reduction of building cost etc.

UNITED KINGDOM

The United Kingdom is not in favour of the proposals in Footnotes 31, 32 and 33. It believes that a more satisfactory formula for defining the minimum segregated ballast requirements should be sought. It suggests that the Conference should take into account in this connection the formula proposed by OCIMP in MP/CONF/8/2 and any other relevant proposals.
REGULATION 14

Segregation of Oil and Water Ballast in Ships Other than Oil Tankers

(1) In new ships, other than oil tankers, of not less than [4,000] tons gross tonnage, no ballast water shall be carried in any oil fuel tank or in any cargo tank which has not been cleaned in compliance with the provisions of Regulation 1(16) of this Annex.

(2) Where abnormal conditions render it necessary to carry ballast water in any oil fuel tank or in any cargo deep tank which has not been cleaned in compliance with the provisions of Regulation 1(16) of this Annex, such ballast water shall be disposed of in shore reception facilities or in accordance with the requirements of Regulation 9(1)(b) of this Annex, and an entry shall be made in the [Oil Record Book].

(3) Except for oil tankers, new ships of less than [4,000] tons gross tonnage and all existing ships shall comply with the requirements of paragraphs (1) and (2) of this Regulation as far as reasonable and practicable.

PROPOSED AMENDMENTS TO REGULATION 14

FEDERAL REPUBLIC OF GERMANY

(1) Replace the words "of not less than [4,000] tons gross tonnage" by "of [4,000] tons gross tonnage and above".

Remarks:
Adjustment to the wording generally used.

NETHERLANDS

(1) and (3): delete brackets around the figures.

NORWAY

(1) Delete the brackets in the second line.

USSR

(1) and (3): Square brackets at figure 4,000 to be deleted.
(2): the words "or floating" to be added after the words "in shore".
REGULATION 15

Retention of Oil on Board

(1) Where it is intended that the control of discharge of oil under Regulation 11 of this Annex shall be effected by the retention of slops and tank washings on board, oil tankers of [150] tons gross tonnage and above shall be provided with arrangements in accordance with the requirements of this Regulation.

(2) The ship shall be provided with adequate means for cleaning the cargo tanks and with means for the transference of the dirty oil ballast residue and washings from the cargo tanks into a slop tank or reception tank approved by the Administration.

(3) (a) In this system arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way that the oil content of any effluent is such as to comply with the provisions of Regulation 9 of this Annex.

(b) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by the tank washings and dirty oil ballast residue but the total shall not be less than [3] per cent of the oil carrying capacity of the ship, except that, where arrangements involving the use of additional water, such as

PROPOSED AMENDMENTS TO REGULATION 15

AUSTRALIA

(3) (a) This provision, as phrased, requires that the transfer of oily waste into a slop tank shall be effected by such arrangements as to ensure that, at the time of transfer, the provisions of Regulation 9 relating to oil content of any effluent shall be complied with. The reason for this is not clear as Regulation 9 applies to discharge into the sea and not to the compilation of wastes being transferred within the confines of a ship.

CANADA

Deleting existing Regulation and substitute the following:

"(1) In order to comply with the provisions of Regulation 11(1) of this Annex, oil tankers shall be provided with adequate means for cleaning the cargo tanks and with means for the transference of the dirty oil ballast residue and washings from the cargo tanks into a slop tank or reception tank approved by the Administration and in this system;

(a) arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way that the oil content of any effluent is such as to comply with the provisions of Regulation 9 of this Annex;

(b) arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by the tank washings and dirty oil ballast residue but the total shall not be less than [3] per cent of the oil carrying capacity of the tanker, except that where arrangements involving the use of additional water, such as eductors, are not fitted the Administration may accept [2] per cent. Oil tankers of [100,000] tons deadweight and over shall be provided with at least two slop tanks;

(c) slop tanks shall be so designed, particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to avoid excessive
eductors, are not fitted the Administration may accept [2] per cent. Oil tankers over [100,000] tons dead-weight shall be provided with at least two slop tanks.

(c) Slop tanks shall be so designed particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with the water.

(d) The tanker shall be fitted with an [automatic] oil content monitoring arrangement approved by the Administration to check the quality of any effluent discharged to the sea in the "once through system" or decanted from any cargo tank, slop tank or reception tank in which ballast water or tank washings are allowed to settle either when the recirculatory system is used or when the discharge of residue to a reception facility specified in Regulation 20 of this Annex is intended. [The meter shall be fitted with a recording device to provide a permanent record of the oil content of the discharge];

(e) an efficient and effective oil/water interface detector approved by the Administration shall be provided for a rapid and accurate determination of the oil/water interface in tanks where the separation of oil and water is effected and from which it is intended to discharge the water direct to the sea; and

(f) the operation of this system shall be in accordance with an operational manual approved by the Administration and intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Regulation 9 of this Annex.

(2) Where the arrangements as required under paragraph (1) of this Regulation are operated in order to retain all contaminated washings and dirty ballast residue on board, with subsequent disposal to a reception facility specified in Regulation 20 of this Annex, the total quantity of oil and water returned to a storage tank or tanks shall be recorded in the Oil Record Book. This total quantity shall be discharged to a reception facility unless adequate provisions are made to ensure that any settled water which is allowed to be discharged to the sea is effectively monitored to ensure that the provisions of Regulation 9 of this Annex are complied with"
(e) An efficient and effective oil/water interface detector approved by the Administration shall be provided for a rapid and accurate determination of the oil/water interface.

(f) The operation of this system shall be in accordance with an operational manual approved by the Administration and intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Regulation 9 of this Annex.

(4) Where it is intended that the control of discharge of oil under Regulation 11 of this Annex shall be effected by the retention of oil on board with subsequent discharge to shore of all contaminated washings, the total quantity of oil and water used for washing and returned to a storage tank shall be recorded in the Oil Record Book. This total quantity shall be discharged to the shore unless adequate arrangements are made to ensure that any settled water which is allowed to run to the sea is effectively monitored to ensure that the provisions of Regulation 9 of this Annex are complied with.

Explanatory Note

This proposal is solely for the purpose of clarifying the text particularly with reference to Regulation 11 as redrafted. It is not to be taken as indicating support for the intent of regulation as originally drafted.

DENMARK

(1) Amend paragraph (3) (b) to read-

"For new oil tankers, the arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by the tank washings and dirty oil ballast residue but the total shall be not less than 3 per cent of the oil carrying capacity of the ship except that, where arrangements involving the use of additional water, such as eductors, are not fitted the Administration may accept 2 per cent. For existing oil tankers, the arrangements shall be the same as for new oil tankers, except where the Administration is satisfied that a slop tank or combination of slop tanks of lesser capacity is such that the oil content of any effluent will comply with the provisions of Regulation 9 of this Annex".

The Danish Government believes that, with the safeguards afforded by Regulation 3 (Equivalents) the percentage figures are quite realistic for new tankers, but submits that-

(a) The provision of at least two slop tanks on oil tankers of over [100,000] tons deadweight is not universally accepted as being the most effective system.

(b) There are a considerable number of existing tankers with slop tanks which, though satisfactory in operation, do not have such a large capacity as those specified for new tankers, and Administrations could be given discretion to approve the continued operation of such tankers without structural alteration.
Delete the square brackets around "automatic" and "The meter shall be ... of the discharge," in sub-paragraph (3) (d) and add a new sub-paragraph between sub-paragraphs (3) (e) and (f) reading as follows:

"Every oil tanker (excluding combination carriers) of 150,000 tons deadweight and above and every combination carrier of 100,000 tons deadweight and above, for which the building contract is placed on or after 1 January 1978 or in the absence of a building contract the keel of which is laid or which is at a similar stage of construction on or after 1 January 1979, or the delivery of which is on or after 1 January 1980, in addition to the requirements of the above-mentioned sub-paragraphs, shall be fitted with an automatic oil discharge control device which can maintain the discharged oil content level below 30 parts per million, an oily water separating device and an automatic recording device to provide a permanent record of the oil content of the discharge which cannot be altered."

NETHERLANDS

(3)(b): the volume and number of sloptanks necessary for the cleaning capacity and the application should be further considered in detail.

(3)(d): delete the square brackets and the words between them appearing in the second line and at the end of this paragraph.

Explanation:

We recognize that it would be an ideal solution if on board all tankers an automatic monitoring arrangement is in operation which will automatically stop pumps and close valves when oil in an effluent exceeds a certain concentration.
However, before making it a requirement in the Convention we prefer a full investigation of the technical possibilities and implications to equip all tankers, the smaller as well as the larger ones, with such an arrangement which has to be fool-proof and fully reliable under all conditions at sea. Otherwise we fear a forced delay in ratification of the Convention until such a requirement, which applies to all tankers and enters into force simultaneously with the Convention, really can be implemented.

For this reason we give preference to a requirement in the Convention for a simple and reliable control system which can be tested and examined quickly and easily to obtain the approval of the Administration.

With respect to the proposal in the last sentence between brackets we would like to remark that a device only recording the oil content of the discharge is of little value, if not simultaneously other information as speed of the ship and rate of discharge is recorded in order to be able to draw any useful conclusions with respect to the instantaneous rate of discharge criterion.

NORWAY

(1) Delete the brackets in the sixth line.

(3) (a) Amend to read: "In this system arrangements shall be provided to transfer the oily waste into two or more slop tanks in such a way that the oil content of any effluent is such as to comply with the provisions of Regulation 9 of this Annex."

Comments: Tests have proved that at least two slop tanks should be provided.
(3)(b) Norway is not in agreement with the proposal that the capacity of the slop tanks shall be based on a certain percentage of the oil carrying capacity. The capacity should be based on the maximum quantity of water in tons per hour used during normal tanks washing procedure at sea. Investigations have shown that the primary slop tank should have a volume at least four times the quantity of water in tons per hour used during normal tank washing procedure. The secondary slop tank should have a volume at least twice the volume of the primary slop tank. The third slop tank should have a volume at least twice the volume of the primary tank. This tank may also be used as a reservoir for driving water to the ejectors and for washing water.

The last sentence in (3)(b) should be deleted. See comments under (3)(a).

(3)(d) Delete the brackets in the first sentence. Delete the last sentence.

OIL COMPANIES INTERNATIONAL MARINE FORUM

References to Regulations 9 and 11 in this Regulation should be changed to Regulations 9(1) and 11(1).

Comment: These changes are consequential upon the division of persistent and non-persistent.

3(b). Delete "Oil tankers over [100,000] tons deadweight shall be provided with at least two slop tanks."

Comment: In the light of the requirement in Para.(2) for slop tanks to be approved by the Administration and the detailed provisions in Para.(3)(a) and (b) this sentence is unnecessary. It could also inhibit development of improved slop handling facilities.

3(d). Delete "automatic" in second line.

Comment: Automatic monitoring is not necessary and in the present state of the art is impractical.
Delete "either when the recirculatory system is used or when the discharge of residue ashore is intended".

Comment: This wording is unnecessary and its retention would be likely to obscure the intention of this paragraph.

Delete "permanent" from nineteenth line and square brackets round last sentence.

Comment: All that is required is a record of the monitored effluent to be retained with the Oil Record Book.

Footnote 37/ This visual indicator should not be required in addition to the monitor.

SWEDEN

Improved requirements for slop tank arrangements should be worked out based on documents PCMP/2/4 and PCMP/2/8.

The question of standardized shore connections for slop tanks should be considered.

A control system connected to the discharging pump could be a simple and effective measure of control for existing ships during a transitional period.

UNITED KINGDOM

It is understood that some existing ships may be unable to meet the requirement in paragraph (3)(b) that the slop tanks should have a minimum capacity of 2% of the oil carrying capacity of the ship. The United Kingdom suggests that discretion should be allowed to administrations to accept less than 2% on existing ships when satisfied that this is necessary.

It is suggested that the opening words of paragraph (3)(d) should be amended to read "the tanker shall be fitted with an instrument, approved by the Administration, which continuously monitors the oil content of any effluent, etc". In the last line of this sub-paragraph the word "permanent" should be amended to "continuous".
PROPOSED AMENDMENTS TO REGULATION 15

USSR

(1): Square brackets at figure 150 to be deleted.

3(b): Square brackets to be deleted. Figure 100,000 to be substituted by 50,000. In the USSR the practical operation of tankers of less than 100,000 tons deadweight has proved the efficiency of two slop tanks for closed cycle tank washing with consequent settling of washings. Based on this practice, the USSR is constructing 50,000 tons deadweight tankers with two slop tanks.

3(d): Square brackets to be deleted.

INTERNATIONAL CHAMBER OF SHIPPING

A. Recommendation

Amend paragraph (3)(b) to read:

"For new oil tankers, the arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by the tank washings and dirty oil ballast residue but the total shall be not less than 2 per cent of the oil carrying capacity of the ship except that, where arrangements involving the use of additional water, such as eductors, are not fitted the Administration may accept 2 per cent. For existing oil tankers, the arrangements shall be the same as for new oil tankers, except where the Administration is satisfied that a slop tank or combination of slop tanks of lesser capacity is such that the oil content of any effluent will comply with the provisions of Regulation 9 of this Annex."

Comment:

ICS believes that, with the safeguards afforded by Regulation 3 (Equivalents) the percentage figures are quite realistic for new tankers, but submits that:
REGULATION 15

PROPOSED AMENDMENTS TO REGULATION 15

(1) The provision of at least two slop tanks on oil tankers of over [100,000] tons deadweight is not universally accepted as being the most effective system, and the requirement should therefore be deleted as being too restrictive on design;

(11) There is a considerable number of existing tankers with slop tanks which, though satisfactory in operation in terms of the discharge criteria in Regulation 9(1)(a) of this Annex, do not have such a large capacity as that specified for new tankers, and Administrations should be given discretion to approve the continued operation of such tankers without structural alteration.

The suggested revised wording is intended to take account of these points.

B. Recommendation

Amend the opening words in paragraph (3)(d) to read:

"The tanker shall be fitted with an oil content monitoring instrument approved by the Administration..."

Comment:

ICS believes that this wording reflects more accurately the intention behind the requirement.
Oil Discharge Monitoring System and Oily Water Separating Equipment in Ships other than Oil Tankers

(1) Any ship of [10,000] tons gross tonnage and above shall be fitted with an oil discharge monitoring system to comply with the provisions of paragraph (5) of this Regulation.28/

(2) Any ship of [400] tons gross tonnage and above shall be fitted with an oily water separating or filtering system complying with the provisions of paragraph (4) of this Regulation.

(3) The Administration shall ensure that ships of less than [400] tons gross tonnage are equipped with installations, as far as practicable, in order to retain on board or discharge oil or oily mixture in accordance with the requirements of Regulation 9(1)(b) of this Annex.40/

28/ Views on the size limitations were widely divided.

29/ Some delegations expressed doubts on the need to include this paragraph.

40/ Some delegations pointed out this paragraph would need improvement as the requirements do not appear fully compatible with Regulation 9(1)(b).

PROPOSED AMENDMENTS TO REGULATION 16

CANADA

(3) Delete existing paragraph and substitute the following:

"The Administration shall ensure that ships of less than [400] tons gross tonnage are equipped with installations, as far as is reasonable and practicable, in order to comply with the discharge criteria specified in Regulation 9(1)(b) of this Annex, or in order to retain waste oil on board for disposal to a reception facility specified in Regulation 20 of this Annex".

Explanatory Note

This change is to clarify the text.

DENMARK:

Delete the words "Oil Discharge Monitoring System and" from the title, and delete paragraphs (1) and (5).

Under paragraph (2) of this Regulation, all but the smallest vessels must be fitted with an approved separator. Separators manufactured in accordance with the specification in Part A of the recommendation annexed to Resolution A.233 (VII) are designed to meet the limit of 100 ppm. Furthermore, there is as yet no solution to the problem of a wide variety of oils passing through an oil monitoring system. The Danish Government therefore submits that the requirement to fit a monitoring system to ships other than tankers of [10,000] tons gross tonnage and above should be withdrawn.

FEDERAL REPUBLIC OF GERMANY

Paragraphs (1) to (3) should read:

"(1) Any [new] ship [of [10,000] tons gross tonnage and above] [and/or] [with a propelling power of [10,000] HP and above] shall [before the expiry of a period of [5] years from the date of the entry into force of the present Convention] be fitted..."
(4) An oily water separating system shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the separator shall have an oil content of not more than 100 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification set out in Part A of the Recommendation annexed to Resolution A.233(VII) adopted by the Assembly of the Organization.

(5) An oil discharge monitoring [and control] system shall be of a design approved by the Administration and shall be such as will ensure that the discharge of oily mixture is automatically stopped when the discharged mixture contains 100 parts per million or more of oil. In considering the design of the oil content meter that is to be incorporated into the design of such a system the Administration shall have regard to the specification set out in Part B of the Recommendation annexed to Resolution A.233(VII) adopted by the Assembly of the Organization. [The meter shall be fitted with a recording device to provide a permanent record of the oil content of the discharge].

(2) Any [new] ship [of [400] tons gross tonnage and above] [and/or] [with a propelling power of [1,000] HP and above] shall [before the expiry of a period of [5] years from the date of the entry into force of the present Convention] be fitted...

(3) The Administration shall ensure that [new] ships [of less than [400] tons gross tonnage] [and/or] [with a propelling power of less than [1,000] HP] are equipped with installations, [as soon and] as far as practicable,..."

Remarks:
The installation of oil discharge monitoring or oily water separating systems in existing ships would cause a lot of work and cost due to the necessary alteration. Besides it seems to be questionable that it could be done in a short time after the entry into force of the convention. These provisions therefore should be limited to new ships or possibly contain a longer period of grace for existing ships.

Regarding the proposed size limits see General Remarks on Annex I.

INTERNATIONAL CHAMBER OF SHIPPING

Recommendation
Delete the words "Oil Discharge Monitoring System and" from the title, and delete paragraphs (1) and (5).

Under paragraph (2) of this Regulation, all but the smallest vessels must be fitted with an approved separator. Separators manufactured in accordance with the specification in Part A of the recommendation annexed to Resolution A.233(VII) are designed to meet the limit of 100 ppm. Furthermore, there is as yet no monitor available or anticipated capable of dealing with the wide variety of oils which may be present in the bunkers or machinery space bilges. ICS therefore submits that the requirement to fit a monitoring system to ships other than tankers of [10,000] tons gross tonnage and above should be withdrawn.
(5) Delete "and control" in first line and from "and shall" in third line to end of first sentence.

Comment: On a practical basis we doubt the need for a control as well as a monitoring system for bilge water or the availability of reliable equipment suitable for this service. Present experience with so-called automatic cut-off devices for this type of service would indicate that they are unreliable and engender a false sense of security in operators. The reference to the recommendation in Part B. 3.1.11 in A.233(VII) adequately covers the position.

Delete "permanent" in penultimate line and delete the square brackets.

Comment: See comment under Regulation 15(3)(d).

Insert new paragraph:
"(6) The equipment specified in this regulation shall be provided before the expiry of [3] years from the date of entry into force of this Convention."

Comment: To complement requirements of Regulation 11(3).

NETHERLANDS

(1) and (5): Delete paragraphs (1) and (5) entirely.

Explanation:
The quantity of residues even in big ships other than oil tankers is so limited that in our view also big ships can suffice with an oily water separating or filtering system as prescribed in para(2).
(1) Delete this paragraph.

Comments: An oily water separator or a filtering system is required by paragraph (2) for any ship of 400 gross tons and above, and a monitoring system is felt to be of no importance.

(2) Delete the brackets in the first line.

(3) Delete the brackets in the second line. In the fourth line delete the wording "as far as practicable.

(4) Delete this paragraph.

Comments: See comments under paragraph (1).

SWEDEN

The provisions of Reg.9(1)(b)(vi) and 16 should be harmonized. Regulation 9 seems to provide for monitoring or separating. Regulation 16 provides for monitoring and separating or filtering for ships of at least 10,000 tons.

UNITED KINGDOM

The United Kingdom sees no need for oil discharge monitoring systems to be fitted to ships which are also fitted with an oily water separating or filtering system. It therefore suggests either that paragraph (1) should be deleted or that there should be a substantial increase in the size limits specified in paragraph (1) so that the requirement applies only to the very largest non-tankers.

USSR

(1), (2), (3) and (5): Square brackets to be deleted.
Tanks for Oil Residues (Sludge)

Every ship of [400] tons gross tonnage and above shall be provided with tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oily residues (sludges) resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces. For all new ships, and insofar as is reasonable and practicable, for all existing ships, such tanks shall be designed and constructed so as to facilitate their cleaning and discharge of residues to reception facilities.

41 Some delegations suggested the use of horsepower of the propelling machinery in lieu of gross tonnage.

PROPOSED AMENDMENTS TO REGULATION 17

FEDERAL REPUBLIC OF GERMANY

This Regulation should read:
"Every ship [of [400] tons gross tonnage and above] [and/or] [with a propelling power of [1000] HP and above] shall..."

Remarks: See General Remarks on Annex I.

NORWAY

Delete the brackets in the first line.

OIL COMPANIES INTERNATIONAL MARINE FORUM

Insert: "Which cannot be dealt with otherwise in accordance with the requirements of this Convention" after "spaces" at the end of the first sentence.

Comments: There are techniques at an advanced state of development which will permit disposal of sludge otherwise than into tanks for disposal ashore. The regulation should permit this type of disposal, the provision of tanks should only be required in the absence of other means of disposal within the terms of the Convention.

USSR

Square brackets at figure 400 to be deleted.
Pumping and Piping Arrangements of Oil Tankers for the Discharge to Reception Facilities or to the Sea

(1) In every oil tanker, pipelines for the discharge of dirty water ballast and/or oil contaminated water to shore or floating reception facilities shall be led to the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for the discharge to the sea of effluent which may be permitted under Regulation 9 of this Annex shall be led to the open deck or to the ship's side above the waterline in the heaviest ballast condition.

(3) In [new] oil tankers remote control of the pumps for discharge pipes referred to in paragraphs (1) and (2) of this Regulation shall be provided at a position where the discharge pipes are under visual supervision.

---

PROPOSED AMENDMENTS TO REGULATION 18

NETHERLANDS

(2): Amend this paragraph to read as follows:

"In every oil tanker all pipelines for the discharge into the sea of oily ballast residue and washings from sloptank(s) or reception tank(s) as required in Regulation 15 of this Annex, shall be led to the open deck or to the ship's side above the waterline in the heaviest ballast condition".

Explanation:

The requirement for a pipeline to be led to the open deck or to the ship's side should be limited to the discharge pipelines from the sloptank(s) only instead of requiring this also for the large ballast discharge lines. The latter has quite an impact on the construction of the tanker and the use of energy for the ship's pumps bearing in mind that also all the clean ballast has to be discharged through these pipelines which moreover if this takes place in ports may cause problems of flooding jetties or objects or small boats alongside or passing nearby the ship.

(3): Amend the paragraph to read as follows:

"In new oil tankers remote control of the pumps or the ship's side valves for discharge pipes referred to in paragraphs (1) and (2) of this Regulation, shall be provided at a position immediately accessible from where the discharge from pipes is under visual supervision".

Explanation:

The requirement should only apply to new tankers. The additional words "immediately accessible from" are suggested in order to obtain a little more flexibility in design. Furthermore as to the last proposed amendment we feel that it is more sensible to keep the discharge from pipes under visual control than the discharge pipes themselves.

NORWAY

The view expressed in Footnote [new] is supported.
PROPOSED AMENDMENTS TO REGULATION 18

OIL COMPANIES INTERNATIONAL MARINE FORUM

We would wish to see the entire Regulation deleted.

Comment:

This Regulation is considered to be unnecessary since:

(a) Discharge ashore is carried out through the ship's cargo lines.

(b) In view of the increased freeboard of segregated ballast ships it may be undesirable to lead lines on to the open deck.

(c) With the requirement for monitoring and recording discharges contained in this Convention, it is unnecessary to require discharges to be above the waterline. Since the lines would be used for discharge of clean ballast in port approaches this could constitute a hazard to other small shipping.

Footnote 42: See Comments above.

UNITED KINGDOM

The United Kingdom does not regard paragraph (3) as satisfactory. It hopes to propose to the Conference a form of words which spells out more precisely the form which visual supervision should take.

USSR

Amend the heading to read - "to Shore or Floating Reception Facilities or to the Sea".

(3): Square brackets at word "new" to be deleted.
REGULATION 19

Standard Shore Connection

To enable pipes of shore reception facilities to be connected with the ship's pipe discharge line for residues from machinery bilges, both lines shall be fitted with a standard shore connection in accordance with the following table:

Standard dimensions of flanges for discharge pipes

<table>
<thead>
<tr>
<th>Description</th>
<th>Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside diameter</td>
<td>215 mm</td>
</tr>
<tr>
<td>Inner diameter</td>
<td>According to pipe outside diameter</td>
</tr>
<tr>
<td>Bolt circle diameter</td>
<td>183 mm</td>
</tr>
<tr>
<td>Slots in flange</td>
<td>6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm</td>
</tr>
<tr>
<td>Flange thickness</td>
<td>20 mm</td>
</tr>
<tr>
<td>Bolts and nuts:</td>
<td>6, each of 20 mm in diameter and of suitable length</td>
</tr>
</tbody>
</table>

The flange is designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, shall be suitable for a service pressure of 6 kg/cm².

PROPOSED AMENDMENTS TO REGULATION 19

OIL COMPANIES INTERNATIONAL MARINE FORUM

This regulation should be made applicable only to ships other than tankers.

Comments:

We strongly doubt the value and practicability of this proposal. For oil tankers it does not seem logical in view of technological improvements in design to restrict the future flexibility of the tanker industry by laying down such detailed standards. Virtually all tankers and oil receiving ports carry a supply of reducers to enable ship connections and shore hoses or discharge pipes to be matched.

USSR

The word "shore" to be deleted in the proposed term describing the connection.
(1) Each Contracting Government shall take appropriate steps to ensure the provision of facilities at oil terminals and in other ports in which ships have oily residues to discharge for the reception of such residues and oily mixtures as remain for disposal from oil tankers and other ships without causing undue delay to ships and according to the needs of the ships using them.

(2) Each Contracting Government shall determine to which of its ports and oil terminals paragraph (1) of this Regulation shall apply.

(3) As regards paragraph (1) of this Regulation each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned all cases where the facilities are alleged to be inadequate.

The term "reception facilities" should be used everywhere in the Convention. Wrong expressions appear at least in Regulations 11(1)(c), 12(2)(a), 14(2) and 18(1).

FINLAND

(1) Insert at the end of paragraph (1) "subject to the provisions of paragraphs (2) and (3) of this Regulation."

(2) Delete existing text of Para (2) and Insert "(2) The facilities provided in accordance with paragraph (1) of this regulation shall apply only to:

(a) All terminals which load crude oil tankers that have prior to arrival completed a ballast voyage of not more than [48] hours or not more than [800] nautical miles.

(b) All terminals which load oils in Category I as defined in Appendix I to this Annex other than crude oil.

(c) All terminals which load oils in Category II as defined in Appendix I to this Annex to the extent that vessels loading therefrom are unable to meet the operational requirements of Regulation 9(2).

(d) All ship repair ports.

(3) The minimum capacity for the shore reception facilities shall be as follows:

(a) Crude loading terminals shall have sufficient shore reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1) from all tankers in short and coastal trades as defined in paragraph 2(a) of this Regulation.

OIL COMPANIES INTERNATIONAL MARINE FORUM

REGULATION 20

PROPOSED AMENDMENTS TO REGULATION 20

(b) Product loading terminals shall have sufficient shore reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1) and 9(2) from all tankers which load oils referred to in Paragraph 2(b) and 2(c) of this Regulation.

(c) All ship repair ports shall be provided with shore reception facilities sufficient to receive all residues and oily mixtures as remain for disposal from pre-repair tank cleaning.

(4) The shore reception facilities prescribed in (2) and (3) shall be made available no later than [ ] years from the date of entry into force of this Convention.

Comment:
These proposals endeavour to put into Convention language the philosophy expressed in detail in the General Remarks in Annex I.

(3): Renumber to (5).
REGULATION 21

Oil Record Book

(1) Every oil tanker of [150] tons gross tonnage and above and every ship other than oil tankers, of [400] tons gross tonnage and above shall be provided with an Oil Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix III of this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

(a) For oil tankers

(1) loading of oil cargo;

(ii) transfer of oil cargo during voyage;

(iii) opening of the sluice valves at the cargo tank bulkheads at the loading terminals;

(iv) discharge of oil cargo;

Some delegations suggested that for smaller ships some simplified form for oil records should be provided by means of either a simplified
Oil Record Book, special entries in the log book or other appropriate means decided by the Administration.

PROPOSED AMENDMENTS TO REGULATION 21

AUSTRALIA

(2) To ensure that the meaning of 'tank-to-tank' is clearly understood, a definition of the term should be introduced into Regulation 1. (A similar definition should also be inserted in Regulation 1 of Annex III).

FINLAND

(4) Amend the final words of the paragraph to: "...In English or French in ships engaged on international voyages."

Remarks:
It is unnecessary to have written entries in an international language in ships engaged only on domestic traffic.

NORWAY

(1) Delete the brackets in the first and second lines.

NOTES

OIL COMPANIES INTERNATIONAL MARINE FORUM

(2)(a)(ii): Delete
Not necessary: see comments relating to Appendix III.

(2)(a)(v): Delete
Not necessary.

USSR

(1). Square brackets at figures 150 and 400 to be deleted.

(2)(a). Square brackets at sub-paragraphs (ii) and (x) to be deleted.
[(v) closing of the sluice valves at the cargo bulkheads at the loading terminals;]

(vi) ballasting of cargo tanks;

(vii) cleaning of cargo tanks;

(viii) discharge of ballast except from segregated ballast tanks;

(ix) discharge of water from slop tanks;

[(x) disposal of residues];

(xi) discharge overboard of bilge water which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(b) For ships other than oil tankers

[(i) ballasting or cleaning of bunker tanks or oil cargo spaces;]

(ii) discharge of ballast or cleaning water from tanks referred to under (i) of this sub-paragraph;

(iii) disposal of residues;

(iv) discharge overboard of bilge water which has accumulated in machinery spaces whilst

(2)(a)(iii). Existing text to be substituted by:
"closing of the sea valves and the valves cutting off cargo piping from the sea valve piping in the pump room when lying alongside the terminal".

(2)(a)(v). Existing text to be substituted by:
"opening of the sea valves and the valves cutting off cargo piping from the sea valve piping in the pump room when lying alongside the terminal". The provisions of the existing text of paragraphs (2)(a)(iii) and (2)(a)(v) will cause an unjustified complication of the form of the Register and increase the number of entries.

The entry concerning the sea valves and cut off valves will serve as an element for control of measures for prevention of oil pollution.

(4) and Footnote 44. Retain the existing text of Paragraph (4).

(5) The period of preservation of the Oil Record Book to be increased to three years, which will correspond to the period within which the investigation of violations should be carried out.

(6) The words "under its jurisdiction" to be substituted by "within its territorial waters".
in port, and the routine
discharge at sea of bilge
water which has accumulated
in machinery spaces.

(3) In the event of such discharge or
escape of oil or oily mixture as is
referred to in Regulation 9 of this
Annex, a Statement shall be made in the
Oil Record Book of the circumstances
of, and the reasons for, the discharge
or escape.

(4) Each operation described in para-
graph (2) of this Regulation shall be
fully recorded without delay in the
Oil Record Book so that all the entries
in the book appropriate to that opera-
tion are completed. Each page of the
book shall be signed by the officer or
officers in charge of the operations
concerned and when the ship is manned,
by the master of the ship. The written
entries in the Oil Record Book shall be
in an official language of the State the
flag of which the ship is entitled to
fly and in English or French.

45/Some delegations suggested the use of
the word "or" in lieu of "and". Other
deglegations suggested that the entry in
the Oil Record Book should be either
English or French, or the national
language and English or French.

45/Some delegations considered that this
requirement should apply to ships above
a certain size which may be either gross
tonnage or deadweight. Other delegations
considered that this requirement should
apply to ships engaged on international
voyages.
(5) Oil Record Books shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(6) The competent authorities of a Contracting Government may inspect on board any ship to which the present Convention applies while within a port or at any loading terminal under its jurisdiction the Oil Record Book required to be carried in the ship in compliance with the provisions of this Regulation, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be unduly delayed.
CHAPTER III

REQUIREMENTS FOR MINIMIZING OIL POLLUTION FROM OIL TANKERS
DUE TO SIDE AND BOTTOM DAMAGES

REGULATION 22

PROPOSED AMENDMENTS TO REGULATION 22

Damage Assumptions

For the purpose of calculating hypothetical oil outflow from oil tankers, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the ship are assumed as follows. In the case of bottom damages, two conditions are set forth to be applied individually to the stated portions of the oil tanker.

(a) Side damage

(1) Longitudinal extent \( t_0 \): \( \frac{2}{3} L_3 \) or 14.5 metres, whichever is less

(11) Transverse extent \( t_0 \): \( \frac{B}{5} \) or 11.5 metres, whichever is less

(inboard from the ship’s side at right angles to the centreline at the level of the summer load line)

(iii) Vertical extent \( v_0 \): from the base line upwards without limit
(b) **Bottom damage**

For 0.3L from the forward perpendicular of ship

Any other part of ship

(1) **Longitudinal extent** ($t_s$):

- $L_0$
- $L_{10} \text{ or } 5$ metres, whichever is less

(ii) **Transverse extent** ($t_g$):

- $B_0 \text{ or } 10$ metres, whichever is less but not less than 5 metres
- 5 metres

(iii) **Vertical extent from the base line** ($v_s$):

- $B_0 \text{ or } 6$ metres, whichever is less
Hypothetical Outflow of Oil

(1) The hypothetical outflow of oil in the case of side damage \((O_c)\) and bottom damage \((O_s)\) shall be calculated by the following formulae with respect to compartments breached by damage to all conceivable locations along the length of the ship to the extent as defined in Regulation 22 of this Annex.

(a) for side damages:

\[
O_c = 2W_1 + 2K_1C_1 \quad (I)
\]

(b) for bottom damages:

\[
O_s = \frac{1}{3} \left( EZ_1W_1 + EZ_1C_1 \right) \quad (II)
\]

where: \(W_1\) = volume of a wing tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; \(W_1\) for a segregated ballast tank may be taken equal to zero,

\(C_1\) = volume of a centre tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; \(C_1\) for a segregated ballast tank may be taken equal to zero,

\(K_1 = 1 - \frac{b_1}{t_c}\); when \(b_1\) is equal to or greater than \(t_c\), \(K_1\) shall be taken equal to zero,
\[ Z_1 = 1 - \frac{h_1}{V_s} \text{ when } h_1 \text{ is equal to or greater than } V_s, \ Z_1 \text{ shall be taken equal to zero,} \]

\[ b_1 = \text{width of wing tank in metres under consideration,} \]

\[ h_1 = \text{minimum depth of the double bottom in metres under consideration; where no double bottom is fitted } h_1 \text{ shall be taken equal to zero,} \]

\[ t_0 = \text{transverse extent of side damage as defined in Regulation 22 of this Annex,} \]

\[ V_s = \text{vertical extent of bottom damage as defined in Regulation 22 of this Annex.} \]

(2) If a void space or segregated water ballast tank of a length less than \( L_0 \) as defined in Regulation 22 of this Annex is located between wing oil tanks, then \( L_0 \) in formula (1) may be calculated on the basis of volume \( W_1 \) being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied

\[ \text{One delegation suggested to extend the formula in this paragraph to supply also to centre tank void spaces.} \]
by \( S_1 \) as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

\[
S_1 = 1 - \frac{L_1}{L_0}
\]

where: \( L_1 \) = length in metres of void space or segregated ballast tank under consideration.

(3) (a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the bottom damage shall be included in formula (II) even if the tank is not considered breached because of the installation of such a partial double bottom.

(c) Suction wells may be neglected in the determination of the value \( h_1 \) provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, \( h_1 \) shall be taken equal to the double bottom height minus the well head height.
Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connexion to the tank served to prevent oil outflow in the event of damage to the piping. Such piping shall be installed as high from the bottom shell as possible.

(4) In the case where bottom damage simultaneously involves four centre tanks, the value of $O_S$ may be calculated according to the formula

$$O_S = \frac{1}{4} (\Sigma Z_i W_i + \Sigma Z_i C_i) \quad (III)$$

(5) An Administration may credit as reducing oil outflow in case of bottom damage, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation, oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of $O_S$ according to formula (III). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the bottom damage $v_S$. 

117
The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other Contracting Governments.
REGULATION 24

Limitation of Size and Arrangement of Cargo Tanks

(1) Every new oil tanker shall comply with the provisions of this Regulation. Every existing oil tanker shall be required, within two years after the date of entry into force of the present Convention, to comply with the provisions of this Regulation, where such a tanker falls into either of the following categories:

(a) a tanker, the delivery of which is after 1 January [1977]; or

(b) a tanker to which both the following conditions apply:

(1) delivery is not later than 1 January [1977] and

(ii) the building contract is placed after 1 January [1972], or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 30 June [1972].

NOTES

47/ The dates shown in this subparagraph require further examination, particularly in view of the fact that some of these dates will be prior to the 1973 Conference.

PROPOSED AMENDMENTS TO REGULATION 24

NORWAY

(1)(a). Delete the brackets.

(1)(b)(i). Delete the brackets.

(1)(b)(ii). The wording should be: "the building contract is placed after 30 June 1974, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 1 January 1975."

Comments: As the dates proposed in (b)(ii) in the draft Convention are prior to the Conference, these dates must be changed.

SWEDEN

Provisions for the extent of damages and spacing of bulkheads should be harmonized with corresponding provisions in other Conventions. In the future work for improvement of the Convention it should be considered if lower figures for the tank size limitation could be introduced.
(2) Cargo tanks of oil tankers shall be of such size and arrangements that the hypothetical outflow $O_C$ or $O_B$ calculated in accordance with the provisions of Regulation 23 of this Annex anywhere in the length of the ship does not exceed 30,000 cubic metres or $400 \frac{2}{3} \text{DN}$, whichever is the greater, but subject to a maximum of 40,000 cubic metres.

(3) The volume of any one wing cargo oil tank of an oil tanker shall not exceed seventy-five per cent of the limits of the hypothetical oil outflow referred to in paragraph (2) of this Regulation. The volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres.

(4) The length of each cargo tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) where no longitudinal bulkhead is provided:

$$0.1L$$

(b) where a longitudinal bulkhead is provided at the centreline only:

$$0.15L$$

(c) where two or more longitudinal bulkheads are provided:

(1) for wing tanks:

$$0.2L$$
(11) for centre tanks:

(a.a) if \( \frac{b_1}{B} \) is equal to or greater than \( 1/5 \):
0.2L

(b.b) if \( \frac{b_1}{B} \) is less than \( 1/5 \):
- where no centreline longitudinal bulkhead is provided:
  \( (0.5 \frac{b_1}{B} + 0.1) \) L
- where a centreline longitudinal bulkhead is provided:
  \( (0.25 \frac{b_1}{B} + 0.15) \) L
REGULATION 25

Subdivision and Stability 48/

(1) Every new oil tanker shall comply with the subdivision and damage stability criteria as specified in paragraph (5) of this Regulation after the assumed side or bottom damage as specified in paragraph (2) of this Regulation, for any operating draught reflecting actual partial or full load conditions consistent with trim and strength of the ship as well as specific gravities of the cargo. Such damage shall be applied to all conceivable locations along the length of the ship as follows:

(a) in ships of more than 225 metres in length, anywhere in the ship's length;

(b) in ships of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located aft. The machinery space shall be treated as a single floodable compartment;

48/ The possible implications of the requirements of this Regulation on the design of segregated ballast tankers should be investigated.

PROPOSED AMENDMENTS TO REGULATION 25

NORWAY

(1) Add a new sub-paragraph (d) reading as follows:

"A ship of more than 150 metres which fulfills the requirements under (a) and (b) above when on summer load line with empty tanks throughout the ship's length, and with no trim and with center of gravity above the base line equal to a homogeneous full-load condition, is regarded to be in compliance with these requirements."

Comments: Based on experience with similar calculations according to Regulation 27 of 1966 Load Line Convention and the IMCO Bulk Chemical Code the proposed clarification is found justified.

OIL COMPANIES INTERNATIONAL MARINE FORUM

Footnote 48: Whilst OCIMF supports the principle behind Regulation 25 further investigations need to be completed and reviewed before it will be possible to comment on this Regulation. We would doubt the wisdom of including the present text without further review and probable amendment.

SWEDEN

See comments under Regulation 24.

USSR

Footnote 48: For the purpose of the present Convention no further investigations should be made on the possible influence of the requirements of this Regulation on the design of segregated ballast tankers. Segregated ballast tankers and non-segregated ballast tankers shall comply with the subdivision and damage stability criteria as specified in Regulation 25.
(c) in ships not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For ships of 100 metres or less in length where all requirements of paragraph (3) of this Regulation cannot be fulfilled without materially impairing the operational qualities of the ship, Administrations may allow relaxations from these requirements.

Ballast conditions where the ship is not carrying oil in cargo tanks excluding any oil residues, shall not be considered.

(2) The following provisions regarding the extent and the character of the assumed damage shall apply:

(a) the extent of side or bottom

49/ Several delegations considered that the adoption of bottom damage length as drafted in Regulation 22(b) of this Annex has resulted in a conflict with the requirements for the spacing of transverse bulkheads as specified in sub-paragraphs (b) and (c) of this paragraph with regard to side damage. Investigations should be made, therefore, on the implications of using the bottom damage length given in Regulation 22(b) in this context, particularly with reference to such damage within forward 0.3L of the ship.
damage shall be as specified in Regulation 22 of this Annex. If any damage of lesser extent
would result in a more severe condition such damage shall be assumed;

(b) where the damage involving transverse bulkheads is envisaged as
specified in sub-paragraphs (1)(a) and (b) of this Regulation, transverse watertight bulkheads shall
be spaced at least at a distance equal to the longitudinal extent of assumed damage specified in
Regulation 22(a)(1) of this Annex, in order to be considered effective. Where transverse bulkheads
are spaced at a lesser distance, one or more of these bulkheads within such extent of damage
shall be assumed as non-existent for the purpose of determining flooded compartments.

Although many delegations preferred the assumed longitudinal extent of side
damage as provided for in the 1960 Safety Convention, it was considered
expedient to use the longitudinal extent referred to in Regulation 22
of this Annex only for the sake of consistency throughout the Marine
Pollution Convention.
(c) Where the damage between adjacent transverse watertight bulkheads is envisaged as specified in subparagraph (1)(c) of this Regulation, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks shall be assumed damaged, unless:

(1) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage specified in Regulation 22(a)(1) of this Annex; or

(11) there is a step or a recess in a transverse bulkhead of more than 3.05 metres in length, located within the extent of penetration of assumed damage: the step formed by the after peak bulkhead and after peak tank top shall not be regarded as a step for the purpose of this Regulation.

(d) If pipes, ducts or tunnels are situated within the assumed extent of damage, arrangements shall be made so that progressive flooding cannot thereby extend to compartments other than those assumed to be floodable for each case of damage.

(3) Oil tankers shall be regarded as complying with the damage stability criteria if the following requirements are met:
(a) The final waterline taking into account sinkage, heel and trim shall be below the lower edge of any opening through which progressive flooding may take place. Such openings shall include air pipes and those which are closed by means of watertight doors or hatch covers, and may exclude those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding shall not exceed 25 degrees, provided that this angle may be increased up to 30 degrees if no deck edge immersion occurs.

(c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre. The Administration shall give consideration to the potential hazard presented by protected or unprotected openings which may become temporarily immersed within the range of residual stability.
(d) The Administration shall be satisfied that the stability is sufficient during intermediate stages of flooding.

(4) The requirements of paragraph (1) of this Regulation shall be confirmed by calculations which take into consideration the design characteristics of the ship, the arrangements, configuration and contents of the damaged compartments as well as distribution, specific gravities and the free surface effect of liquids. The calculations shall be based on the following:

(a) Account shall be taken of any empty or partially filled tank, the specific gravity of cargoes carried, as well as any outflow of liquids from damaged compartments. 51/

(b) The permeabilities are assumed as follows:

51/ Further study should be carried out to assess the effect of outflow of liquids from damaged compartments.
<table>
<thead>
<tr>
<th>Spaces</th>
<th>Permeability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriated to Stores</td>
<td>0.60</td>
</tr>
<tr>
<td>Occupied by Accommodation</td>
<td>0.95</td>
</tr>
<tr>
<td>Occupied by Machinery</td>
<td>0.85</td>
</tr>
<tr>
<td>Voids</td>
<td>0.95</td>
</tr>
<tr>
<td>Intended for consumable liquids</td>
<td>0 or 0.95*</td>
</tr>
<tr>
<td>Intended for other liquids</td>
<td>0 or 0.95**</td>
</tr>
</tbody>
</table>

*/* Whichever results in the more severe requirements.

**/* The permeability of partially filled compartments shall be consistent with the amount of liquid carried.

(c) The buoyancy of any superstructure directly above the side damage shall be disregarded. The unflooded parts of superstructures beyond the extent of damage, however, may be taken into consideration provided that they are separated from the damaged space by watertight bulkheads and the requirements of sub-paragraph (3)(a) of this Regulation in respect of these intact spaces are complied with. Hinged watertight doors may be acceptable in watertight bulkheads in the superstructure.
(d) The free surface effect shall be calculated at an angle of heel of 5 degrees for each individual compartment. The Administration may require or allow the free surface corrections to be calculated at an angle of heel greater than 5 degrees for partially-filled tanks.

(e) In calculating the effect of free surfaces of consumable liquids it shall be assumed that, for each type of liquid at least one transverse pair or a single centre line tank has a free surface and the tank or combination of tanks to be taken into account shall be those where the effect of free surfaces is the greatest.

(5) The Master of every oil tanker and the person in charge of a non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:

(a) information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this Regulation; and

(b) data on the ability of the ship to comply with damage stability criteria as determined by this Regulation, including the effect of relaxations that may have been allowed under sub-paragraph (1)(c) of this Regulation.
Several delegations suggested that consideration should be given to a need for a regulation that appropriate arrangements should be made to provide ashore equipment capable of transferring cargo from compartments in the case of accidents to oil tankers.

Some delegations suggested the inclusion of the following regulation:

"Each new oil tanker [of not less than [size limit]] shall be equipped with self-contained fixed or portable pumping and piping arrangements capable of pumping cargo from the damaged compartment, beginning from the upper layers of the cargo, to another compartment or outside the ship."
PROPOSED AMENDMENTS TO REGULATION 26

OIL COMPANIES INTERNATIONAL MARINE FORUM

It is our submission that this Regulation requires further detailed study. The last-minute inclusion of this item has not permitted detailed examination of the many problems which would be raised by its inclusion in its present form.

It would be our recommendation therefore that the present draft of Regulation 26 be deleted from the convention and the subject given further consideration with a view to its inclusion as a subsequent addition to Annex I or as a New Annex to the 1973 Convention.

UNITED KINGDOM

See comment under Article 2.

53/ Consideration should be given to the extension of Regulation 12 to cover requirements for fixed platforms.

54/ See footnote 21/ under Regulation 9(3) of this Annex.
(4) The discharge shall not contain chemicals or other substances which are hazardous to the marine environment. The discharge shall not contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(5) Paragraph (1) of this Regulation shall not apply to:

(a) the discharge of oil or oily mixture from a stationary ship necessary for the purpose of securing the safety of the structure or saving life at sea; or

(b) the escape of oil or oily mixture resulting from damage to a stationary ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or

(c) the discharge into the sea of substances containing oil, approved by the Administration, when being used as dispersants for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.
(6) Stationary ships shall be equipped, as far as practicable, with installations in order to retain on board or discharge oil or oily mixture in accordance with the requirements of paragraph (1) of this Regulation to the satisfaction of the Administration.

(7) A tank or tanks of adequate capacity shall be provided to receive any oily residues resulting from the purification of oil if such purification is carried out on the stationary ship.

(8) At least one pipeline for the discharge of oil contaminated water to a reception facility, if such discharge is to be made, shall be led to a reasonably accessible area of the stationary ship.

(9) To enable pipes at reception facilities to be connected with the stationary ship's pipe discharge line, if provided, for oily residues, both lines shall be fitted with a standard connection in accordance with Regulation 19 of this Annex.

(10) The Administration shall establish appropriate measures in regard to inspection and survey to ensure that the provisions of this Regulation are complied with.

(11) Every stationary ship shall keep a record of all operations involving oil or oily mixture discharges. [This record shall be in a form acceptable to the Administration.]
(12) The notification procedure set out in Article 7 of the present Convention shall apply to all incidents which have given or may give rise to discharge of oil, exceeding [ ] metric tons. Such reports shall contain details of the description and quantity of oil released or has escaped and any other useful information as appropriate.]
APPENDIX I TO ANNEX I

LIST OF OILS TO WHICH ANNEX I OF THE PRESENT CONVENTION APPLIES

For the purposes of the present Convention, Oil as defined in Regulation 1 of this Annex includes, but is not limited to:

**Asphalt**
- Asphalt Blending Stocks:
  - Roofers Flux
  - Straight Run Residue
- Creosote

**Distillates:**
- Straight Run
- Flashed Feed Stocks

**Gas Oil:**
- Cracked

**Gasoline Blending Stocks:**
- Alkylates
- Reformates

**Gasolines:**
- Casinghead (natural)
- Automotive (containing not over 4.23 grams lead per gallon)
- Aviation (containing not over 4.86 grams lead per gallon)

**Polymers**
- Straight Run

**Jet Fuels:**
- JP-1 (Kerosene)
- JP-3
- JP-4
- JP-5 (Kerosene, Heavy)

**Kerosene**
- Latex, Liquid Synthetic
- Mineral Spirits

**Naphthas:**
- Solvent
- Stockard Solvent

**Varnish Makers & Painters Oils:**
- Clarified
- Crude Oil
- Diesel Oil

**Fuel Oils:**
- No. 1 (Kerosene)
- No. 1-D
- No. 2
- No. 2-D

---

55/ (i) This list was submitted by one delegation. Its contents have not been examined in depth.

(ii) Several delegations suggested that the list should be divided into two categories, one for persistent oils and the other for non-persistent (see the Addendum to footnote 14 under Regulation 9(1)).
Oils (cont'd)  Resinous Petroleum
Fuel Oils: (cont'd)  Rosin
  No. 4  Spindle
  No. 5  Spray
  No. 6  Tall
Residual  Turbine
Road  Petrolatum
Transformer  Petroleum Naphtha
Miscellaneous Oils, including  Waxes:
Absorption  Carnauba
Aromatic  Paraffin
Coal Tar
Heartout Distillate
Lubricating
Mineral Seal
Mineral
Motor
Penetrating
Range

PROPOSED AMENDMENTS TO APPENDIX I

THE NETHERLANDS

Replace the present text by the following:

(1) For the purposes of the present Convention, Oil as defined in Regulation 1 of this Annex is classified into two different categories of substances; i.e. Category I listing oils of a persistent nature and Category II listing oils of a non-persistent nature.

(2) Criteria for categorisation - to be developed.
PROPOSED AMENDMENTS TO APPENDIX I

Netherlands Cont.

(3) Oil as defined in Regulation 1 of Annex I and not listed under either of the two categories below are deemed to belong to Category I for the period of time that such oils are not properly classified by the organisation.

(4) The list of oils belonging to Category I includes, but is not limited to:
   (list on page 59 of the Draft Convention to be taken over)

(5) The list of oils belonging to Category II is as follows:
   (list on page 59 of the Draft Convention to be taken over).

Explanation

This amendment is proposed as a consequence of our proposal to divide oil as defined in Regulation 1 par (1) into two categories.

The difference in the wording between par(4) and par(5) above is made to indicate that the list under Category I is an "open" list which means that if oils are not yet categorised they fall under the provisions in this Annex applicable to Category I substances.

The list of substances under Category II is a restrictive one.

OIL COMPANIES INTERNATIONAL MARINE FORUM

Delete the list of oils in Appendix I and substitute the following:

"Oils in Category I"

Crude Oil
Reconstituted Crude
Topped Crude

Marine Diesel Oils (having less than 50% distilled at 340°C by ASTM Method D86/67)

Blended Marine Diesel Oil
PROPOSED AMENDMENTS TO APPENDIX I

Residual Fuel Oils
- ASTM No. 4 Fuel
- ASTM No. 5 Fuel
- ASTM No. 6 Fuel
- Bunker C.

Asphalts/Bitumen
- Coatings
- Road Oils
- Cutback Bitumen

Lubricating Oils
- Automotive
- Aviation
- Transformer Oils

Lubricating Oil Blend Stocks
- Bright Stocks
- Lubricating Oil Distillates
- Solvent Neutral Oils

Intermediate Process Stocks
- Cat. Cracker Feedstock

Oils in Category II:

Natural Gas Liquids
- Liquified Petroleum Gases

Gasoline
- Automotive
- Aviation
- Marine

Jet Fuels
- JP 1
- JP 3
- JP 4
- JP 5
- Jet A1

Kerosines
- Paraffin
- Domestic Oil
- Tractor Vaporising Oil
- Stove Oil
- ASTM No. 1 Fuel
PROPOSED AMENDMENTS TO APPENDIX I

Distillates
Gas Oils
Automotive Diesel
Heating Oils
Marine Gas Oils
Distillate Diesels (having more than 50% distilled at 340°C by ASTM Method D86/67)

Intermediate and Process Stocks
Gasoline Blending Stocks
Naphthas
Cracked Stocks
Alkylates - Fuel
Polymers - Fuel
Reformates
Petroleum Solvents
White Spirit (PVM Naphtha)
Mineral Spray Oils
Insecticide Spray Bases"

Comment:
See comment on Footnote 14/.

UNITED KINGDOM
See paper MP/CONF/8/18 submitted jointly by the Delegations of Denmark, the Federal Republic of Germany, the Netherlands, Norway and the United Kingdom.
APPENDIX II TO ANNEX I

Forms of International Oil Pollution Prevention Certificates (1973)

A. CERTIFICATE FOR OIL TANKERS

International Oil Pollution Prevention Certificate (1973)
(Oil Tankers)

(Official Seal)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

.................................................................
(full designation of the country)

by

.................................................................
(full designation of the competent person or organization recognized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)
<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Distinctive Number or Letter</th>
<th>Port of Registry</th>
<th>Gross Tonnage</th>
</tr>
</thead>
</table>

Date on which keel was laid or ship was in a similar stage of construction:

..........................

Date of building contract: ..........................................................

Date on which a major conversion is commenced: ..............................

Date of delivery: .................................................................

It is certified that:

(1) The ship is
   (a) required to be constructed according to and complies with
   (b) not required to be constructed according to
   (c) not required to be constructed according to, but complies with
the requirements of Regulation 24 of Annex I of the said Convention.

(2) The capacity of segregated ballast tanks is ........... cubic metres.
   This satisfies the requirements of Regulation 13(3).

* Delete as appropriate

---

36 This part might require amendments, depending on the decision of the Conference on the final text of Regulation 13(3).
(3) The ship is provided with arrangements for:

(a) the load on top system,* 
(b) the retention of oil on board for subsequent discharge ashore,*

and equipped with:

(c) an oil discharge monitoring and control system,*
(d) a specified slop tank.*

THIS IS TO CERTIFY

That the ship has been surveyed in accordance with Regulation 4 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey showed that the condition of the construction and equipment of the ship was in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the said Convention.

* Delete as appropriate
This Certificate is valid until ..................................................
subject to periodical inspection in accordance with
Regulation 4 of Annex I of the said Convention.

Issued at .................................................................
(Place of issue of certificate)

........................................... 19 ..
(Date of issue)

........................................... (Signature of official issuing
the certificate and/or seal of
issuing authority)

If signed, the following paragraph is to be added:
The undersigned declares that he is duly authorized
by the said Government to issue this Certificate.

Periodical inspections

This is to certify that at a periodical inspection required by
Regulation 4(1)(c) of Annex I of the said Convention, this ship
was found to comply with the relevant provisions of the said
Convention.

Place .................................................................
Signature and/or Seal of issuing authority

Date .................................

Place .................................................................
Signature and/or Seal of issuing authority

Date .................................

The provisions of the Convention being fully complied with by this ship,
the validity of this certificate is, in accordance with Regulation 8(2)
of Annex I of the Convention, extended until ..................................................

Place .................................................................
Signature and/or Seal of issuing authority

Date .................................
B. CERTIFICATE FOR SHIPS OTHER THAN OIL TANKERS

International Oil Pollution Prevention Certificate (1973)
(Ships other than Oil Tankers)

(Official Seal)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

.................................................................
(full designation of the country)

by

.................................................................
(full designation of the competent person or organization recognized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Distinctive Number or Letter</th>
<th>Port of Registry</th>
<th>Gross Tonnage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Type of ship: .................................................................

Date on which keel was laid or ship was in a similar stage of construction: .................................................................

Date of building contract: .................................................................

Date of which a major conversion is commenced: .................................................................

Date of delivery: .................................................................
It is certified that the ship is equipped with a system.

THIS IS TO CERTIFY

That the ship has been surveyed in accordance with Regulation 4 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey showed that the condition of the construction and equipment of the ship was in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the said Convention.

Particulars of requirements from which exemption is granted under Regulation 2(2) and 2(4)(b) of Annex I of the Convention:


This Certificate is valid until subject to periodical inspection in accordance with Regulation 4 of Annex I of the said Convention.

Issued at (Place of issue of certificate)

19 (Date of issue)

(Signature of official issuing the certificate and/or seal of issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorised by the said Convention to issue this Certificate.
Periodical inspections

This is to certify that at a periodical inspection required by Regulation 4(1)(e) of Annex I of the said Convention, this ship was found to comply with the relevant provisions of the said Convention.

Place ................................................ Date ................................
Signature and/or Seal of issuing authority

Place ................................................ Date ................................
Signature and/or Seal of issuing authority

The provisions of the Convention being fully complied with by this ship, the validity of this certificate is, in accordance with Regulation 8(2) of Annex I of the Convention, extended until ....................................

Place ................................................ Date ................................
Signature and/or Seal of issuing authority

PROPOSED AMENDMENTS TO APPENDIX II

ANTHILLIA

(A. Certificate for Oil Tankers)

- (1) Entry (3)(b) on the proposed form impliedly queries, on its face the basic ability of a tanker to operate as a tanker: The term 'retention of oil on board' should be identified with the method specified in Regulation 15.

(ii) To distinguish what has been described as arrangements, as opposed to equipment, it would be preferable to have proposed entries (3)(c) and (d) separately included in a forth group, i.e.

(4) The ship is equipped with:
(a) an oil discharge monitoring and control system*
(b) a specified slop tank*

(b. Certificate for ships other than Oil Tankers)

- The reference to exemptions granted under Regulation 2(2) appears to be erroneous, and should be deleted.
APPENDIX III TO ANNEX I

FORM OF OIL RECORD BOOK

I - FOR OIL TANKERS

<table>
<thead>
<tr>
<th>Name of ship</th>
<th>Total cargo carrying capacity of ship in cubic metres</th>
<th>Voyage from... to...</th>
</tr>
</thead>
</table>

(a) Loading of oil cargo

| 1. Date and place of loading |  |
| 2. Types of oil loaded |  |
| 3. Identity of tank(s) loaded |  |

(b) Transfer of oil cargo during voyage

| 4. Date of transfer |  |
| 5. Identity of tank(s) | i | From |
| | ii | To |
| 6. Was(were) tank(s) in 5(i) emptied? |  |

(c) Discharge of oil cargo

| 7. Date and place of discharge |  |
| 8. Identity of tank(s) discharged |  |
| 9. Was(were) tank(s) emptied? |  |

The draft is a reproduction of the Form as adopted in A.175(VI) and would require amendments in the light of draft Regulation 21 of this Annex. It may be found expedient to add some provision in Appendix IV to allow Contracting Governments to accept a simplified form of oil record book for very small ships, mainly on coastal voyages. The need for this depends upon the minimum size of ships to be specified in Regulation 21 of this Annex.
(d) **Ballasting of cargo tanks**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Identity of tank(s) ballasted</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Date and position of ship at start of ballasting</td>
<td></td>
</tr>
</tbody>
</table>

(e) **Cleaning of cargo tanks**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Identity of tank(s) cleaned</td>
</tr>
<tr>
<td>13.</td>
<td>Date and duration of cleaning</td>
</tr>
<tr>
<td>14.</td>
<td>Methods of cleaning*</td>
</tr>
</tbody>
</table>

(f) **Discharge of dirty ballast**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15.</td>
<td>Identity of tank(s)</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Date and position of ship at start of discharge to sea</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Date and position of ship at finish of discharge to sea</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Ship's speed(s) during discharge</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Quantity discharged to sea</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Date and port of discharge into shore reception facilities (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

*Hand hosing, machine washing or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.
(g) **Discharge of water from slop tanks**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22.</td>
<td>Identity of slop tank(s)</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Time of settling from last entry of residues, or</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Time of settling from last discharge</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Date, time and position of ship at start of discharge</td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Sounding of total contents at start of discharge</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Sounding of interface at start of discharge</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Bulk quantity discharged and rate of discharge</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Final quantity discharged and rate of discharge</td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Date, time and position of ship at end of discharge</td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>Ship's speed(s) during discharge</td>
<td></td>
</tr>
<tr>
<td>32.</td>
<td>Sounding of interface at end of discharge</td>
<td></td>
</tr>
</tbody>
</table>

(h) **Disposal of residues**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>33.</td>
<td>Identity of tank(s)</td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td>Quantity disposed from each tank</td>
<td></td>
</tr>
</tbody>
</table>
| 35. | Method of disposal of residues:  
   (a) Reception facilities  
   (b) Mixed with cargo  
   (c) Transferred to another(other) tank(s) (identify tank(s))  
   (d) Other, method |   |
| 36. | Date and port of disposal of residue |   |
(i) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces (including pump rooms) whilst in port:

<table>
<thead>
<tr>
<th>37. Port</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>38. Duration of stay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39. Quantity disposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40. Date and place of disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41. Method of disposal (state whether a separator was used)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(j) Accidental or other exceptional discharges of oil:

| 42. Date and time of occurrence |   |   |
| 43. Place or position of ship at time of occurrence |   |   |
| 44. Approximate quantity and type of oil |   |   |
| 45. Circumstances of discharge or escape and general remarks |   |   |

.................................................... Signature of Officer or Officers in charge of operation concerned

.................................................... Signature of Master

* Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "automatic discharge from bilges through separator".
II - FOR SHIPS OTHER THAN OIL TANKERS

Name of ship: 

(a) Ballasting or cleaning of bunker fuel tanks

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Identity of tank(s) ballasted</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Whether cleaned since they last contained oil and, if not, type of oil previously carried</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Date and position of ship at start of cleaning</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Date and position of ship at start of ballasting</td>
<td></td>
</tr>
</tbody>
</table>

(b) Discharge of dirty ballast or cleaning water from tanks referred to under (a)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Identity of tank(s)</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Date and position of ship at start of discharge</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Date and position of ship at finish of discharge</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Ship's speed(s) during discharge</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Method of discharge (state whether separator used)</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Quantity discharged</td>
<td></td>
</tr>
</tbody>
</table>

(c) Disposal of residues

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>Quantity of residue retained on board</td>
<td></td>
</tr>
</tbody>
</table>
| 12. | Methods of disposal of residue:  
   (a) reception facilities  
   (b) mixed with next bunkering  
   (c) transferred to another(other) tank |   |
| 13. | Date and port of disposal of residue |   |
(d) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port

<table>
<thead>
<tr>
<th>14. Port</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Duration of stay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Quantity disposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Date and place of disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Method of disposal (state whether separator was used)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) Accidental or other exceptional discharges of oil

<table>
<thead>
<tr>
<th>19. Date and time of occurrence</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Place or position of ship at time of occurrence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Approximate quantity and type of oil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Circumstances of discharge or escape and general remarks</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*****************************************************************************

Signature of Officer or Officers in charge of operations concerned

*****************************************************************************

Signature of Master

- Where the pump starts automatically and discharges, through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through a separator".
The basic content of the attachment is that which appears in the IMO Assembly Resolution A.175(VI). However certain additions and modifications have been included and the reasons for them are listed hereunder.

1. Sectional Signature Requirements.

Whereas the requirement that signatures of the Officer in charge of the operation and the Master together with the date of entry at the end of each sub-section may appear onerous, there are nevertheless practical considerations which indicate that their inclusion is necessary against a single set of signatures at the end of a complete cycle (items 1 through 54).

In explanation Items 1 through 54 will inevitably cover a period of time the duration of which in turn will depend upon the voyage or trade of the vessel. On many vessels a time period in excess of two months may be involved between the entry in Item 1 and the subsequent entry in Item 54.

It is common practice amongst many Companies nowadays to relieve Masters and Chief Mates at the first port following completion of their stipulated sea service period.

This means that on many occasions more than one Master and one Chief Mate may be involved in a cycle of operations (1-54), and it does not seem reasonable that one man should sign as to the authenticity of entries completed at an earlier stage by another — as the Form as laid down in Resolution A.175(VI) presently requires him so to do.

1.1 As to the date whereas ideally each part of each Sub-Section should be completed as the operation called for is completed, in practice it is more reasonable to suppose that each Sub-Section will be completed as soon as the Sub-Section operation is completed.

This seems to be an essential requirement if the entries are in any way to reflect accurately that which took place rather than that which was later thought to have taken place.

The date of entry under each Sub-Section is seen to reinforce the necessity for early completion after the event and when accuracy is still ensured.

2. User Instructions

It would seem to be desirable that the Record Book should contain on the fly leaf certain instructions, in practical language, regarding the completion of entries.

Such instructions should stress:

a) the importance of completing the required entries as soon after the event as is practicable

b) that the entries should deal with matters of fact only
c) that in making an entry the person concerned should at a future date and if called upon to do so, be able to speak in corroboration of the entry in question.

d) that entries made should be regarded as being the vessel's defence against allegations of contravention of the requirements

e) that the Oil Record Book should be treated in the same manner as the Official Log Book and any corrections to entries should be erased by a single line through the previous entry and initialled by the person making the correction.

f) all entries should be made in ink or ballpoint pen.

2.1 Since it may be uncertain as to whether a vessel will be provided with a copy of the Convention or the Flag State's Legislation, it would seem sensible that the "basic" requirements of the Convention are also included in the Instructions as they affect tankers together with the definition of "Nearest Land".

2.2 The Instructions at the end of the form are self-explanatory. However some explanation for the need of an original and tear out duplicate and triplicate carbon copies may be necessary.

The concept of the triplicate copy which may be removed by a Flag or other State Administration Official is to ensure that any copy removed from a vessel truly represents the entries on the original. This is seen to be a matter of some importance in the Master's defence in the event of proceedings against the vessel.

The concept of the duplicate copy being forwarded to the Owner is to involve him in the proper operation of pollution abatement requirements and in house monitoring of vessel pollution abatement practices.

3. Entry Comments

3.1 Items 10-11

The addition of the word "cargo" clearly indicates that segregated ballast tanks are not being considered.

Again Items 10-11 have been altered slightly to reflect the fact that tankers in a number of instances take at the discharge berth ballast sufficient only to allow them to leave the berth and sail. Clear of port they then ballast down to sea passage requirements.

Clearly this involves two separate instances when sea valves are opened and it is felt these should be recorded.

Item 10 therefore deals with the initial departure ballast and Item 11 covers the taking on of the remainder of the ballast whilst Item 11a identifies the tanks in the second operation.

3.2 Item 27, 32.

It is not at all certain as to whether the term "interface" is so common as to be commonly understood without some reference to the fact that it refers to the interface between the oil or oily mixture and the settled water. Inclusion of "oil residue" is aimed at clarifying this.
3.2 Item 35
The inclusion of "incoming" is further clarification.

3.3 Item 37/45
This is a new content Section covering disposal of clean ballast not contained in the INCO format.

3.4 Item 53
Inclusion of the word "discharged" clarifies that it is oil lost to the sea which is being talked about in this Item.

3.5 Item 54
There is a tendency to overlook sometimes that the knowledge of those exclusively dealing with oil pollution matters is common knowledge. That which is judged by a seaman under the stress of an incident may not in fact be what an Administration official requires to know remote from the incident.

The additions to this item are aimed therefore at conditioning the thoughts of a person making the entry towards recording the type of information sought.
Delete form of Oil Record Book for Tankers and substitute the following:

**OIL RECORD BOOK**

**TANKERS**

- **Name of ship** ..................................................
- **Total cargo carrying capacity of ship in cubic metres** ..................................

(a) **Loading of oil cargo**

<table>
<thead>
<tr>
<th>1. Date and place of loading</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Types of oil loaded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Identity of tank(s) loaded</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Date of entry** ......................... ........................... **Signature of Officer in charge of operation**

(b) **Transfer of oil cargo during voyage** .................................................. **Signature of Master**

<table>
<thead>
<tr>
<th>4. Date of transfer</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Identity of tank(s)</td>
<td>1 From</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11 To</td>
<td></td>
</tr>
<tr>
<td>6. Was (were) tank(s) in 5(i) emptied?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Date of entry** ......................... ........................... **Signature of Officer in charge of operation**

(c) **Discharge of oil cargo** ................................................................. **Signature of Master**

<table>
<thead>
<tr>
<th>7. Date and place of discharge</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Identity of tank(s) discharged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Was (were) tank(s) emptied?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Date of entry** ......................... ........................... **Signature of Officer in charge of operation**

(d) **Ballasting of cargo tanks** ............................................................ **Signature of Master**

<table>
<thead>
<tr>
<th>10. Identity of cargo tank(s) following discharge</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Date and position of ship at start of ballasting additional cargo tanks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11a Identity of cargo tanks ballasted</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Date of entry** ......................... ........................... **Signature of Officer in charge of operation**

................................................................. **Signature of Master**
(n) Cleaning of cargo tanks

<table>
<thead>
<tr>
<th></th>
<th>Identity of tank(s) cleared</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Dates and duration of cleaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Methods of cleaning*</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.</td>
<td></td>
</tr>
</tbody>
</table>

Date of entry ........................................ Signature of Officer in charge of operation

(i) Discharge of dirty ballast ........................ Signature of Master

<table>
<thead>
<tr>
<th></th>
<th>Identity of tank(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Date and position of ship at start of discharge to sea</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Date and position of ship at finish of discharge to sea</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Ship's speed(s) and true course during discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Quantity discharged to sea</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Quantity polluted water transferred to slop tank(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Identity slop tank(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Date and port of discharge into shore reception facilities (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.</td>
<td></td>
</tr>
</tbody>
</table>

Date of entry ........................................ Signature of Officer in charge of operation

................................. Signature of Master

* Hand hosing, machine washing (portable or fixed) or chemically cleaned, the chemical concerned and the amount used should be stated.
(n) Discharge of water from slop tank(s)

<table>
<thead>
<tr>
<th>22.</th>
<th>Identity of slop tank(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.</td>
<td>Time of settling from last entry of residues, or</td>
</tr>
<tr>
<td>24.</td>
<td>Time of settling from last discharge</td>
</tr>
<tr>
<td>25.</td>
<td>Date, time and position of ship at start of discharge</td>
</tr>
<tr>
<td>26.</td>
<td>Sounding of total contents at start of discharge</td>
</tr>
<tr>
<td>27.</td>
<td>Sounding of Oil residue interface at start of discharge</td>
</tr>
<tr>
<td>28.</td>
<td>Bulk quantity discharged and rate of discharge</td>
</tr>
<tr>
<td>29.</td>
<td>Final quantity discharged and rate of discharge</td>
</tr>
<tr>
<td>30.</td>
<td>Date, time and position of ship at end of discharge</td>
</tr>
<tr>
<td>31.</td>
<td>Ship's speed(s) and true course during discharge</td>
</tr>
<tr>
<td>32.</td>
<td>Sounding of oil residue interface at end of discharge</td>
</tr>
</tbody>
</table>

Date of entry .................................. Signature of Officer in charge of operation

(h) Disposal of residues .................................. Signature of Master

<table>
<thead>
<tr>
<th>33.</th>
<th>Identity of tank(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>34.</td>
<td>Quantity disposed from each tank</td>
</tr>
<tr>
<td>35.</td>
<td>Method of disposal of residues: (a) Reception facilities (b) Mixed with incoming cargo (c) Transferred to another (other) tank(s) (identity tank(s)) (d) Other method</td>
</tr>
<tr>
<td>36.</td>
<td>Date and port of disposal of residue</td>
</tr>
</tbody>
</table>

Date of entry .................................. Signature of Officer in charge of operation

.................................. Signature of Master
(i) Disposal of clean ballast contained in cargo tanks

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>37. Date and position of vessel at commencement of discharge of clean ballast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38. Identity of tank(s) discharged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39. Was (were) the tank(s) empty on completion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40. Position of vessel on completion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41. Date and port of final discharge of clean ballast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42. Identity of tank(s) discharged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43. Was any part of the discharge conducted during darkness, if so, for how long</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44. Was a regular overboard check kept on the state of the sea in the locality of the discharge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45. Was any oil observed on the sea near the discharge during the operation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date of entry ........................................ Signature of Officer in charge of operation

........................................ Signature of Master

(ii) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces (including pump rooms) whilst in port*

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>46. Part</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47. Duration of stay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48. Quantity disposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49. Date and place of disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50. Method of disposal (state whether a separator was used)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date of entry ........................................ Signature of Officer in charge of operation

........................................ Signature of Master

* The routine discharge at sea of bilge water containing any oil from machinery spaces including pump room bilges need not be entered in the oil record book but, if not, it must be entered in the appropriate log book, stating whether or not the discharge was made through a separator. Where the pump starts automatically and discharges through a separator at all times it will be sufficient to enter each day "Automatic discharge from bilges through separator".
(h) Accidental or other exceptional
discharges of oil

<table>
<thead>
<tr>
<th></th>
<th>Date and time of occurrence</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>52.</td>
<td>Place or position of ship at time of occurrence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>53.</td>
<td>Approximate quantity and type of oil discharged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54.</td>
<td>Circumstances of discharge or escape and general remarks (i.e. direction of oil movement away from vessel, wind, tide etc.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of entry</th>
<th>Signature of Officer in charge of operation concerned</th>
<th>Signature of Master</th>
</tr>
</thead>
</table>

INSTRUCTIONS

The Original of this Form is to remain on board for a period of two years from the last date of entry.

The Duplicate Copy should be detached on completion of a cycle (items 1-54) and forwarded to the Owner.

The Triplicate Copy may be detached by an Official of the Administration of the Flag State or other Signatory Government who is authorized under the Convention to make copies of entries in the Oil Record Book.

In this case the Master must obtain the signature of the Official concerned in the space below.

<table>
<thead>
<tr>
<th>DATE</th>
<th>PORT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SIGNATURE OF OFFICIAL

TITLE, POSITION

STATE

USSR

The measurement units to be used in Items 13, 19, 20, 23, 24, 28, 29, 31, 34, 38, 39, 44 of the form of Oil Record Book for tankers and Items 8, 10, 11, 12, 15, 16, 21 of the form of Oil Record Book for ships other than oil tankers, should be stated.
INTERNATIONAL CONFERENCE
ON
MARINE POLLUTION
1973

Text of draft
International Convention
for the Prevention of Pollution
from Ships, 1973, together with the
comments from Governments and
International Organisations
on the Draft Text

30/32, St. Mary Axe,
London, EC3A 8ET

September, 1973
The following additions and amendments should be made. These include comments the text of which was not issued until after the completion of the document. As reproduction has been limited to one side of the sheet, amendment slips may, if desired, be prepared.

**Regulation 2 (2) (FRANCE)**

**Comment:** The present text does not cover all situations. A ship may, without carrying a cargo of oil be carrying residues whose discharge is unauthorised (if it is in a special area for example): it must be subject to the relevant provisions of Annex I.

**Regulation 3 (3) (FRANCE)**

**Comment:** The contracting Governments "involved" should be defined.

**Regulation 5 (1) (FRANCE)**

**Note 5.**

**Comment:** The proposed addendum is unnecessary (take comment from Annex I).

**Regulation 5 (1)(a)**

**Comment:** The word "barges" has not been defined (same comment for Regulation 5(2)(a), Regulation 5(3)(a) and Regulation 11 and 20).

**Regulation 5 (2)**

Replace "however such mixtures may be discharged when" by "except when".

**Comment:** Consistency with the wording of Regulation 9 in Annex I. (Same comment for Regulation 5(3)).

.../....
Regulation 6.(c) (FRANCE)

Delete "when used for that purpose under the supervision of that Government".

Comment: Provision inapplicable in practice. The wording of this Regulation 6 must be brought in line with that of Regulation 10 of Annex I.

Regulation 8 (2)(a) (FRANCE)

Comment: The purpose of the second sentence is not clear.

Regulation 10 (2)(b) (FRANCE)

Comment: The present wording is not clear, as it even seems to apply to tankers which are not fitted with spaces for the carriage of noxious substances in bulk.

Appendix I

Comment: Explain the notation TLM.
INTERNATIONAL CONFERENCE
ON
MARINE POLLUTION
1973

Text of draft
International Convention
for the Prevention of Pollution
from Ships, 1973, together with the
comments from Governments and
International Organisations
on the Draft Text

30/32, St. Mary Axe,
London, EC3A 8E7

September, 1973
ANNEX II - REGULATIONS FOR THE CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

REGULATION 1

DEFINITIONS

For the purposes of this Annex:

(1) "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk.

(2) "Clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Categories A, B or C, has been cleaned and the residues resulting therefrom have been discharged in accordance with the appropriate requirements of Regulation 5 of this Annex.

(3) "Nearest land" is as defined in Regulation 1(9) of Annex I to the present Convention.

(4) "Liquid substance" means a substance having a vapour pressure not exceeding 2.8 kg/cm² at a temperature of 37.8°C.

(5) "Noxious substance" means a harmful substance other than oil, sewage or garbage as defined in Annexes I, IV and V respectively.

PROPOSED AMENDMENTS TO REGULATION 1

CANADA

(5)

Include in this definition the word "liquid" as follows, and in subsequent regulations as appropriate:

"(5) 'noxious liquid substance' means a harmful liquid substance other than oil, sewage or garbage as defined in Annexes I, IV and V respectively."

Explanatory Note

The wording should conform to the title of Annex II wherever possible.

DENMARK, FEDERAL REPUBLIC OF GERMANY, FINLAND, SWEDEN & POLAND (Identical comments submitted individually):-

New sub-paragraph added, Cf. Annex I, Regulation 1(10) -

"(6) '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 noxious liquid substances in bulk is required. Special areas are those listed in Regulation 5 A of this Annex."

Obligations for all Coastal States to provide adequate reception facilities for ships operating in the Baltic Sea Area will be laid down in a regional agreement.
SPAIN

Paragraph 1 - line 3, line 6. Delete the word "noxious".

UNITED KINGDOM

"Noxious substance": Bearing in mind that before a substance becomes subject to the requirements of the Annex it must be listed in Appendix II or provisionally assessed as falling into Category A, B or C under Regulation 3(3), it is possible to be specific in the definition of a noxious substance. The following is suggested:

"'Noxious substance' means any harmful substance designated in Appendix II to this Annex or provisionally assessed under the provisions of Regulation 3(3) as falling into Category A, B or C."

U.S.S.R.

This Regulation to be supplemented with the following definitions:
"'Stationary ship' means a ship which fulfils her functions on a fixed position in accordance with her design."

"'Special Area' means a sea area where, for recognized technical reasons in relation to its oceanographic and ecological conditions and to its peculiar transportation traffic, the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances in bulk is required. Special Areas are those listed in Regulation 5A of this Annex."
REGULATION 2

Application

(1) Unless expressly provided otherwise the provisions of this Annex shall apply to all ships carrying noxious liquid substances in bulk [other than stationary ships 1/ for which only Regulation 12 of this Annex shall apply].

(2) Where chemical tankers carry a cargo of oil and/or discharge oil or oily mixtures the relevant requirements of Annex I shall also apply.

Delete phrase in square brackets. (If this phrase should be retained "Regulation 12" shall be substituted by "Regulations 1, 2, 3, 4, 6, 11 and 12").

Remarks:

In contrast to Annex I it seems to be unnecessary to have special provisions for stationary ships with respect to noxious liquid substances in bulk, for those substances are unlikely to be found in the marine environment or subsoil or generated on stationary ships or platforms. Therefore the general provision of Reg. 12 refers almost only to ships lying at anchor.

NORWAY

(1)
Delete the square brackets.

SPAIN

The provisions of this Annex apply to all ships carrying or containing liquid substances in bulk.

U.S.S.R.

Paragraph (1) and footnote 1/ See proposition to Regulation 1, regarding "Stationary Ship".

1/ The term "stationary ships" might need to be improved. Further consideration should also be given to the implications of extending the requirements for fixed platforms to other stationary craft.
(1) For the purpose of the Regulations of this Annex, except Regulation 11, noxious liquid substances shall be divided into three categories. The guidelines used in the categorization of noxious substances are given in Appendix I to this Annex:

(a) Category A - Substances which if released into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of special measures to prevent their escape into the marine environment.

(b) Category B - Substances which when released into the sea from tank cleaning or deballasting operations may present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures.

(c) Category C - Substances which when released into the sea from tank washing and deballasting operations may present a minor hazard to either marine resources or human health or cause minor harm to amenities or other uses of the sea and therefore require special operational conditions.

CANADA

(1) Rerword the paragraph preceding sub-paragraph (a) as follows:

"For the purpose of the Regulations of this Annex, except Regulation 11, noxious liquid substances shall be divided into three categories using the following guidelines and those given in Appendix I to this Annex."

Explanatory Note

Regulations 3(3) and 4(1) refer back to Regulation 3(1) and suggest that sub-paragraphs (a) (b) and (c) of Regulation 3(1) form part of the guidelines used in the categorization of the substances.

DENMARK

Delete the square brackets in paragraph (3).

The Danish Government agrees that until agreement is reached on the categorization of any given substance, it should be carried under the most severe conditions proposed. As a consequence, however, it is felt essential that all substances known to be carried in bulk by sea should be evaluated before the convention enters into force, only new substances would then require subsequent evaluation.
REGULATION 3

(2) The list of noxious liquid substances carried in bulk and presently categorized which are subject to the provisions of this Annex is set out in Appendix II to this Annex.

(3) Where it is proposed to carry a liquid substance in bulk, which has not been categorized under paragraph (1) of this Regulation, nor evaluated as referred to in Regulation 4 of this Annex, the Contracting Governments involved shall establish and agree on a provisional categorization on the basis of the guidelines referred to in paragraph (1) of this Regulation and thus establish conditions for the carriage of the substance. [Until full agreement between the Governments involved has been reached, the substance shall be carried under the most severe conditions proposed]. As soon as possible, but not later than 90 days after its first carriage, the Administration concerned shall notify the Organization and provide details of the substance and the provisionally assigned category for prompt circulation to all Contracting Governments for their information and consideration 2/.

PROPOSED AMENDMENTS TO REGULATION 3

EGYPT

(3): Three categories are recognized, namely, "A, B and C" for the segregation of noxious liquid substances i.e. those requiring prevention from escape to the sea (A); those only requiring special anti-pollution measures prior to their release (B); or those with minor pollution aspects and therefore requiring special operational conditions (C).

In all cases, our comments have special emphasis on the following parameters set up for such categorization or division:

- Hazards to marine resources.
- Hazards to human health.
- Harm to amenities and for legitimate uses of the sea.

1. Though we would go along with such parameters in general, they would seem rather limited in the pollution sense and therefore would need further extension or elucidation to cover the requisites of natural self-purification processes and their possible interference with such agencies in one way or another. It would also be desirable to elucidate the question of their effects on marine resources, which should be defined as toxicity to fish, and toxicity to other aquatic life including tainting in all cases. Accordingly, the scope of the suggested parameters might collectively cover the following:

A. Interference with aerobic biological processes.
B. Interference with anaerobic biological processes.
C. Toxicity to fish including tainting and accumulation.
D. Toxicity to other aquatic life including tainting and accumulation.
E. Direct and cumulative hazards on humans including amenities.

Such a spectrum would in turn need a redefinition of noxious liquid chemicals in accordance with a finer adjustment to resolve the effects of casual and continuous release of noxious liquid chemicals close to territorial waters at depths over 25 metres (i.e. within the limits of most coastal-shelf waters). In entertaining this view, the Egyptian Government would request a more precise definition for each chemical.

2/ This paragraph should be reviewed in the light of Article 17(3)(c).
PROPOSED AMENDMENTS TO REGULATION 3

6.

substance liable to be carried in a liquid form and therefore would require tank washing following its carriage. A formula denoting the status of the chemical substance in question would specify its outreaching effects on the marine environment (from A to D) or on the human factor as the ultimate beneficial user of the marine environment (E).

2. In turning to Appendix I another totally different parameter has been suggested for classification based on the "TL_m" values. Besides being a very limited parameter, originally based on laboratory evaluation and hard to determine or control outside the laboratory, it is reputed for toxic or median tolerance levels (50% fish kill rates) by a given substance thus denoting to one angle of the pollution picture. It may be well reputed as a suggestive parameter for human hazards, since fish are more sensitive creatures and of a smaller size than men and they also have a wider exposure liability to toxic effects in their environment than man. Other interferences are liable to occur from a given chemical with regard to aerobic and anaerobic biological processes, as well as damage to aquatic life other than fish. All of these have been overlooked when relying on the "TL_m" criterion. It may be worthy to stress the fact that serious pollution may arise from continuous discharge of chemical washings which interfere with natural pheromones and atmospheric oxygen saturation levels in sea water, or interfere with bacterial activities responsible for biological degradation processes.

3. In reviewing the list of noxious substances recorded in Appendix II, certain alterations are suggested on the basis of actual toxicity or tolerable limits acceptable in water. Furthermore, a few additional substances are suggested (see Table 1).

4. In studying the list of liquid substances carried in bulk and which supposedly can be regarded as presenting negligible or no harm as pollutants (Appendix III), some 28 chemicals were found to cause fish toxicity and according to the "TL_m" parameter these should be shifted to Appendix II. The listing of such chemicals is herewith attached (Table 2).
<table>
<thead>
<tr>
<th>Substance</th>
<th>UN number</th>
<th>Pollution category</th>
<th>Residual conc.</th>
<th>Change to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acrylic acid</td>
<td></td>
<td>(C)</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Alkyl benzene sulphonate:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. straight chain</td>
<td></td>
<td>C</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>b. branched chain</td>
<td></td>
<td>B</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Benzene (benzole)</td>
<td>1114</td>
<td>C</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>* Benzyl bromide</td>
<td></td>
<td>C</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>* Butyl acrylate</td>
<td></td>
<td></td>
<td></td>
<td>(B)</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
<td>1846</td>
<td>B</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>* Dichlorobutane</td>
<td></td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Formaldehyde (37-50% solution)</td>
<td>1198</td>
<td>C</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Hydrofluoric acid (40% aqueous)</td>
<td>1790</td>
<td>B</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Hydrogen peroxide (greater than 60%)</td>
<td>2015</td>
<td>C</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Phenol</td>
<td>1671</td>
<td>B</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>* Surfactants</td>
<td></td>
<td></td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Toluene diisocyanate</td>
<td>2078</td>
<td>(B)</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>* to be added</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 2

**Chemicals known to cause fish toxicity**

<table>
<thead>
<tr>
<th>Chemicals</th>
<th>Chemicals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetone</td>
<td>Methyl alcohol</td>
</tr>
<tr>
<td>Acetonitrile</td>
<td>Methyl methacrylate</td>
</tr>
<tr>
<td>Adiponitrile</td>
<td>iso-octane</td>
</tr>
<tr>
<td>Alum 15%</td>
<td>Olive oil</td>
</tr>
<tr>
<td>Sec-Butyl acetate</td>
<td>Oxalic acid</td>
</tr>
<tr>
<td>iso-butyl acrylate</td>
<td>Propionic acid</td>
</tr>
<tr>
<td>N-Butyl acrylate</td>
<td>Propionic anhydride</td>
</tr>
<tr>
<td>chlorohydrins</td>
<td>n-Propyl alcohol</td>
</tr>
<tr>
<td>Diethanolamine</td>
<td>Titanium tetrachloride</td>
</tr>
<tr>
<td>Diethylene glycol</td>
<td>Ethyl acetate</td>
</tr>
<tr>
<td>Ethyl acetate</td>
<td>Ethyl alcohol</td>
</tr>
<tr>
<td>Ethylene glycol</td>
<td>Ethylene glycol</td>
</tr>
<tr>
<td>Formic acid</td>
<td>Glycerine</td>
</tr>
<tr>
<td>Glycerine</td>
<td>n-heptane</td>
</tr>
<tr>
<td>n-heptane</td>
<td>n-hexane</td>
</tr>
<tr>
<td>Hydrochloric acid</td>
<td>Lactic acid</td>
</tr>
</tbody>
</table>

Designate the drafted paragraph (2) as sub-paragraph (2)(a) and add a new sub-paragraph (b) as follows:

"(b) For the special areas a special categorization is set out in Appendix II to this Annex."

Remarks:

Cf. New Regulation 5A.

Delete square brackets in paragraph (3).

Remarks:

An arrangement for the time when full agreement has not yet been reached is necessary.

FINLAND

This Annex deals with "noxious liquid substances" and this wording should be used everywhere. Wrong expressions appear at least in Regulations 3(heading), 5(heading) and 6(a, b and c).

ICS

Recommendation
Delete the square brackets in paragraph (3).

Comment
ICS accepts that until agreement is reached on the categorization of any given substance, it should be carried under the most severe
ICS (Contd.)

conditions proposed. As a consequence, however, it is felt essential that all substances known to be carried in bulk at sea should be evaluated before the convention enters into force; only new substances would then require subsequent evaluation. ICS offers its assistance in preparing a comprehensive list of substances currently being transported by sea in bulk.

NORWAY

(1) (o) In the seventh line the wording should be: ".... or other legitimate uses of the sea ..."

(3) Delete the square brackets.

SPAIN

(3) Delete the square brackets.

UNITED KINGDOM

(3)

1. The sub-paragraph appears to presuppose that a substance will be categorized as A, B or C; it may, of course, be assessed as falling into Appendix III. Suggest substitute on page 96, line 2, "assessment" for "categorization", and in lines 8/9 "provisional assessment" for "provisionally assigned category".

2. In view of Article 17(3)(c) delete "for prompt circulation to all Contracting Governments for their information and consideration".

3. United Kingdom proposes the deletion of the square brackets.
(1) The substances listed in Appendix III to this Annex have been evaluated and found falling outside the Categories A, B and C as defined in Regulation 3(1) of this Annex because they, when released into the sea from tank washing or debalasting operations, are presently considered to present negligible or no harm to human health or marine resources or amenities or other legitimate uses of the sea.

(2) The discharge of bilge or ballast water or other residues or mixtures containing substances referred to in paragraph (1) above shall not be subject to any requirements of this Annex.\(^2\)

---

\(^2\) One delegation expressed the view that this paragraph should be reviewed to ensure that it is compatible with the Ocean Dumping Convention.

PROPOSED AMENDMENTS TO REGULATION 4

It is proposed that paragraph (2) should be deleted and replaced by the following paragraphs:

"(2) Subject to the provisions of Regulation 6 of this Annex, the discharge into the sea of substances listed in Appendix III to this Annex shall be prohibited. However, bilge or ballast water, or other residues or mixtures containing those substances may be discharged into the sea provided that such mixtures have been satisfactorily diluted."

NOTE: The purpose of the underlining of words and phrases is to indicate the proposed changes in text.

"(3) Regulations 10 and 11 of this Annex do not apply to ships that carry the substances listed in Appendix III to this Annex but non-compliance with those Regulations shall not derogate from the application to such ships of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, in so far as that Code is applicable."

Explanatory Note

The substances listed in Appendix III were evaluated and so listed on the basis that they would only be discharged into the sea after adequate dilution had taken place so as to render such substances "harmless" to the marine environment. It is to be noted that almost 60 percent of the substances listed in Appendix III have a hazard profile rating in the TLM range between 100 and 1,000 p.p.m. and it is considered that the proposed amendment is necessary to provide for stricter control over the discharge into the sea of those substances.

The introduction of the proposed paragraph (3) will require that the handling of cargoes that are substances as listed in Appendix III shall be recorded in the Cargo Record Book. Also, this proposed paragraph gives clarification that although construction requirements do not apply with respect to pollution prevention some of these substances are "dangerous chemicals" and as such fall within the scope of the Bulk Chemical Code.

CANADA
Sub-paragraph (2) refers to the discharge of mixtures containing Appendix III products but not to the substances themselves which are equally not covered by the provisions of Annex II. Suggest delete (2) and add a sentence to (1) in more general terms, e.g.:

"Such substances are not subject to any requirement of this Annex."

(1)(b)

This provision poses problems of implementation. Apart from the question of what should be regarded as 'adequate' further dilution, the manner in which a significant 'reliable calculation' can be executed creates difficulties.

(2)(b) and (c), (3)(b) and (c)

It is submitted that these provisions are incapable of practicable implementation pending the outcome of the studies proposed in draft Resolution 4. In the interim, a more satisfactory control would be achieved by replacing these specific provisions with a general provision relating to tanks being as empty as practicable and subsequent dilution with water of volume not less than 'x'% tank volume - similar to Regulation 5(1). It is appreciated that the only difference between the treatment of substances in Categories B and C would then comprise,
REGULATION 5

4/ Concentrations of 0.01% by weight for bioaccumulative substances and 0.1% by weight for other substances are to be specified in Appendix II.

5/ Some delegations suggested the insertion of the following words at the beginning of this sentence:

"Without prejudice to more stringent regulations which a coastal State may make [within the limits of national jurisdiction / in respect of areas under its jurisdiction / in respect of waters under its jurisdiction]."

PROPOSED AMENDMENTS TO REGULATION 5

AUSTRALIA (Contd.)

possibly, the percentage volume for water dilution.

Any amendment to these provisions would require consequential amendments to Regulations 8(4)(b)(ii) and 8(6).

CANADA

5(2)(b)

It is proposed that sub-paragraph (b) should be reworded in line with the Canadian proposal for the introduction of Guidelines on Procedures for Cleaning Tanks that have Contained Category B or C Substances and from which the reference to the concentration of the substance would be changed to read "the concentration of the substance immediately before discharge into the sea does not exceed 1,000 parts per million".

5(3)(b)

It is proposed that sub-paragraph (b) should be reworded in line with the Canadian proposal for the introduction of Guidelines on Procedures for Cleaning Tanks that have Contained Category B or C Substances and from which the reference to the concentration of the substance would be changed to read "the concentration of the substance immediately before discharge into the sea does not exceed 10,000 parts per million".

5(4)

It is proposed that the present wording be deleted and replaced by the following:

"(4) Where ventilation procedures are used to remove cargo residues from a tank such procedures shall be approved by the Administration and shall be to the satisfaction of the Contracting Government of the State where those procedures are used. If subsequent washing of the tank is necessary the discharge into the sea of the resulting tank washings shall be in accordance with paragraph (1), (2) or (3) of this Regulation, whichever is applicable."
(b) the procedures and arrangements for discharge shall be such as to assure the Administration on the basis of reliable calculation, that the concentration of the substance shall be adequately further diluted when it reaches the wake immediately astern of the ship;

(c) discharge is made below the water-line, taking into account the location of the seawater intakes; and

(d) the discharge is made at a distance of not less than [12] nautical miles from the nearest land in a depth of water of not less than [25] metres.

(2) The discharge into the sea of substances in Category B, as defined in Regulation 3(1)(b) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. However, such mixtures may be discharged when the following conditions are all satisfied ³/:

6/ Some delegations felt that the Contracting Government of a receiving State should be substituted for the Administration.

7/ See draft Resolution 4.

8/ See footnote 5.

PROPOSED AMENDMENTS TO REGULATION 5

CANADA (Contd.)

Explanatory Note

It is suggested that ventilation procedures shall be to the satisfaction of the Government of the receiving State as such procedures will require to be specially considered from the point of view of subsequent pollution of the atmosphere.

Further, after venting off the cargo residues the tank may have to be washed to complete the cleaning procedure and consideration must be given to any possible polluting effect of the resulting tank washings.

DENMARK, FINLAND, SWEDEN, FEDERAL REPUBLIC OF GERMANY AND POLAND

(a) Start this Regulation reading:

"Subject to the provisions of Regulations 5A and 6 of this Annex, ."

Remarks:

Reference to the proposed new Regulation 5A. Particular weight shall be given to such special factors that may result in greater harm if a substance is released into a special area than into other waters.

The special categorization for the Special Areas should be carried out by upgrading all Category A substances to Category AO, all Category B substances to Category A and all Category C substances to Category B.

(b) Insert a new paragraph (4) as follows:

"(4) Ships while operating in a special area, shall be subject to appropriate additional requirements of Regulation 5A of this Annex."

Renumber paragraphs (4) to (6) as (5) to (7).
REGULATION 5

(a) the ship is proceeding en route at a speed of at least 7 knots [4 knots for barges];

(b) procedures and arrangements for the discharge shall be such as to assure the Administration on the basis of reliable calculation, that the concentration of the substance discharged may be expected not to exceed 1 part per million in the wake immediately astern of the ship;

(c) the maximum quantity of cargo discharged into the sea from each tank and its associated piping system does not exceed [1] cubic metre or [1/3,000] of the tank capacity in cubic metres, whichever is the greater;

(d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and

(e) the discharge is made with the ship not less than [12] nautical miles from the nearest land and in a depth of water of not less than [25] metres.

PROPOSED AMENDMENTS TO REGULATION 5

DENMARK, FINLAND, SWEDEN, FEDERAL REPUBLIC OF GERMANY AND POLAND (Contd.)

Remarks:

It is desirable to indicate in Regulation 5 that the special categorization for special areas shall be observed by ships operating in such areas.*

(c) Add a new Regulation 5A.*

(1) The heading should read:

"Special Areas and related requirements."*

Remarks:


(11) Paragraph (1) should read:

"(1) For the purpose of this Annex "special areas" shall include the Baltic Sea Area."*

Remarks:

Cf. Annex I, Regulation 12, paragraph (1)(a), cf. Annex I, Regulation 9(2).*

(111) Paragraph (2) should read:

"(2) For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of the Skaw in the Skagerrak."*

Remarks:

Cf. Annex I, Regulation 12, proposed new sub-paragraph (3)(a).*

The border line is the same as that used in Regulation 51 of the International Convention on Load Lines 1966.
(3) The discharge into the sea of substances in Category C, as defined in Regulation 3(1)(c) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. However, such mixtures may be discharged when the following conditions are all satisfied 10/:

(a) the ship is proceeding en route at a speed of at least 7 knots [4 knots for barges];

(b) procedures and arrangements for the discharge shall be such as to assure the Administration on the basis of reliable calculation that the concentration of the substance discharged may be expected not to exceed [10 parts per million] 12/ in the wake immediately astern of the ship;

7/ See draft Resolution 4.
10/ See footnote 5.
11/ See footnote 6.
12/ (i) The criteria specified in sub-paragraphs (b), (c) and (e) of paragraphs (2) and (3) of this Regulation are interdependent and must be considered in relation to each other.

(ii) One delegation was of the opinion that for a figure of 3 cubic metres in sub-paragraph (c) below, this concentration should be limited to 3 ppm.

DENMARK, FINLAND, SWEDEN, FEDERAL REPUBLIC OF GERMANY AND POLAND (Contd.)

(iv) Paragraph (3) should read:

"(3) For the special areas an additional Category AO is established. Discharge into the sea of Category AO substances is prohibited within the Special Areas *"

Remarks:

Proposed new provision for proposed new Category AO.

(v) Paragraph (4) should read:

"(4) Ships, while operating in the special areas shall observe the special categorization of noxious liquid substances set out in Appendix II, Column IIa, to this Annex."*

Remarks:

Cf. Annex I, Regulation 12, paragraphs (1)(c) and (3)(b)*

FINLAND

See comments under Regulation 3.

ICS

Recommendation: delete all square brackets.

Comment: ICS believes that all the figures concerning the conditions under which discharge is permitted are realistic and should be supported.

Recommendation: Reword the eighth, ninth and tenth lines of both paragraph (2) and (3) as follows:

"such substances shall be prohibited except when all the following conditions are satisfied:"

(ics)
REGULATION 5

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed [3] cubic metres or [1/1,000] of the tank capacity in cubic metres, whichever is the greater;

(d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and

(e) the discharge is made with the ship not less than [12] nautical miles from the nearest land and in a depth of water of not less than [25] metres.

(4) Approved ventilation procedures may be used to remove cargo residues from a tank provided that the Administration is satisfied that the results of such procedures will be at least equivalent to those obtained by the requirements of paragraphs (1), (2) or (3) of this Regulation, whichever is applicable.

(5) The discharge of substances which have not been categorized, provisionally categorized, or evaluated as referred to in Regulation 4 of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

(6) The discharge of clean ballast shall not be subject to the requirements of this Regulation.

PROPOSED AMENDMENTS TO REGULATION 5

ICS (Cont'd.)

Comment: ICS suggests that this wording is neater than that in the draft and is in line with the language used in Regulation 9 of Annex I.

THE NETHERLANDS

(2)(b)

We doubt whether it is feasible to realize procedures and arrangements on board with which this criterion of 1 ppm in the wake can be achieved. A more realistic approach would be to study what is the maximum possible and feasible on board with regard to procedures and arrangements for discharging substances in residues and then to consider whether the result is acceptable for the marine environment from the pollution point of view. The Netherlands will try to undertake such a study and will try to submit the results to the Conference. At any case we consider it dangerous to lay down a criterion of which we do not know yet whether ever arrangements and procedures can be carried out on board with which this criterion can be achieved.

SPAIN

(2)(c)

The maximum quantity of cargo discharged into the sea on each trip shall not exceed 1 cubic metre, or (1/3000) of the cargo in cubic metres of the tanker, if the latter volume is the greater.

(3)(c)

The maximum quantity of cargo discharged into the sea on each trip shall not exceed 3 cubic metres, or (1/1000) of the cargo in cubic metres of the tanker, if the latter volume is the greater.
PROPOSED AMENDMENTS TO REGULATION 5

NORWAY

(1) Delete the brackets in the last sentence. The view expressed in footnote 5 is not supported.

(1)(a) Delete the brackets.
(1)(b) The view expressed in footnote 6 is not supported.
(1)(d) Delete the brackets.
(2)(a) Delete the brackets
(2)(c) Delete the brackets.
(2)(e) Delete the brackets.
(3)(a) Delete the brackets.
(3)(b) Delete the brackets.
(3)(c) Delete the brackets.
(3)(e) Delete the brackets.

UNITED KINGDOM

1. United Kingdom would agree to the deletion of all square brackets.

2. Page 100, line 3: substitute "or" for "as".

3. To be consistent with Annex I, Regulation 9, amend lines 4/5 on page 100 to, "such substances shall be prohibited except when all the following conditions are satisfied". Similarly in Regulation 5(3).

U.S.S.R.

Taking into consideration that substances in Category A present an essential hazard to human health or marine resources and that the majority of these substances are bioaccumulative, it is proposed to prohibit any discharge into the sea of substances in Category A or mixtures containing such substances in any concentration.

Accordingly, it is suggested to set forth Regulation 5 as follows:
U.S.S.R. (Contd.)

"Subject to the provisions of Regulation 6 of this Annex,

(1) The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited regardless of their concentrations.

If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a slop tank and retained aboard a ship to discharge them into shore or floating reception facilities.

(2) The discharge into the sea of substances in Category B, as defined in Regulation 3(1)(b) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited.

Without prejudice to more stringent regulations which a coastal State may make within the limits of national jurisdiction such mixtures may be discharged when the following conditions are all satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots (4 knots for barges);

(b) procedures and arrangements for the discharge shall be such as to assure the Administration on the basis of reliable calculation that the concentration of the substance discharged may be expected not to exceed 1 part per million in the wake immediately astern of the ship;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed 1 cubic metre or 1/3,000 of the tank capacity in cubic metres, whichever is greater;

(d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and
U.S.S.R. (Contd.)

(e) the discharge is made with the ship not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(3) The discharge into the sea of substances in Category C, as defined in Regulation 3(1)(c) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited.

Without prejudice to more stringent regulations which a coastal State may make within the limits of national jurisdiction such mixtures may be discharged when the following conditions are all satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots (4 knots for barges);

(b) procedures and arrangements for the discharge shall be such as to assure the Administration on the basis of reliable calculation that the concentration of the substance discharged may be expected not to exceed 10 parts per million in the wake immediately astern of the ship;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed 3 cubic metres or 1/1,000 of the tank capacity in cubic metres, whichever is the greater;

(d) the discharge is made below the waterline, taking into account the location of the sea water intakes; and

(e) the discharge is made with the ship not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.
U.S.S.R. (Contd.)

(4) Approved ventilation procedures may be used to remove cargo residues in Category B or C from a tank provided that the Administration is satisfied that the results of such procedures will be at least equivalent to those obtained by the requirements of Paragraphs (2) or (3) of this Regulation, whichever is applicable.

(5) The discharge of substances which have not been categorized, provisionally categorized, or evaluated as referred to in Regulation 4 of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

(6) The discharge of clean ballast shall not be subject to the requirements of this Regulation.

(7) Ships while operating in a special area, shall be subject to appropriate additional requirements of Regulation 5A of this Annex.

Footnotes 5, 6, 7, 8, 9, 10. Comments of the footnotes are taken into account in the above text of Regulation 5.

Annex II to be supplemented with the following Regulation:

REGULATION 5A

Special Areas and related requirements for prevention of pollution by noxious liquid substances carried in bulk.

(1) For the purpose of this Annex "Special Areas" shall include the the Baltic Sea Area.

(2) For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak.
U.S.S.R. (Contd.)

(3) Subject to the provisions of Regulation 6 of this Annex, the discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited regardless of their concentration.

(4) The discharge into the sea of substances in Category B, as defined in Regulation 3(1)(b) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited.

Without prejudice to more stringent regulations which a coastal State may make within the limits of national jurisdiction, such substances on decreasing their concentration to the level specified below in subparagraph (b) of this Paragraph and subsequent dissolution by addition of a volume of water of not less than 5% of the total volume of the tank, may be discharged to the sea when all the following conditions are also satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots (4 knots for barges);

(b) the procedures and arrangements for discharge shall be such as to assure the Administration on the basis of reliable calculation, that the concentration is below of 0.1% of the substances weight in the wake immediately astern of the ship;

(c) discharge is made below the waterline, taking into account the location of the seawater intakes; and

(d) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of not less than 25 metres.
REGULATION 5

PROPOSED AMENDMENTS TO REGULATION 5

U.S.S.R. (Cont'd.)

(5) The discharge into the sea of substances in Category C, as defined in Regulation 3(1)(b) of this Annex or those provisionally categorized as such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited. However, such mixtures may be discharged when provisions of Regulation 5(2) of this Annex are all satisfied.

REGULATION 6

PROPOSED AMENDMENTS TO REGULATION 6

Exceptions

Regulation 5 of this Annex shall not apply to:

(a) the discharge of noxious substances or mixtures containing such substances, necessary for the purpose of securing the safety of the ship or saving life at sea; or

(b) the escape of noxious substances or mixtures containing such substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or

CANADA

6(b)

It is proposed that subparagraph (b) should be worded as follows:

"(b) the escape into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment if all reasonable precautions have been taken,

(1) to avoid the damage to the ship or its equipment, and

(11) to prevent or minimize the escape: or"

Explanatory Note

It is considered that reasonable precautions must be observed at all times to avoid accidental escape of noxious liquid substances. The proposed amendment emphasises the need for continuing awareness of this responsibility.
(5) The discharge into the sea of substances in Category C, as defined in Regulation 3(1)(b) of this Annex or those provisionally categorised in such or ballast water, tank washings, or other residues or mixtures containing such substances, shall be prohibited. However, such mixtures may be discharged when provisions of Regulation 5(2) of this Annex are all satisfied.

SWEDEN

(1) "The discharge ... and the tank is as empty as technically possible. Provided that etc. ...".

Explanatory Note: Amendment proposed in order to be sure that the total amount of Category A substances discharged into the sea will be as small as technically possible.

(c) "the maximum ... not exceed 0.6 metre or 1/5000 of the tank capacity in cubic metres, whichever is the greater;"

Explanatory Note: Proposed amended figures are still much higher than those in Annex I.

(3)(b) "procedures etc. ... not to exceed 3 part per million in the wake ..."

(3)(c) "the maximum etc. ... 1 cubic metre of [1/3000] of the tank capacity."
REGULATION 6

Exceptions

Regulation 5 of this Annex shall not apply to:

(a) the discharge of noxious substances or mixtures containing such substances, necessary for the purpose of securing the safety of the ship or saving life at sea; or

(b) the escape of noxious substances or mixtures containing such substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape; or

PROPOSED AMENDMENTS TO REGULATION 6

CANADA

6(b)

It is proposed that subparagraph (b) should be reworded as follows:

"(b) the escape into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment if all reasonable precautions have been taken,

(1) to avoid the damage to the ship or its equipment, and

(11) to prevent or minimize the escape; or"

Explanatory Note

It is considered that reasonable precautions must be observed at all times to avoid accidental escape of noxious liquid substances. The proposed amendment emphasises the need for continuing awareness of this responsibility.
Insert the following text:

"The notification procedures set out in article 7 of the present Convention shall apply to all incidents which have given or may give rise to discharge of substances of category B exceeding \( \frac{1}{3} \) m\(^3\) or of substances of category C exceeding \( \frac{2}{3} \) m\(^3\).

Explanation

We propose this text as a complement of article 7 since we feel that a certain quantification is necessary in order to avoid that even the smallest quantity has to be reported. The quantities suggested above for category B and C substances are those which in the present text of regulation 5(2)(c) and (3)(c) are permitted to be discharged into the sea as a maximum from each tank.

U.S.S.R.

Footnote 13: Regulation "Reports on Incidents Involving Release or Escape of Noxious Substances" should not be included in Annex II. Article 7 of the Convention would suffice.

\[13\] Depending on the final text of Article 7 to be adopted by the Conference, there might be a need to include appropriate requirements in this Annex.
REGULATION 6

(c) the discharge into the sea of noxious substances approved by a Contracting Government for the purpose of combating a specific pollution incident, when used for that purpose under the supervision of that Government, with a view to minimizing the possible general damage from the pollution.

PROPOSED AMENDMENTS TO REGULATION 6

FINLAND

See comments under Regulation 3.

FEDERAL REPUBLIC OF GERMANY

Add "and 12" after "Regulation 5".

Remarks:
The exceptions of Regulation 6 have to be extended to cover stationary ships as they are generally under the same weather and sea conditions as ships en route.

REGULATION[ ]

Reports on Incidents Involving Release or Escape of Noxious Substances 13/

PROPOSED AMENDMENTS TO REGULATION [ ]

THE NETHERLANDS

Insert the following text:
"The notification procedures set out in article 7 of the present Convention shall apply to all incidents which have given or may give rise to discharge of substances of category B exceeding 1/7 m³ or of substances of category C exceeding 1/5 m³.

13/ Depending on the final text of Article 7 to be adopted by the Conference, there might be a need to include appropriate requirements in this Annex."
**Explanation**

We propose this text as a complement of article 7 since we feel that a certain quantification is necessary in order to avoid that even the smallest quantity has to be reported. The quantities suggested above for category B and C substances are those which in the present text of regulation 5(2)(c) and (3)(c) are permitted to be discharged into the sea as a maximum from each tank.

**U.S.S.R.**

Footnote 13: Regulation "Reports on Incidents Involving Release or Escape of Noxious Substances" should not be included in Annex II. Article 7 of the Convention would suffice.

**PROPOSED AMENDMENTS TO REGULATION 7**

**ICCS**

ICS would stress the import nature of the obligation which paragraph (1) places on Contracting Governments. The provision of reception facilities for substances in Category A is a prerequisite for the continued carriage of those substances. In certain areas shore reception facilities will also be required for cargoes in Categories B and C. Shipowners are anxious that the necessary facilities, which are at present very scarce, should be provided without undue delay, since failure to do so could greatly hamper or even inhibit the carriage of Annex II cargoes by sea, and might delay the entry into force of the Convention - to the detri-
men of all concerned - since acceptance of Annex II is implicit in acceptance of the Convention.
REGULATION 7

(b) ship repair ports undertaking repairs to chemical tankers shall be provided with facilities adequate for the reception of residues and mixtures containing noxious substances for disposal.

PROPOSED AMENDMENTS TO REGULATION 7

SPAIN

(2) Each Contracting State shall determine to which ports, terminals and ship repair ports paragraph (1) of this Regulation shall apply and shall notify the Organization accordingly.

(3) As regards paragraph (1) of this Regulation each Contracting Government shall report to the Organization for transmission to the Contracting Governments concerned, all cases where facilities are alleged to be inadequate.
Each Contracting Government shall appoint or authorise Surveyors whose duties shall include the inspection of ships for the purpose of implementing this Regulation.

Category A Substances

(1) If a tank is partially unloaded or unloaded but not cleaned, the Master shall make an appropriate entry in the Cargo Record Book;

(b) All subsequent cargo operations carried out in connexion with that tank shall also be entered in the Cargo Record Book.

(2) If the tank is to be washed:

(a) The effluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of cargo in the discharge, as indicated by analyses of samples of the effluent taken by the Surveyor, has fallen to the residual concentration specified for that substance in Appendix II to this Annex. When the required residual concentration has been achieved, any remaining tank washings shall be discharged to the reception facility. Appropriate entries, (e.g., residual concentrations, tank washings discharged to the reception facility, etc.) of these operations shall be made in the Cargo Record Book and certified by the Surveyor.

Regulation 8 (1)(a)

It is proposed that the wording of subparagraph (a) should be changed to read as follows and conformity of wording established with other paragraphs and Regulation 9:

"... ... ... , the Master or officers in charge of the operations shall make an appropriate entry in the Cargo Record Book, and"

Explanatory Note

It is considered that uniformity of wording is required in Regulations 8 and 9 to establish responsibility for persons who are to make the appropriate entries in the Cargo Record Book. It is noted that in Regulation 9(4) the officers in charge of the operations and the Master are required to sign each page of the record book.

Regulation 8(1)(b)

It is suggested that subparagraph (b) should be changed to read as follows:

"(b) Until that tank is cleaned, every subsequent pumping or transfer operation carried out in connection with the tank shall also be entered in the Cargo Record Book".

Explanatory Note

The words "subsequent cargo operations" should be deleted because the tank could be affected by operations that were not related to cargo pumping or transfer, for example, the tank could be ballasted.
REGULATION 8

(b) After diluting the residue then remaining in the tank with at least 5% of the tank capacity of water, this mixture may be discharged at sea in accordance with the provisions of Regulation 5(1)(a), (b), (c) and (d) of this Annex. Appropriate entries of these operations shall be made in the Cargo Record Book.

(3) Where the Contracting Government of the receiving state is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Contracting Government may accept an alternative procedure as being equivalent to subparagraph (a) above, provided that:

(a) a precleaning procedure for that tank and that substance has been developed and the Contracting Government is satisfied that such procedure will fulfil the provisions of Regulation 5(1) of this Annex.

(b) a surveyor duly authorised by the Contracting Government shall certify in the Cargo Record Book that:

(i) the tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved precleaning procedure as referred to in paragraph (ii) below has been based;

PROPOSED AMENDMENTS TO REGULATION 8

Regulation 8(2)(a)
It is proposed that subparagraph (a) should be amended by adding the words "until the tank is as empty as practicable" at the end of the second sentence, to conform with the wording of paragraph (l) of Regulation 5.

Further, it is proposed that subparagraph (a) should be amended by adding in the third sentence that entries shall be made in the Cargo Record Book, "..... by the Master or officers in charge of the operation and certified by a Surveyor".

Regulation 8(2)(b)
It is proposed that the wording of subparagraph (b) should conform to the wording of Regulation 5(1) as follows:

"(b) After diluting the residue then remaining in the tank with a volume of water of not less than 5% of the total volume of the tank this mixture may be discharged into the sea in accordance with the provisions of Regulation 5(1)(a), (b)(c) and (d) of this Annex. Appropriate entries of the operations shall be made in the Cargo Record Book by the Master or officers in charge of the operations."
(ii) precleaning has been carried out in accordance with the precleaning procedure approved by the Administration for that tank and that substance; and

(iii) the tank washings resulting from such precleaning have been discharged to a reception facility and tank is as empty as practicable.

(c) the discharge of any remaining residues shall be in accordance with the provisions of paragraph (2)(b) of this Regulation and the Master makes an appropriate entry in the Cargo Record Book.

Categories B and C Substances

(4) Subject to such surveillance by the authorised Surveyor as may be deemed necessary by the Contracting Government, the Master of a vessel which has carried a Category B or C cargo shall ensure that the following operations are carried out:

(a) If a tank is partially unloaded or unloaded but not cleaned, the Master shall make an appropriate entry in the Cargo Record Book.

(b) If the tank is to be cleaned at sea, the Master shall:

(i) ensure that the cargo piping systems serving the tank has been drained and that the appropriate entries have been made in the Cargo Record Book;

Regulation 8(3)(a)

It is proposed that paragraph (a) should be reworded for clarification as follows:

"(a) a precleaning procedure for that tank and that substance has been developed and the Contracting Government is satisfied that such procedure will fulfill the provisions of Regulation 5(1) of this Annex with respect to the attainment of the prescribed residual concentration".

Explanatory Note

This requirement applies only to obtaining a prescribed residual concentration and it is considered that for greater clarity this should be specifically mentioned. It is noted that Regulation 5(1)(a) to (d) relate to subsequent discharge of the substance into the sea.

Regulation 8(4)(b)(ii)

It is proposed that subparagraph (b)(ii) should be reworded as follows:

"(b)(ii) ascertain that the quantity of substance remaining in the tank does not exceed the quantity on which the approved cleaning procedure is based or the maximum quantity which may be discharged into the sea for that substance under Regulation 5(2)(c) of this Annex in the case of Category B and Regulation 5(3)(c) of this Annex for Category C substances, whichever is less, and that appropriate entries have been made in the Cargo Record Book".
(ii) ascertain that the quantity remaining in the tank does not exceed the maximum quantity which may be discharged for that substance under Regulation 5(2)(c) of this Annex in the case of Category B and 5(3)(c) of this Annex for Category C substances, and make the appropriate entry in the Cargo Record Book 14/;

(iii) ensure that, prior to discharge by the previously approved procedures, the necessary dilution to achieve a mixture satisfactory for such a discharge has been achieved and that the appropriate entries have been made in the Cargo Record Book;

(iv) ensure that, if any internal transfer of washings takes place from that tank, appropriate entries are made in the Cargo Record Book;

(v) ensure that any subsequent discharges of such washings are made in accordance with the requirements of Regulation 5 of this Annex for the Category of cargo within.

(c) If it is decided to clean the tanks in port, the Master shall make appropriate entries in the Cargo Record Book indicating the location and disposition of the washings in accordance with the procedures approved by the Administration.

14/ Some delegations were of the opinion that the requirements of this subparagraph should in all cases be witnessed by the Surveyor.

**Explanatory Note**

It is suggested that the wording of subparagraph (b)(ii) requires clarification because the cleaning procedure for the tank may be based on a quantity of substance that is less than the maximum quantities prescribed in subparagraphs 5(2)(c) and 5(3)(c).

**Regulation 8(4)(b)(iii)(iv) and (v)**

It is suggested that for clarification of the sequence of events subparagraph (b)(iii)(iv) and (v) should be reworded as follows:

"(iii) ensure, where it is intended to discharge the quantity of substance remaining into the sea, that the previously approved cleaning procedures have been complied with, that the necessary dilution of the substance satisfactory for such a discharge has been achieved and that the appropriate entries have been made in the Cargo Record Book;

(iv) ensure, where the tank washings are not discharged into the sea, that if any internal transfer of washings takes place from that tank the appropriate entries are made in the Cargo Record Book; and

(v) ensure that any subsequent discharge into the sea of such washings is made in accordance with the requirements of Regulation 5 of this Annex for the Category of substance involved.

**Regulation 8(4)(c)**

It is proposed that subparagraph (c) should be changed to read as follows:

"(c) If the tank is to be cleaned in port,
(1) the tank washings shall be discharged to a reception facility and the Master or officers in charge of the operations shall make appropriate entries in the Cargo Record Book; or

(2) the tank washings shall be retained on board the ship and the Master or officers in charge of the operations shall make appropriate entries in the Cargo Record Book indicating the location and disposition of the washings in accordance with the procedures approved by the Administration".
Discharge from a slop tank

(5) Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category A substance, shall be discharged to a reception facility in accordance with the provisions of Regulation 5(1) of this Annex and an appropriate entry shall be made by the Master in the Cargo Record Book.

(6) Any residues retained on board in a slop tank including those from pump room bilges, which contain substances of Category B or C in excess of the maximum quantities specified in Regulation 5(2)(c) of this Annex for substances of Category B and Regulation 5(3)(c) of this Annex for substances of Category C shall be discharged to a reception facility and an appropriate entry shall be made by the Master in the Cargo Record Book.

Explanatory Note
It is considered that a provision should be included in order that an alternative procedure may be established for the discharge of tank washings to a reception facility.

INTERNATIONAL CHAMBER OF SHIPPING

A. Comment
ICS strongly supports the retention of paragraph (4)(b)(ii) as drafted, and submits that the proposal in footnote 14 is impracticable. Shipowners fully accept that the discharge of substances in Category A, which are known to be particularly hazardous, should be subject to stringent controls involving the presence of an authorised Surveyor. For substances in the less hazardous Categories B and C, however, ICS believes that the basic responsibility for compliance with the procedures should rest with the Master. A considerable number of substances are listed as falling within Categories B and C, and the employment of surveyors to calculate cargo residues of all such substances would involve many more surveyors than is apparently envisaged in the text as drafted. ICS, while fully supporting the "spot-check" system for Categories B and C, is concerned that too great a reliance on surveyors could on occasion involve vessels in serious delays where surveyors are not readily available.

B. Recommendation
Amend paragraph (6) to read:
"Any residues retained on board in a slop tank including those from pump room bilges, which contain substances of Category B and C in excess of the aggregate of the maximum quantities.."

Comment
ICS believes this wording explains more clearly the relationship between the quantity of residues in the slop tank and the quantities in each of the cargo tanks as specified in Regulation 5.
PROPOSED AMENDMENTS TO REGULATION 8
THE NETHERLANDS

Regulation 8
Add the following sentence to the lead-in sentence:
the inspection shall be carried out without causing undue "delay to ships"

par(6) amend in line 2 and 3 of this paragraph the wording "in excess of the maximum quantities" as follows:
"in excess of the aggregate of maximum quantities from the ship's tanks as specified..."

Explanation
We believe that in par(6) the aggregate of maximum quantities is meant in line 2 and 3.

To make this clear we have submitted the proposed amendment above on par(6).

Apart from that we consider that in the light of par(4) of this regulation, par (6) is not entirely clear. The question is whether a ship is permitted to leave port after unloading with tanks not cleaned (see par(4)(a) and then may clean her tanks at sea (see par(4)(b).

In that case par(6) is clear.

If, however, the procedures laid down in par(4)(b) have to be carried out in port after unloading and prior to sailing par(6) might mean that either in the slop tank may be collected from each tank that part of the residue which contains as a maximum, the maximum quantity of substance specified in reg.5(2)(c) or (3)(c) and that the remaining residue has to be discharged ashore in the port of unloading (but this is nowhere indicated) or that according to par (4)(b)(ii) residue with a certain maximum quantity of substance remains in each tank for disposal at sea and the remaining residue may be collected and retained on board in a slop tank and has to be discharged ashore but not necessarily in the port of unloading.

In short par (6) and we believe also par (4) are not clear and need some further consideration.
PROPOSED AMENDMENTS TO REGULATION 8

NORWAY

The view expressed in footnote 14 is not supported.

UNITED KINGDOM

Footnote 14:
The United Kingdom would oppose such a proposition, preferring the flexibility of the present wording of Regulation 8(4).
Subparagraph (6), line 2: add at the end of line, "aggregate of the".

USA

The master of a vessel which has carried a Category B and C cargo shall ensure that the following operations are carried out subject to such surveillance by the authorised surveyor as required by subparagraphs (4)(b)(i) and (ii) of this Regulation and as may be deemed necessary by the Contracting Government

(a) If a tank is partially unloaded or unloaded but not cleaned, the Master shall make an appropriate entry in the Cargo Record Book.

(b) If the tank is to be cleaned at sea, the Master shall:

(1) ensure that the cargo piping system serving that tank has been drained under the supervision of the authorised surveyor and that the appropriate entries have been made in the Cargo Record Book and certified by the Surveyor.

(11) ascertain under the supervision of the authorised surveyor that the quantity remaining in the tank does not exceed the maximum quantity which may be discharged for that substance under Regulation 5(5)(b) of this Annex for in the case of Category B and 5(5)(c) of this Annex for Category C substances, and make the appropriate entry in the Cargo Record Book and certified by the Surveyor.
PROPOSED AMENDMENTS TO REGULATION 8

USA

(iii) 
(iv) 
(v) as per 5th draft 
(c)

USSR

Paragraph (2)(a) It is desirable to make the text more precise, as it follows from the proposed wording that on reaching the required concentration, tankwashings may be discharged into reception facilities only.

Paragraph (3) The word "Administration" to be entered instead of "Contracting Government", as it corresponds to a greater extent to the level of problems to be settled.

Paragraph (4) It would be desirable to define precisely in which cases entries into the Record Book are to be made and signed by the Master and in which cases - by his officers, and to coordinate (i.e. unify as far as possible) the text with the corresponding text of paragraph (4), Regulation 21, Annex 1.

Paragraph (4), footnote 14. The proposition expressed in the footnote complicates considerably the procedure of control and to a large extent, is unnecessary. Therefore it would be desirable to decline the proposition.
(1) Every ship to which this Annex applies shall be provided with a Cargo Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix IV to this Annex.

(2) The Cargo Record Book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:
   (i) loading of cargo
   (ii) transfer of cargo during the voyage
   (iii) discharge of cargo
   (iv) transfer of cargo, cargo residues, etc. to a slop tank
   (v) cleaning of cargo tanks
   (vi) discharge of slop tanks
   (vii) ballasting of cargo tanks
   (viii) discharge of ballast water

(3) In the event of such discharge or escape of noxious liquid substances or mixture containing such substances as is referred to in Regulations 5 and 8 of this Annex, a Statement shall be made in the Cargo Record Book of the circumstances of, and the reason for, the discharge or escape.

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(4) The last sentence should read:
"The written entries in the Cargo Record Book shall be in an official language of the state the flag of which the ship is entitled to fly, and in English or French."

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JAPAN

Change the words of "The written entries .. French " in paragraph (4) into the following in conformity with the provisions regarding the Oil Record Book.
"The written entries in the Cargo Record Book shall be in an official language of the State the flag of which the ship is entitled to fly and in English or French."

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USSR

Paragraph (4) See remark on paragraph (4), Regulation 8.
Paragraph (6) Contents of this paragraph to be interrelated with text of Article 5 of the Convention on inspection of ships with regard to rights, extent and character of inspection.

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15/ This is a preliminary text which has been inserted only for the purpose of indicating the kinds of operations which will need to be covered. Further development will therefore be required.
REGULATION 9

(4) Each operation described in paragraph (2) of this Regulation shall be fully recorded without delay in the Cargo Record Book so that all the entries in the Book appropriate to that operation are completed. Each page of the Book shall be signed by the Officer or Officers in charge of the operations concerned and when the ship is manned, by the Master of the ship. The written entries in the Cargo Record Book shall be in an official language of the relevant territory in respect of the ship, state the flag of which the ship is entitled to fly and in English or French. 16/

(5) Cargo Record Books shall be kept in such a place as to be readily available for inspection at all reasonable times, and except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be retained for a period of two years after the last entry has been made.

16/ Some delegations suggested the use of the word "or" in lieu of "and". Other delegations suggested that the entry in the Oil Record Book should be either English or French, or the national language and English or French.
The competent authority of a Contracting Government may inspect on board any ship to which the present Convention applies while within its port, the Cargo Record Book required to be carried in the ship in compliance with the provisions of this Regulation, and may make a true copy of any entry in that Book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the Master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible without causing the ship to be unduly delayed.
PROPOSED AMENDMENTS TO REGULATION 10

CANADA

Regulation 10(1)(a)
It is proposed that the last sentence of subparagraph (a), commencing "In addition, the arrangements for discharge. ", should be deleted, consequential to the proposed changes in Regulation 5.

Regulation 10(1)(b)
It is proposed that subparagraph (b) should be amended to read as follows: "(b) The Administration shall, after having satisfactorily surveyed a chemical tanker, issue a Certificate of Fitness for the carriage of Noxious Liquid Substances in Bulk to the ship. The Administration shall also issue, as an appendage to the certificate, documents giving details of any cargo tank cleaning procedures approved by the Administration in connection with the implementation of Regulation 5 of this Annex".

Explanatory Note
It is considered that details of cargo tank cleaning procedures approved by the Administration should be contained in pages or documents complete and separate from the certificate and the use of the word "endorsed" is not sufficient for clear understanding of this requirement. The last sentence of paragraph (b), with reference to "discharge arrangements" has been deleted consequential to the proposed changes in Regulation 5.
(2)(a)

(1) a survey before the ship enters service shall include an inspection of its structure and equipment in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the ship's arrangements fully comply with the requirements of this Annex.

(ii) a periodical survey at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the arrangements continue to comply with the requirements of this Annex.

(iii) a periodical inspection at intervals specified by the Administration, but not exceeding two years 19/, which shall be such as to ensure that the equipment and associated pumps and pipings fully comply with the applicable requirements of this Annex and is in good working order.

19/ Some delegations suggested that a two-month extension of the date of periodical inspection should be granted.

Regulation 10(2)(a)(i)
It is proposed that subparagraphs (a)(i) should be reworded as follows: "(i) an initial survey for the purposes of the application of this Annex which shall include an inspection of the structure and equipment, .......

Explanatory Note
It is considered that the existing wording "a survey before the ships enters service" is confusing and could be interpreted to mean that the application is only to new ships.

Regulation 10(2)(b)
In subparagraph (b) it is to be noted that under the present requirements of Annex I the International Oil Pollution Prevention Certificates (1973) will only be issued to ships of 400 tons and above that are on international voyages. Accordingly there may be ships that do not carry such a certificate but that will be making voyages in waters that are under the jurisdiction of another State. It is therefore proposed that ships, other than chemical tankers, shall be issued a certificate of survey by the Administration which in effect could be modified chemical tanker certificates.

Regulation 10(2)(c) (New)
It is proposed to introduce a new subparagraph (c) as follows similar to subparagraph (b) of paragraph (l) to require that ships other than chemical tankers shall be issued, by the Administration, with documents giving details of any approved cargo tank cleaning procedures:
PROPOSED AMENDMENTS TO REGULATION 10

"(c) The Administration shall, after having satisfactorily surveyed a ship other than a chemical tanker, issue to the ship documents giving details of any cargo tank cleaning procedures approved by the Administration in connection with the implementation of Regulation 5 of this Annex."

Explanatory Note

It is considered that a ship, other than a chemical tanker, which carries noxious liquid substances in bulk will require approval for its tank cleaning procedures and should be provided with documents in this respect as for a chemical tanker.

FINLAND

(1)(b) Amend to read -

"...issue a Certificate of Fitness for the Carriage of Noxious Liquid Substances".

This for the Certificate better corresponds to the contents of such a Certificate.

FEDERAL REPUBLIC OF GERMANY

Add a new subparagraph (1)(c) which should read:

"(c) The Certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Remarks:

Cf. Annex I, Regulation 7(1)
Footnote 17:
This footnote should be deleted.

Remarks:
A chemical tanker shall be constructed and equipped in accordance with the "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk"; therefore further requirements are considered unnecessary.

NETHERLANDS

(2)(a): add in the first line after the word "space" the following word "intended"

Explanation:
The meaning of the words "fitted with spaces for the carriage of noxious substances" is not clear. It might mean that the provisions in par (2) apply to any ships fitted with a deektank. We consider that the text gives a clearer indication of what is meant by the addition of the word "intended". This is of special importance since according to regulation 11(1) and (2) such ships have to comply with certain structure and equipment provisions to be established by the Administration.

(2)(a)(iii): in second sentence substitute 33 months for two years.

Explanation:
The interval between periodical inspections for a ship other than a chemical tanker should be such that the possibility is left to suffice with one inspection between two periodical surveys.
(1)(b) Amend the first sentence to read -
"The Administration shall, after having surveyed a chemical tanker and
and ensured that the provisions in the Code for the Construction and
Equipment of ships carrying dangerous chemicals in bulk are complied
with, issue a Certificate of Fitness for the Carriage of Noxious Chemicals
in Bulk".

Comments: It is felt essential that the survey is carried out to ensure
compliance with the IMCO Bulk Chemical Code.

New (1)(c): Insert the following new paragraph
"A chemical tanker shall further be subject to the surveys and
inspections specified below:

1. Insert the wording of (2)(a)(ii)
2. Insert the wording of (2)(a)(iii)

UNITED KINGDOM

(2)(ii): delete.

(2)(iii): Renumber "2(ii)" and amend to, "a periodical inspection at
approximately two-year intervals and normally coincident
with the survey of safety equipment under Regulation 8 of
Chapter 1 of the International Convention for SOLAS, but
in any case at intervals of not longer than 2½ years, which
shall... etc."
(1) and footnote 17:
There is no necessity for formulate explicit requirements for surveys.

(1)(b):
The words - "to the extent defined in the instructions developed by the Administration in accordance with Regulation 11 of this Annex" - to be added after the words - "having satisfactorily surveyed a chemical tanker".

(1)(b) and footnote 18:
The suggestion on the need for attaching a model form of a Certificate of Fitness for Carriage of Noxious Chemicals in Bulk, is supported.

(2)(iii) and footnote 19:
It is inexpedient to increase the frequency of inspection.
Regulation 11

Requirements for Minimizing Accidental Pollution

(1) The design, construction, equipment and operation of ships carrying in bulk noxious liquid substances which are subject to the provisions of this Annex shall be such as to minimise the uncontrolled release of such substances.

(2) Pursuant to the provisions of paragraph (1) of this Regulation, each Contracting Government shall issue, or cause to be issued, detailed instructions on the design, construction, equipment and operation of such ships.

(3) In respect of chemical tankers, the instructions referred to in paragraph (2) of this Regulation shall contain at least all the provisions given in the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk 20/ adopted by the Assembly of the Organisation in Resolution A.212 21/.

20/ The Code will be expanded to cover barges.

21/ Provision may need to be made for the adoption and implementation of future amendments to the Code. See draft Resolution 3.
REGULATION 12

Requirements for Stationery Ships

[The discharge into the sea of any substance of Category A, B, or C as specified in Regulation 3(1) of this Annex, from any stationery ship or other craft operating in the marine environment, shall be prohibited].

This Regulation should be deleted.

Remarks:
Cf. Regulation 2.

If this Regulation should be retained Regulation 6 has to be extended as proposed to cover stationery ships.
APPENDIX I

C\"DELINE\" FOR CATEGORISATION

PROPOSED AMENDMENTS TO APPENDIX I

CANADA

It is proposed, and considered necessary for future adherence to the basic guidelines for categorisation in the application of Regulation 3(3), that the phrase "when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance" should be further clarified. It is to be noted that such additional factors and special characteristics were stated in IMCO Document PCMP/WP13/Add 1 and it is suggested that a similar table should be included in the Guidelines for Categorisation in Appendix I.

DENMARK, FINLAND, FEDERAL REPUBLIC OF GERMANY, POLAND & SWEDEN

(Identical comments submitted individually)

A new paragraph should be added at the end of the Appendix as follows:

"Additional Guidelines for categorisation for Special Areas. Particular weight shall be given to such special factors that may result in greater harm if a substance is released into a special area than into other waters."

Remarks

The special categorisation for the Special Areas should be carried out by upgrading all Category A substances to Category A0, all Category B substances to Category A, and all Category C substances to Category B.

JAPAN

Teratogenetic substances, carcinogenetic substances and mutagenetic substances should be included in Category A.
Category C

Substances - Slightly toxic to aquatic life as expressed by TLM greater than 10 and less than 100 ppm, and additionally certain substances which are practically non-toxic to aquatic life as expressed by a TLM greater than 100 and less than 1,000 ppm when particular weight is given to additional factors in the hazard profile or special characteristics of the substance.

Other Liquid Substances (For the purposes of Regulation 4 of this Annex).

Substances - Other than those categorised in Categories A, B and C above.
### APPENDIX II

**LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK**

<table>
<thead>
<tr>
<th>Substance</th>
<th>UN Number</th>
<th>Pollution Category for operational discharge (see Reg. 3 of Annex II)(^\text{22})</th>
<th>Residual con. (percentage applicable: Category I only (see Annex II))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetaldehyde</td>
<td>1069</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Acetic acid</td>
<td>1042</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Acetic anhydride</td>
<td>1715</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Acetone cyanohydrin</td>
<td>1541</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Acetyl chloride</td>
<td>1717</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Acrolein</td>
<td>1092</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Acrylic acid</td>
<td>-</td>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>Acrylonitrile</td>
<td>1093</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Alkyl benzene sulfonate</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>(straight chain)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(branched chain)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allyl alcohol</td>
<td>1098</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Allyl chloride</td>
<td>1100</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Ammonia (28% aqueous)</td>
<td>1005</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>iso-Amyl acetate</td>
<td>1104</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>n-Amyl acetate</td>
<td>1104</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Aniline</td>
<td>1547</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Benzone</td>
<td>1114</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Benzyl chloride</td>
<td>1738</td>
<td>B</td>
<td></td>
</tr>
</tbody>
</table>

\(^{22}\) Brackets in Column II indicate that the Category shown has been provisionally assigned and that further data is needed in order to complete the assessment of the hazard of the substance concerned.
<table>
<thead>
<tr>
<th>Substance</th>
<th>I</th>
<th>II</th>
<th>III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butyl butyrate</td>
<td>-</td>
<td>(B)</td>
<td></td>
</tr>
<tr>
<td>n-Butyraldehyde</td>
<td>1129</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>iso-Butyraldehyde</td>
<td>2045</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Butyric acid</td>
<td>-</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Camphor oil</td>
<td>1130</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Carbon disulphide</td>
<td>1131</td>
<td>A</td>
<td>0.01</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
<td>1846</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Caustic potash</td>
<td>1814</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Chloroacetic acid</td>
<td>1750</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>m-Chlorobenzene</td>
<td>1134</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Chloroform</td>
<td>1888</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Chloroprene</td>
<td>1991</td>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>Chlorosulphonic acid</td>
<td>1754</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>p-Chlorotoluene</td>
<td>-</td>
<td>(B)</td>
<td></td>
</tr>
<tr>
<td>Croosote</td>
<td>1334</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Cresol</td>
<td>2076</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Cresylic acid</td>
<td>2022</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Crotonaldehyde</td>
<td>1143</td>
<td>B</td>
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</tr>
<tr>
<td>Cumene</td>
<td>1918</td>
<td>C</td>
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</tr>
<tr>
<td>Cyclo-hexane</td>
<td>1145</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Dibenzyl ether</td>
<td>-</td>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>o-Dichlorobenzene</td>
<td>1591</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Dichlorobenzene, o</td>
<td>1591</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Dichloroethyl ether</td>
<td>1916</td>
<td>B</td>
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<tr>
<td>Dichloropropene -</td>
<td>2047</td>
<td>B</td>
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<tr>
<td>Dichloropropene - mixture (D.D. Soil fumigant)</td>
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<tr>
<td>Diethylamine</td>
<td>1154</td>
<td>C</td>
<td></td>
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<tr>
<td>Diethylbenzene (mixed isomers)</td>
<td>2049</td>
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<tr>
<td>Diethylene triamine</td>
<td>2079</td>
<td>(C)</td>
<td></td>
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<tr>
<td>Substance</td>
<td>I</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----</td>
<td>----</td>
<td>-----</td>
</tr>
<tr>
<td>Diethylene glycol monoethyl ether</td>
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<td>C</td>
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<tr>
<td>Di-isopropylamine</td>
<td>-</td>
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<tr>
<td>Dimethylamine</td>
<td>1160</td>
<td>C</td>
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<tr>
<td>(40% aqueous)</td>
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<td>Dimethyl ethanolamine (2 Dimethylaminoethanol)</td>
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<tr>
<td>1, 4-Dioxane</td>
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<td>Epichlorohydrin</td>
<td>2023</td>
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</tr>
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<td>Ethyl amy1 ketone</td>
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<td>Ethylbenzene</td>
<td>1175</td>
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<td>Ethylene diamine</td>
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<td>Ethylene dibromide</td>
<td>1605</td>
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<td>Ethylene dichloride</td>
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<td>2-Ethylhexyl alcohol</td>
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<td>2-Ethyl 3-propyl-acrolein</td>
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<td>Formaldehyde (37-50% solution)</td>
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<td>Furfural</td>
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<td>Hexamethylene diamine</td>
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<td>Hydrofluoric acid (40% aqueous)</td>
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<td>Hydrogen peroxide (greater than 60%)</td>
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<td>Hexyl oxide</td>
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<td>Methyl Acrylate</td>
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<tr>
<td>Substance</td>
<td>I</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---</td>
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<tr>
<td>2-Methyl-5-Ethyl-pyridine</td>
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<td>Monomethyl ethanamine</td>
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<tr>
<td>Mononitrobenzene</td>
<td>-</td>
<td>c</td>
<td></td>
</tr>
<tr>
<td>Mono-iso-propylamine</td>
<td>-</td>
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<td></td>
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<tr>
<td>Naphthalene (molten)</td>
<td>1334</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Naphthenic acids</td>
<td>-</td>
<td>(A)</td>
<td>(0.1)</td>
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<tr>
<td>Nitric acid (90%)</td>
<td>2031/2032</td>
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<td></td>
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<tr>
<td>o-Nitrotoluene</td>
<td>1664</td>
<td>c</td>
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</tr>
<tr>
<td>Nonyl alcohol</td>
<td>-</td>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>Nonyl phenol</td>
<td>-</td>
<td>c</td>
<td></td>
</tr>
<tr>
<td>iso-Octanol</td>
<td>-</td>
<td>c</td>
<td></td>
</tr>
<tr>
<td>n-Octanol</td>
<td>-</td>
<td>c</td>
<td></td>
</tr>
<tr>
<td>Oleum</td>
<td>1831</td>
<td>c</td>
<td></td>
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<tr>
<td>Pentachloroethane</td>
<td>1669</td>
<td>(B)</td>
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<tr>
<td>n-Pentane</td>
<td>1265</td>
<td>c</td>
<td></td>
</tr>
<tr>
<td>Perchloroethylene (Tetrachloroethylene)</td>
<td>1897</td>
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<td>Phenol</td>
<td>1671</td>
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<td>Phosphorus (elemental)</td>
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<tr>
<td>Phthalic Anhydride (molten)</td>
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<td></td>
</tr>
<tr>
<td>beta-Propiolactone</td>
<td>-</td>
<td>(B)</td>
<td></td>
</tr>
<tr>
<td>n-Propyl acetate</td>
<td>1276</td>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>n-Propylamine</td>
<td>1277</td>
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</tr>
<tr>
<td>Pyridine</td>
<td>1282</td>
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<tr>
<td>Sodium biochromate (solution)</td>
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<td>c</td>
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</tr>
<tr>
<td>Sodium hydroxide</td>
<td>1824</td>
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<td></td>
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<tr>
<td>Sodium pentachlorophenate (solution)</td>
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<tr>
<td>Styrene monomer</td>
<td>2055</td>
<td>c</td>
<td></td>
</tr>
<tr>
<td>Sulphuric acid</td>
<td>1830/1831/1832</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Substance</td>
<td>I</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------</td>
<td>----</td>
<td>-----</td>
</tr>
<tr>
<td>Tetra ethyl lead</td>
<td>1649</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Tetrahydro naphthalene</td>
<td>1540</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Tetramethyl lead</td>
<td>1649</td>
<td>A</td>
<td>0.1</td>
</tr>
<tr>
<td>Toluene</td>
<td>1294</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Toluene diisocyanate</td>
<td>2078</td>
<td>(B)</td>
<td></td>
</tr>
<tr>
<td>Trichloroethane</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>1710</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Triethylamine</td>
<td>1296</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Trimethylbenzene</td>
<td>-</td>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>Tritolyl phosphate (Triresyl phosphate)</td>
<td>-</td>
<td>(B)</td>
<td></td>
</tr>
<tr>
<td>Turpentine (wood)</td>
<td>1299</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Vinyl acetate</td>
<td>1301</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Vinylidene chloride</td>
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<td>(B)</td>
<td></td>
</tr>
<tr>
<td>p-Xylene</td>
<td>1307</td>
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<td></td>
</tr>
<tr>
<td>Xylene (mixed isomers)</td>
<td>1307</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>
### APPENDIX III

**LIST OF OTHER LIQUID SUBSTANCES CARRIED IN BULK**

<table>
<thead>
<tr>
<th>Substance</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetone</td>
<td>Detylrolactone</td>
</tr>
<tr>
<td>Acetonitrile (Methyl cyanide)</td>
<td>Calcium chloride (solution)</td>
</tr>
<tr>
<td>Adiponitrile</td>
<td>Calcium hydroxide (solution)</td>
</tr>
<tr>
<td>Alum (15% solution)</td>
<td>Cartor oil</td>
</tr>
<tr>
<td>Aninoethylthanolamine (Hydroxyethylthylene-dianine)*</td>
<td>Chlorhydrins (crude)*</td>
</tr>
<tr>
<td>n-Amyl alcohol</td>
<td>Citric acid (10%-25%)</td>
</tr>
<tr>
<td>tert-Amyl alcohol</td>
<td>Citric juices</td>
</tr>
<tr>
<td>Benzyl alcohol</td>
<td>Coconut oil</td>
</tr>
<tr>
<td>n-Dutyl acetate</td>
<td>Cod liver oil</td>
</tr>
<tr>
<td>sec-Dutyl acetate</td>
<td>Cyclohexanol</td>
</tr>
<tr>
<td>iso-Dutyl acrylate</td>
<td>Cyclohexanone</td>
</tr>
<tr>
<td>n-Dutyl acrylate</td>
<td>Cyclohexylanine*</td>
</tr>
<tr>
<td>iso-Dutyl alcohol</td>
<td>p-Cymene (iso-Propyltoluene)*</td>
</tr>
<tr>
<td>n-Dutyl alcohol</td>
<td>Decahydronaphthalene (Decalin)*</td>
</tr>
<tr>
<td>Dutylene glycol(s)</td>
<td>Decane*</td>
</tr>
<tr>
<td>iso-Dutyl methacrylate</td>
<td>iso-Decyl alcohol</td>
</tr>
<tr>
<td>Dutyl methacrylate</td>
<td>n-Decyl alcohol</td>
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<td></td>
<td>Decyl octyl alcohol</td>
</tr>
<tr>
<td></td>
<td>Diacetone alcohol*</td>
</tr>
</tbody>
</table>

* Asterisk indicates that the substance has been provisionally included in this list and that further data is necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.
Dibutyl ether
Diethanolamine
Diethyl ether
Diethylene glycol
Diethylketone
(3-Pentanone)
Di-iso-butylene
Di-iso-butyl ketone
Di-iso-propyl ether
Dimethyl formamide
(Form-dimethylamide)
Dipontene
Diphenyl/diphenyloxide mixtures
Dipropylene glycol
2-Ethoxymethyl acetate
Ethyl acetate
Ethyl acrylate
Ethyl alcohol
Ethyl cyclohexane
Ethylene chlorohydrin
(2-Chloro-ethanol)
Ethylene cyanohydrin
Ethylene glycol
2-Ethylhexyl acrylate
Ethyl lactate
Fatty alcohols (C₁₂–C₂₀)

Formic acid
Glycerine
n-Heptane
Heptanoic acid
Heptene (mixed isomers)
n-Hexane
Hydrochloric acid
Isopentane
Isophorone
Isoprene
Isopropyl acetate
Isopropyl alcohol
Lactic acid
Ligroin
Liquid sulphur
Methyl acetate
Methyl alcohol
Methylamyl acetate
Methylnamyl alcohol
Methyl cyanide
Methyl ethyl ketone
(2-butanone)
Methyl iso-butyl ketone
Methyl methacrylate
2-Methylpentene*
alpha-Methylstyrene*
Milk
Molasses
Monoethanolamine
Monoethylene glycol-
n-propyl ether
(Methyl cellosolve)
Monopropylene glycol
Morpholine*
2-Mitropropane
iso-Octane*
Olive oil
Oxalic acid (10–25%)
Phosphoric acid
Polypropylene glycol
Propionaldehyde
Propionic acid
Propionic anhydride
n-Propyl alcohol
iso-Propyl cyclohexane
Propylene glycol
Propylene oxide
Propylene tetramer
Propylene trimer
Silicon tetrachloride
Sorbitol
Tallow
Tetrahydrofuran
Tetranethylbenzene
Titanium tetrachloride
Tridecanol
Triethanolamine
Triethylene glycol
Triethylenetetramine
Tripropylene glycol
Water
Wine
APPENDIX IV

CARGO RECORD BOOK

Name of ship..........................................................

Cargo carrying capacity of
each tank in cubic metres........................................

Voyage from..............................to............................

(a) Loading of cargo

1. Date and place of loading

2. Name and category (if applicable)
of cargo(es) loaded

3. Identity of tank(s) loaded

(b) Transfer of cargo during voyage

4. Date of transfer

5. Identity of tank(s) (i) From
   (ii) To

6. Was(were) tank(s) in 5(i) emptied?

7. If not, quantity remaining

(c) Discharge of cargo

8. Date and place of discharge

9. Identity of tank(s) discharged

10. Was(were) tank(s) emptied?

11. If not, quantity remaining in tank(s)

12. Is(are) tank(s) to be cleaned?

---

23/ This is a preliminary draft of a Cargo Record Book which has been
inserted only as an indication of the kinds of operations which should
be recorded therein. It will therefore require further development.
13. Amount transferred to slop tank
14. Identity of slop tank

(d) Ballasting of cargo tanks
15. Identity of tank(s) ballasted
16. Date and position of ship at start of ballast

(e) Cleaning of cargo tanks

Category A substances
17. Identity of tank(s) cleaned
18. Date and location of cleaning
19. Method(s) of cleaning
20. Location of reception facility used
21. Concentration of effluent when discharge to reception facility stopped
22. Quantity remaining in tank
23. Procedure and amount of water introduced into tank in final cleaning
24. Location, date of discharge into sea
25. Procedure and equipment used in discharge into the sea

Category B and C substances
26. Washing procedure used
27. Quantity of water used
28. Date, location of discharge into sea
29. Procedure and equipment used in discharge into the sea

(f) Discharge of dirty ballast water
30. Identity of tank(s)
31. Date and position of ship at start of discharge into sea
32. Date and position of ship at finish of discharge to sea

33. Ship's speed(s) during discharge

34. Quantity discharged to sea

35. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))

36. Date and port of discharge into shore reception facilities (if applicable)

(g) Discharge from slop tank/disposal of residue

37. Identity of slop tank(s)

38. Quantity disposed from each tank

39. Method of disposal of residue:
   (a) Reception facilities
   (b) Mixed with cargo
   (c) Transferred to another(other) tank(s) (identify tank(s))
   (d) Other method

40. Date and port of disposal of residue

(h) Accidental or other exceptional discharge

41. Date and time of occurrence

42. Place or position of ship at time of occurrence

43. Approximate quantity, name and category (if any) of substance

44. Circumstances of discharge or escape and general remarks.

...........................................Signature of Master

...........................................Signature of Surveyor (if required)
PROPOSED AMENDMENTS TO APPENDIX II

AUSTRALIA

Third column heading should include reference to Regulation 5(1) in place of Regulation 5(2)

DENMARK, FINLAND, FEDERAL REPUBLIC
OF GERMANY, SWEDEN AND POLAND

(Identical comments submitted individually)

Column II of the list should be split up as follows :

| Pollution Category for operational discharge (see Regulations 3 and 5A of Annex II) |
|---------------------------------|---------------------------------|
| II Valid outside special areas  | IIa Valid within special areas   |
| A                               | AO                              |
| B                               | A                               |
| C                               | B                               |

JAPAN

The list of noxious liquid substances carried in bulk should be revised or adjusted as follows :

1. "Caustic potash" is revised to "Potassium hydroxide (solution)"
2. "m-Chlorobenzene" is revised to "Chlorobenzene".
3. "Creosote, Cresols and Cresylic acid" are unified to "Cresols"
4. Delete "o-Dichlorobenzene".
5. "Isopropylamine" is revised to "iso-Propylamine"
PROPOSED AMENDMENTS TO APPENDIX II

6. "Monoisopropanolamine, Monomethul ethanolamine, Mononitrobenzene and Mono-iso-propylamine" are revised to "iso-Propanolamine, Methyl ethanolamine, Nitrobenzene and iso-Propylamine".

7. "Sodium bichromate" is revised to "Sodium bichromate".

8. "p-Xylene and Xylene (mixed isomers)" are unified to "Xylenes".

UNITED KINGDOM

Heading of column III should refer to Regulation 5(1) of Annex II.

USSR

In connection with the proposal to prohibit any discharge of Category A substances it is proposed to delete column 3 (Residual concentration criteria) in Appendix II.

PROPOSED AMENDMENTS TO APPENDIX III

The list of other liquid substances carried in bulk should be revised or adjusted as follows:

1. "Isopentane, Isopropyl acetate and Isopropyl alcohol" are revised to "iso-Pentane, Iso-Propyl alcohol".

2. "Liquid sulphur" is revised to "Sulphur (molten)".

3. "Monoethylene glycolmonoethylene ether" is revised to "Ethylene glycol monoethyle ether".

4. Delete "Monopropylene glycol".

UNITED KINGDOM

It should be ensured that the list is as comprehensive as possible before the Convention is finalised. The United Kingdom is examining this.
Proposal:

To ensure uniformity between Contracting Governments and for subsequent operational control and enforcement it is proposed that guidelines for cleaning procedures should be included in the Convention to indicate how such procedures may be carried out in order to obtain the permissible concentrations for discharge into the sea of Category B and C substances.

The data attached are proposed Appendices V and VI indicate one method as to how tanks may be precleaned and washed to attain the suggested permissible concentrations for discharge into the sea.

Reasons:

It is considered that the wording of subparagraphs (2)(b) and (c) and (3)(b) and (c) of Regulation 5 of Annex II does not provide sufficient direction to the Administrations and does not afford sufficient control to meet the objectives of the Convention. The reference to "the concentration of the substance in the wake immediately astern of the ship", is, from a practical point of view, virtually unenforceable.

Also, the wording of subparagraph (4)(b) of Regulation 8 implies that the prescribed maximum quantity of Category B or C substance remaining in the tank, and which is permitted to be discharged into the sea, may be directly diluted to achieve a concentration that may be safely discharged into the sea. Closer examination of these procedures indicates that a pre-cleaning operation would in many instances be required to reduce the amount of residue in order that it might be subsequently diluted to a suitable concentration prior to discharge into the sea.
Considerations:

At the Preparatory Meeting on Marine Pollution in February, 1973, the Working Group on Annex II gave considerable thought and time to the establishment of tank cleaning procedures to attain the permissible concentrations for discharge into the sea of Category A substance residues. It is suggested that time was not available at the Preparatory Meeting to give similar detailed consideration to Category B and C substances and it would appear appropriate and desirable that guidelines of similar procedures could be given for these substances, for precleaning and dilution of the residue with water in volumes expressed as a percentage of the tank size, but without monitoring and analysis of the effluent.

In order to further control the concentrations of substances being discharged into the sea, and with recognition and acceptance of the GESAMP suggested minimum dilution factor of 1,000 achieved on discharge, it is proposed that for Category B and C substances the concentrations should not exceed 1 ppm and 10 ppm respectively, immediately following discharge into the sea rather than in the wake. Further, if these concentrations are adopted it would appear that there would be no necessity for providing elaborate discharge arrangements to ensure that the tank washings are so discharged as to be specially directed into the wake of the ship.

The data attached as proposed Appendices V and VI indicate one method as to how tanks may be precleaned and washed to attain the suggested permissible concentrations for discharge into the sea; and similar basic considerations were followed as was done in establishing the permissible concentrations for Category A substances.

Annex II presently includes, as Appendix I, the guidelines for categorisation of the various substances and it does not therefore appear unreasonable to consider the inclusion of guidelines for procedures for the cleaning of tanks that have contained Category B or C substances.

65.
The attached Appendices indicate the guidelines for tanks with capacities of 200 and 1,000 cubic metres with quantities of 1 and 2 cubic metres of substance remaining. From these examples Administrations would establish similar procedures for tanks of any other capacity related to the amount of substance remaining in the actual operating condition.

It is to be noted that for a tank of 200 cubic metres capacity the required dilution could only be achieved in one operation for a Category C substance by filling (100%) the tank with water. This however may not be the optimum operational procedure because, as the corresponding table shows, a much smaller quantity of wash water would have to be handled if the remaining substance was first diluted with water to 9% of the tank volume, the mixture discharged to a reception facility or slop tank, and the remaining residues diluted with water to 9% of the tank volume before discharging into the sea. The washing procedures adopted would possibly be dependant on the supplies of fresh water available, availability of reception facilities, and on the required turn around time for the ship.

Conclusion:

Compliance with the discharge requirements for Category B and C substances is essentially dependent on the operational procedures for precleaning and subsequent washing of the tanks, and it is not overlooked that the adoption of this proposal will require the discharge of some Category B and C substance residues to reception facilities, in particular from tanks of smaller capacities. However, with respect to the ultimate objective of the Convention concerning the protection of the marine environment, this proposal has the additional provision that part of the quantity of Category B or C substance remaining in the tank could be transferred to a reception facility and not discharged into the sea.

Further, should this proposal be adopted, Draft Resolution could become unnecessary and subparagraphs (2)(b) and (3)(b) of Regulation 5 of Annex II may be reworded as follows:
"(2)(b) the procedures for cleaning of each tank and the dilution of the remaining substance shall be based on the guidelines given in Appendix V to this Annex and shall be such as to assure the Administration that the concentration of the substance immediately before discharge into the sea does not exceed 1,000 parts per million;".

"(3)(b) the procedures for cleaning of each tank and the dilution of the remaining substance shall be based on the guidelines given in Appendix VI to this Annex and shall be such as to assure the Administration that the concentration of the substance immediately before discharge into the sea does not exceed 10,000 parts per million;".
Example 1

Tank Capacity - 200 cubic metres
Quantity of Substance remaining - 1 cubic metre
Preclean Mixture remaining - 1 cubic metre
Permissible Concentration following discharge into the Sea - 1 ppm
Max. permissible concentration before discharge into the sea - 1000 ppm

<table>
<thead>
<tr>
<th>Water Required</th>
<th>Dilution Factor</th>
<th>Resulting Conc.ppm. To Recept.</th>
<th>Water Required</th>
<th>Dilution Factor</th>
<th>Resulting Conc.ppm. GESAMP Factor</th>
<th>Volume</th>
<th>Washings</th>
</tr>
</thead>
<tbody>
<tr>
<td>199 99.5</td>
<td>200</td>
<td>5,000</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>1,000</td>
<td>1</td>
</tr>
<tr>
<td>99 49.5</td>
<td>100</td>
<td>10,000</td>
<td>9</td>
<td>4.5</td>
<td>10</td>
<td>1,000</td>
<td>1</td>
</tr>
<tr>
<td>49 24.5</td>
<td>50</td>
<td>20,000</td>
<td>19</td>
<td>9.5</td>
<td>20</td>
<td>1,000</td>
<td>1</td>
</tr>
<tr>
<td>24 12.0</td>
<td>25</td>
<td>40,000</td>
<td>39</td>
<td>19.5</td>
<td>40</td>
<td>1,000</td>
<td>1</td>
</tr>
<tr>
<td>19 9.5</td>
<td>20</td>
<td>50,000</td>
<td>49</td>
<td>24.5</td>
<td>50</td>
<td>1,000</td>
<td>1</td>
</tr>
<tr>
<td>9 4.5</td>
<td>10</td>
<td>100,000</td>
<td>99</td>
<td>49.5</td>
<td>100</td>
<td>1,000</td>
<td>1</td>
</tr>
<tr>
<td>4 2.0</td>
<td>5</td>
<td>200,000</td>
<td>199</td>
<td>99.5</td>
<td>200</td>
<td>1,000</td>
<td>1</td>
</tr>
</tbody>
</table>
**CANADA (Cont)**

**CATEGORY 'B' - SUBSTANCES**

**Example 2**

Tank Capacity - 1,000 cubic metres  
Quantity of Substance remaining - 1 cubic metre  
Pre-clean Mixture remaining - 1 cubic metre  
Permissible Concentration following discharge into the sea - 1 ppm  
Max. Permissible Concentration before discharge into the sea - 1000 ppm

<table>
<thead>
<tr>
<th>PRECLEAN</th>
<th>SUBSEQUENT WASH</th>
<th>AFTER DISCHARGE INTO THE SEA</th>
<th>WASHINGS HANDLED</th>
</tr>
</thead>
<tbody>
<tr>
<td>999</td>
<td>99.9</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>499</td>
<td>49.9</td>
<td>500</td>
<td>2,000</td>
</tr>
<tr>
<td>249</td>
<td>24.9</td>
<td>250</td>
<td>4,000</td>
</tr>
<tr>
<td>99</td>
<td>9.9</td>
<td>100</td>
<td>10,000</td>
</tr>
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<td>49</td>
<td>4.9</td>
<td>50</td>
<td>20,000</td>
</tr>
<tr>
<td>24</td>
<td>2.4</td>
<td>25</td>
<td>40,000</td>
</tr>
<tr>
<td>9</td>
<td>0.9</td>
<td>10</td>
<td>100,000</td>
</tr>
<tr>
<td>4</td>
<td>0.4</td>
<td>5</td>
<td>200,000</td>
</tr>
</tbody>
</table>
Subsequent Wash Water Required
(Percentage of Tank Volume)

100%

Reclaim Water Required
(Percentage of Tank Volume)

CATEGORY 'B' SUBSTANCE.
**Example 3**

Tank capacity - 200 cubic metres  
Quantity of substance remaining - 2 cubic metres  
Preclean Mixture remaining - 2 cubic metres  
Permissible Concentration following discharge into the sea - 10 ppm  
Max. Permissible Concentration before discharge into the sea - 10,000 ppm

<table>
<thead>
<tr>
<th>Water Required Vol.m$^3$</th>
<th>Dilution Factor</th>
<th>Resulting Conc. ppm</th>
<th>To Recept. Facility m$^3$</th>
<th>Water Required Vol.m$^3$</th>
<th>Dilution Factor</th>
<th>Resulting Conc. ppm</th>
<th>GESAMP Dilution Factor</th>
<th>Resulting Conc. ppm</th>
<th>Vol. M$^3$</th>
</tr>
</thead>
<tbody>
<tr>
<td>198</td>
<td>99.0</td>
<td>100</td>
<td>10,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>188</td>
<td>94.0</td>
<td>95</td>
<td>10,520</td>
<td>0.1</td>
<td>0.05</td>
<td>1.05</td>
<td>10,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>98</td>
<td>49.0</td>
<td>50</td>
<td>20,000</td>
<td>2.0</td>
<td>1.0</td>
<td>2</td>
<td>10,000</td>
<td>1,000</td>
<td>10</td>
</tr>
<tr>
<td>48</td>
<td>24.0</td>
<td>25</td>
<td>40,000</td>
<td>6</td>
<td>3</td>
<td>4</td>
<td>10,000</td>
<td>1,000</td>
<td>10</td>
</tr>
<tr>
<td>18</td>
<td>9.0</td>
<td>10</td>
<td>100,000</td>
<td>18</td>
<td>9</td>
<td>10</td>
<td>10,000</td>
<td>1,000</td>
<td>10</td>
</tr>
<tr>
<td>8</td>
<td>4.0</td>
<td>5</td>
<td>200,000</td>
<td>38</td>
<td>19</td>
<td>20</td>
<td>10,000</td>
<td>1,000</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>1.5</td>
<td>2.5</td>
<td>400,000</td>
<td>78</td>
<td>39</td>
<td>40</td>
<td>10,000</td>
<td>1,000</td>
<td>10</td>
</tr>
</tbody>
</table>

WASHINGS HANDLED

10
400
380
205
110
80
94
164
**CANADA (Cont)**

**CATEGORY 'C' - SUBSTANCES**

Example 4

Tank Capacity - 1,000 cubic metres
Quantity of Substance remaining - 2 cubic metres
Preclean Mixture remaining - 2 cubic metres
Permissible Concentration following discharge into the sea - 10 ppm
Max. Permissible Concentration before discharge into the sea - 10,000 ppm

<table>
<thead>
<tr>
<th>PRECLEAN</th>
<th>SUBSEQUENT WASH</th>
<th>AFTER DISCHARGE INTO THE SEA</th>
<th>WASHINGS HANDLED</th>
</tr>
</thead>
<tbody>
<tr>
<td>----------</td>
<td>----------------</td>
<td>----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>198</td>
<td>19.8</td>
<td>100</td>
<td>10,000</td>
</tr>
<tr>
<td>178</td>
<td>17.8</td>
<td>90</td>
<td>11,120</td>
</tr>
<tr>
<td>148</td>
<td>14.8</td>
<td>75</td>
<td>13,330</td>
</tr>
<tr>
<td>98</td>
<td>9.8</td>
<td>50</td>
<td>20,000</td>
</tr>
<tr>
<td>48</td>
<td>4.8</td>
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<td>40,000</td>
</tr>
<tr>
<td>23</td>
<td>2.3</td>
<td>12.5</td>
<td>80,000</td>
</tr>
<tr>
<td>8</td>
<td>0.8</td>
<td>5</td>
<td>200,000</td>
</tr>
<tr>
<td>3</td>
<td>0.3</td>
<td>2.5</td>
<td>400,000</td>
</tr>
</tbody>
</table>
PROPOSED AMENDMENT TO ANNEX II - CANADA

SUBSEQUENT MASH WATER REQUIRED.

(Percentage of tank volume.)

CATEGORY 'C' SUBSTANCE.
ANNEX III¹/
REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL
SUBSTANCES CARRIED BY SEA IN PACKAGED FORM, OR IN CARGO
CONTAINERS OR IN PORTABLE TANKS

REGULATION 1
Application

(1) Unless expressly provided otherwise, these regulations apply to all ships carrying harmful substances in packaged form or in cargo containers or in portable tanks.

(2) [Such carriage of harmful substances is prohibited except in accordance with the provisions of this Annex.]²/

(3) To supplement the provisions of this Annex each Contracting State shall issue, or cause to be issued, detailed instructions on packaging, marking and labelling, documentation, stowage, quantity limitations, discharge by jettisoning and leakages for preventing or minimising pollution of the marine environment by harmful substances.²/

FINLAND

Finland supports the inclusion of the requirements of the present draft Annex III as an Annex to the Convention.

GERMANY (FDR)

General Remarks:

It should be noted that there is quite a need to formulate appropriate provisions regarding the carriage of harmful substances in packaged form for inclusion in the Convention although the present state of knowledge in this field has not advanced sufficiently enough to enable the Conference to formulate final and detailed provisions.

The proposed solution therefore - may it be an Annex to the Convention, may it be a Resolution with annexed Recommendations - shall in any case only be a framework to be filled out by an appropriate Code. This Code however

¹/ Several delegations were of the opinion that this subject has not been considered in sufficient detail to incorporate the provisions of this Annex in the Convention, and therefore suggested that these provisions should be established in the form of recommendations appended to a Conference Resolution. A proposed text of such a Resolution with accompanying Recommendations is shown on page 73 of this document as an addendum to this footnote.

²/ Some delegations feel this provision is superfluous.

³/ See draft Resolution 7.
(4) For the purpose of this Annex, empty receptacles, cargo containers and portable tanks which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is hazardous to the marine environment.

should not be a specially developed new "Harmful Substance Code" but rather a Revision of the existing "International Maritime Dangerous Goods Code". This would probably avoid a lot of double work and the necessity to look into the different codes for the proper treatment of one substance.

As a second point of importance should be referred to Footnote 5 on page 2 regarding "Quantity Limitations". It should indeed be exercised greatest care in this context. Otherwise one could easily come to the result he should better stay in, to be in any case on the safe side.

NORWAY

One of the objectives of the forthcoming pollution conference is to develop regulations for the minimization of accidental discharge into the sea of harmful substances. In our opinion this objective has not fully been achieved if such discharge from harmful substances carried by sea in the packaged form, in cargo containers or in portable tanks is not covered by the 1973 Pollution Convention. It is felt essential that the Marine Pollution Convention embraces all aspects of marine pollution. The marine pollution aspects of packaged harmful substances should be subject to the provisions of a short Annex which sets out in general terms the principles which shall be applied to such cargoes when carried by sea in order to minimize the hazard to the marine environment. Detailed recommendations in the International Maritime Dangerous Goods Code will reflect these principles when the review of that Code has been completed.

Regulation 1 - Application

(2) Delete the brackets.

USSR

Paragraph (1) - The words "and in accordance with Article 3 of the Convention" to be added before the words "these regulations apply" and again further on where appropriate in the text.

Paragraph (2) - to be deleted.

Footnote 1/ The suggestion is supported that Annex III should be retained as an Annex to the Convention 1973.
Packaging

Packaging, cargo containers and portable tanks shall be adequate to minimize the hazard to the marine environment having regard to their specific contents.

The Regulation should be supplemented with a provision to the effect that the packing shall meet the requirements of the International Maritime Dangerous Goods Code.

Some delegations pointed out that much further work will be required to clarify such aspects as the adequacy of packagings, cargo containers and portable tanks to minimize the hazard to the marine environment (Regulation 2), and the degree of durability required for labels relative to that of the various packagings on which they are to be affixed (Regulation 3).
REGULATION 3

Marking and Labelling

Each package, cargo container, or portable tank containing a harmful substance shall be durably marked with the correct technical name (trade names shall not be used), and further marked with a distinctive label or stencil of label, indicating that the contents are harmful. Such identification may be supplemented, by any other means, for example by the use of the UN number of the substance assigned by the United Nations Committee.

REGULATION 4

Documentation

(1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of the substances shall be used (trade names shall not be used).

(2) The shipping documents supplied by the shipper shall include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.

Some delegations pointed out that much further work will be required to clarify such aspects as the adequacy of packagings, cargo containers and portable tanks to minimize the hazard to the marine environment (Regulation 2), and the degree of durability required for labels relative to that of the various packagings on which they are to be affixed (Regulation 3).

PROPOSED AMENDMENTS TO ANNEX III

USSR

The word "may" in the second sentence to be substituted by "shall".
REGULATION 4

Documentation

(3) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest.

(4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Annex shall be combined with those for dangerous goods.

REGULATION 5

Stowage

Harmful substances shall be both properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of ship and persons on board.
REGULATION 6

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment shall either be prohibited for carriage or shall be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration shall be given to size, construction and equipment of the ship as well as the inherent nature of the substance.

REGULATION 7

(1) Discharge by jettisoning of harmful substances carried in packaged form, or in cargo containers or in portable tanks shall be prohibited except where necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of this Convention appropriate measures based on the physical, chemical and biological properties of harmful substances, shall be taken to regulate the washing of leakages overboard provided that compliance with such measures would not impair the safety of the ship and persons on board.

5/ Some delegations mentioned that this interdiction may interfere with international trade and that actually no scientific or technical reason could justify this interdiction. It was agreed that great care should be exercised when finalizing the text so as to ensure compatibility with the provisions of other Annexes.

PROPOSED AMENDMENTS TO ANNEX III

NORWAY

Very careful consideration should be given to the proposed possible prohibition of the carriage of harmful substances very hazardous to the marine environment. In our opinion one must face the fact that dangerous goods are needed and must be transported, either by sea or by land, and in many cases sea transportation may be the safer mode of transport. With respect to quantity limitation due consideration should also be given to the size and construction of the package itself, not only to the ship.
REGULATION 6

Regulation 6

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment shall either be prohibited for carriage or shall be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration shall be given to size, construction and equipment of the ship as well as the inherent nature of the substance.

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PROPOSED AMENDMENTS TO ANNEX III

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79.
REGULATION 8

Arrangements for Recovery

Contracting States or groups of Contracting States shall make arrangements to cater for the possible need to recover or otherwise deal with harmful substances which are lost or may be lost into the sea from ships.

Regulation 6

Reports on Incidents Involving Harmful Substances

6/ Depending on the final text of Article 7 to be adopted by the Conference there might be a need to include appropriate requirements in this Annex.

ADDENDUM TO FOOTNOTE I

DRAFT RESOLUTION

RECOMMENDATION CONCERNING THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM, OR IN CARGO CONTAINERS OR IN PORTABLE TANKS

THE CONFERENCE,

RECONIZING a potential hazard to the marine environment which is involved in the carriage of harmful substances by sea in packaged form, or in cargo containers or in portable tanks,

CANADA

(Proposed Amendments to the Draft Resolution in the Addendum to Footnote 1 of Annex III, which in general will similarly apply to Draft Resolution 7 and the Regulations in Annex III.)

Title of Draft Resolution and paragraphs 1 and 3.

It is proposed that the title of the Draft Resolution and paragraphs 1 and 3 thereof should be reworded to include reference and application to "the tanks of motor vehicles or railway wagons".

Explanatory Note

It is considered that the intent of this Resolution was to include the case of motor tank vehicles and railway tank wagons carried on board ship. Specific reference thereto is considered essential for clarification of this application as established definitions in the Dangerous
ADDENDUM TO FOOTNOTE I

DRAFT RESOLUTION

NOTING that, whilst recognizing the need to formulate appropriate provisions for inclusion in the International Convention for the Prevention of Pollution from Ships, 1973, the present state of knowledge in this field has not advanced sufficiently enough to enable the Conference to formulate such provisions,

HAVING AGREED upon a series of recommendations relating to the carriage of harmful substances in packaged form, or in cargo containers or in portable tanks, the texts of which appear in the Appendix to this Resolution,

HAVING NOTED the Regulations relating to the safe carriage of dangerous goods by sea as set out in Chapter VII of the International Convention for the Safety of Life at Sea, 1960, in particular, Regulation 1(d) of that Chapter by which Contracting Governments are obliged to issue, or cause to be issued, detailed instructions for the safe packing and stowage of specific dangerous goods or categories of dangerous goods which shall include any precautions necessary in relation to other cargo,

NOTING FURTHER the International Maritime Dangerous Goods Code which was prepared in implementation of Recommendation 56 of the International Conference on Safety of Life at Sea, 1960, and has been recommended by the Organisation as a uniform basis upon which Governments should formulate the national regulations envisaged in Chapter VII of the Safety Convention.

Goods Code for "cargo container" and portable tank do not include the tanks of road vehicles and railway wagons.
ADDENDUM TO FOOTNOTE I

RECOGNIZING that provisions concerning substances discovered to be harmful to the marine environment must be specified and be complementary to those which have been adopted for the carriage of dangerous goods by sea,

RECOMMENDS that

(a) the Organisation pursue and encourage studies of the impact that the carriage of harmful substances by sea may have upon the marine environment;

(b) the result of such studies be directed towards the revision of the scope of the International Maritime Dangerous Goods Code or the development of a harmful substance code, that takes into account

(i) substances that are harmful to the marine environment but which are not classed as dangerous goods;

(ii) the minimization of the threat to the marine environment that arises from the carriage by sea of the substances that will be enumerated in such codes; and

(iii) safety in maritime transport;

(c) in such revision or development particular account be taken of

Paragraph 6 of Draft Resolution

It is proposed, commencing at paragraph 6, that for clarification and improvement of text the Draft Resolution should be reworded as follows:

"RECOGNIZING that provisions concerning harmful substances, as defined in Article 2(3) of the International Convention for the Prevention of Pollution from Ships, 1973, must be specified and be complementary to those which have been adopted for the carriage of dangerous goods by sea,

RECOMMENDS that:

(a) the Organization pursue and encourage studies of the impact that the carriage by sea of such harmful substances in packaged form, cargo containers, portable tanks or in the tanks of motor vehicles or railway wagons may have upon the marine environment;

(b) the results of such studies

(i) be directed towards the revision of the scope of the International Maritime Dangerous Goods Code or the development of an International Harmful Substances Code, in either case taking into account

(A) substances that are harmful to the marine environment whether or not classed as dangerous goods;

(B) the minimization of the threat to the marine environment that arises from the carriage by sea of the substances that will
ADDENDUM TO FOOTNOTE I

(i) packaging,
(ii) marking and labelling,
(iii) documentation,
(iv) stowage,
(v) quantity limitations,
(vi) exceptions, and
(vii) arrangements for recovery;

(d) Contracting States consider adoption of the format of the International Maritime Goods Code for the systematic development of regulations and standards for the carriage of harmful substances that represent a threat to the marine environment so as to ensure compatibility between safety requirements and provisions relating to pollution abatement; and

(e) the recommended practices and guidelines in the attached Appendix to this Resolution form the basis for the subsequent development of the provision for inclusion in an Annex to the International Convention for the Prevention of Pollution from Ships, 1973,

INVITES Governments

(a) to adopt, pending the development of such Convention provisions, the recommendations contained in the Appendix as a basis for national measures; and

(CANADA)

be enumerated in such codes; and

(ii) be directed towards

(A) the revision of the International Maritime Dangerous Goods Code with respect to the minimization of the threat to the marine environment that arises from the carriage by sea of the substances that are enumerated in the Code; and

(B) the development of an International Harmful Substances Code that takes into account the minimization of the threat to the marine environment, that arises from the carriage by sea of the substances that will be enumerated in such a Code, and safety in maritime transport;

(c) in such revision and development, particular account be taken of:

(i) packaging,

(ii) marking and labelling,

(iii) documentation,

(iv) stowage

(v) quantity limitations,

(vi) prohibition of discharge,

(vii) arrangements for recovery, and

(ix) loading and unloading;
ADDENDUM TO FOOTNOTE I

(b) to issue or cause to be issued detailed instructions on packaging, marking and labelling, documentation, stowage, quantity limitations, discharge by jettisoning and leakages [and incident reporting procedure], for preventing or minimizing pollution of the marine environment by harmful substances.

Explanatory Note

The proposed rewording of the preceding paragraph (b) introduces into this Recommendation an alternative proposal for revision of the Dangerous Goods Code and the development of a Harmful Substances Code.

It is considered that the original intent and scope of the Dangerous Goods Code, with respect to the protection of the ship and the safety of persons on board, should not be changed. However the Dangerous Goods Code would have to be revised with regard to packaging, stowage, etc., to become compatible with similar requirements from the pollution prevention point of view as would be contained in the Harmful Substances Code.

The proposed rewording of the preceding paragraph (c) is consequential to the proposed rewording of Recommendation 7 and the addition of the proposed new Recommendation with respect to loading and unloading of harmful substances.

(d) Contracting States consider adoption of the format of the International Maritime Dangerous Goods Code for the systematic development of regulations and standards for the carriage by sea of such harmful substances in packaged form, cargo containers, portable tanks or in the tanks of motor vehicles or railway wagons so as to ensure compatibility between safety requirements and provisions relating to pollution prevention; and

(e) the recommended practices and guidelines in the attached Appendix to this Resolution form the basis for the subsequent development of the Regulations for inclusion in Annex III to the International Convention for the Prevention of Pollution from Ships, 1973,
"INVITES Governments

(a) to adopt, pending the development of such Convention provisions, the recommendations contained in the Appendix to this Resolution as a basis for national measures; and

(b) to issue, or cause to be issued, detailed instructions on packaging, marking and labelling, documentation, stowage, quantity limitations, prohibition of discharge, exceptions, arrangements for recovery, and loading and unloading, for preventing or minimizing pollution of the marine environment by harmful substances."

Explanatory Note

The proposed rewording of the preceding paragraph 'b) is consequential to the proposed rewording of Recommendation 7 and the addition of the proposed new Recommendation with respect to loading and unloading of harmful substances.

Proposed Amendments to the Appendix to Draft Resolution

Title of Appendix and Recommendations 1, 2, and 3.

It is proposed that the title of the Appendix and Recommendations 1, 2, and 3 should be reworded to include reference and application to "the tanks of motor vehicles or railway wagons".

Explanatory Note

It is considered that the intent of this Appendix was to include the case of motor tank vehicles and
Appendix to Draft Resolution

(2) For the purpose of this Appendix empty receptacles, cargo containers and portable tanks which have been used previously, for the carriage of harmful substances should themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is hazardous to the marine environment.

Recommendation 2-

Packaging

Packaging, cargo containers and portable tanks should be adequate to minimize the hazard to the marine environment having regard to their specific contents.

Recommendation 3-

Marking and Labelling

Each package, cargo container, or portable tank containing a harmful substance should be durably marked with the correct technical name (trade names should not be used), and further marked with a distinctive label or stencil of label, indicating that the contents are harmful. Such identification may be supplemented by any other means, for example by the use of the UN number of the substance assigned by the United Nations.

1/ Some delegations pointed out that much further work will be required to clarify such aspects as the adequacy of packagings, cargo containers and portable tanks to minimize the hazard to the marine environment (Recommendation 2), and the degree of durability required for labels relative to that of the various packagings on which they are to be affixed (Recommendation 3).
Appendix to Draft Resolution

Recommendation 4

Documentation

(1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of the substances should be used (trade names should not be used).

(2) The shipping documents supplied by the shipper should include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.

(3) Each ship carrying harmful substances should have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest.

(4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Appendix should be combined with those for dangerous goods.

CANADA

Recommendation 4(3)

It is proposed that paragraph (3) should be reworded as follows:

"(3) Each ship carrying harmful substances should have a special list or manifest and a detailed stowage plan setting forth the harmful substances on board and the location thereof. Copies of such documents should also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded".

Explanatory Note

It is considered that documentation must be kept on board the ship for possible examination by surveyors at the receiving port and documentation must be retained by the owner of the ship or his representative for the purpose of reference in the event of a major incident occurring to the ship.

Recommendation 4(4)

It is proposed that paragraph (4) should be clarified by rewording as follows:

"(4) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the information required for the purpose of paragraph (3) may be included on the list, manifest or stowage plan for dangerous goods".

87.
Appendix to Draft Resolution

Recommendation 5

Stowage

Harmful substances should be both properly stowed and secured so as to minimize the hazard to the marine environment without impairing the safety of ship and persons on board.

Recommendation 6

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment should either be prohibited for carriage or should be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration should be given to size, construction and equipment of the ship as well as the inherent nature of the substance.

2/ Some delegations mentioned that this interdiction may interfere with international trade and that actually no scientific or technical reason could justify this interdiction. It was agreed that great care should be exercised when finalizing the text so as to ensure compatibility with the provisions of other Annexes.

Recommendation 7

Exceptions

(1) Discharge by jettisoning of harmful substances in packaged form or in cargo containers or in portable tanks should be prohibited except where necessary for the purpose of securing the safety of the ship or saving life at sea.

Recommendation 6

It is proposed that recommendation 6 should be reworded as follows:
"Certain harmful substances which are very hazardous to the marine environment should either be prohibited for carriage or should be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration should be given to size, construction and equipment of the ship as well as to the packaging and the inherent nature of the substance."

Explanatory Note

It is suggested that consideration must be given to the type of packaging when considering quantity limitations.

Recommendation 7

It is proposed that recommendation 7 should be rewritten to provide separate recommendations for prohibition of discharge into the sea and for the required exceptions as follows:
Subject to the provisions of the International Convention for the Prevention of Pollution from Ships, 1973 appropriate measures, based on the physical, chemical and biological properties of harmful substances, should be taken to regulate the washing of leakages overboard provided that compliance with such measures would not impair the safety of the ship and persons on board.

Prohibition of Discharge

Subject to the provisions of Recommendation 7A of this Appendix,

(a) the discharge into the sea of harmful substances carried in packaged form or in cargo containers or in portable tanks or in the tanks of motor vehicles or railway wagons should be prohibited; and

(b) the discharge into the sea of harmful substances resulting from drainage, leakage or accidental spillage from packages, cargo containers, portable tanks or the tanks of motor vehicles or railway wagons should be prohibited.

Recommendation 7A

Exceptions

Recommendation 7 of this Appendix should not apply to,

(a) the discharge into the sea of harmful substances where necessary for the purpose of securing the safety of the ship or saving life at sea; and

(b) the discharge into the sea of washings containing harmful substances resulting from leakage or accidental spillage where, subject to the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, and with respect to the Safety of the ship and persons on board,
Appdx to Draft Resolution

Recommendation 7

CANADA

appropriate measures based on the physical, chemical and biological properties of harmful substances have been taken to regulate the washing overboard of such leakage or accidental spillage. "

Proposed New Recommendation

It is proposed that an additional recommendation should be introduced as follows:

" Loading and Unloading

With respect to certain harmful substances as may be designated by a Contracting State, the master or owner of the ship or his representative should, before loading or unloading such substances, notify the appropriate port authority in order that it may take any special measures necessary in preparation for handling those substances and provide any safeguards that may be required in the event that an accidental discharge of those substances should occur."

Recommendation 8

Arrangements for Recovery

Contracting States or groups of Contracting States should make arrangements to cater for the possible need to recover or otherwise deal with harmful substances which are lost or may be lost into the sea from ships.
Appendix to Draft Resolution

Recommendation [ ]

Reports on Incidents involving Harmful Substances

Depending on the final text of Article 7 to be adopted by the Conference there might be a need to include appropriate recommendations in this Appendix.
INTERNATIONAL CONFERENCE
ON
MARINE POLLUTION
1973

Text of draft
International Convention
for the Prevention of Pollution
from Ships, 1973, together with the
comments from Governments and
International Organisations
on the Draft Text

30/32, St. Mary Axe,
London, EC3A 8ET

September, 1973
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September, 1973
ANNEX IV
REGULATIONS FOR THE PREVENTION OF POLLUTION
BY SEWAGE FROM SHIPS

GENERAL COMMENTS ON ANNEX IV

GERMANY (FDR)

The discharge of sewage is one source of coastal pollution from ships. Although the ship-generated sewage is - in comparison with sewage pollutants originated on land and entering into the sea by rivers - of less importance the measures to be taken by ships have to correspond to the broad endeavours by many countries to reduce or even to prevent pollution of the coastal regions by municipal sewage in establishing sewage treatment plants ashore. The reduction of untreated sewage-discharge from ships within a special coastal area will reduce or control the detrimental effects of sewage.

With respect to the effectiveness of this particular Annex the Federal Republic of Germany is of the opinion that several amendments to the draft should be taken into account. The following points are of special importance:

1. The "Anti-Pollution" Certificate should be issued for all ships on international voyages which have a suitable equipment (holding tank or sewage treatment plant) for handling sewage.

2. The effluent standards should be specified in order to have a clear definition of the qualifications for a sewage treatment plant aboard which shall prevent any damage of the coastal environment by the discharge of sewage. At present the effluents of several types of sewage treatment plants are tested in the FRG.

3. The reception facilities required by Reg. 6 in ports for untreated sewage collected in holding tanks are aimed to be used only by a small number of ships on the understanding that the majority of ships will be equipped in future with sewage treatment plants. By this the costs of investment in the ports for installation of reception facilities will be reduced.
REGULATION I
Definitions
For the purpose of this Annex:

1) "New ship" is as defined in Regulation 1(5) of Annex I of the present Convention, provided however that a reference to the entry into force of the present Convention shall be taken to mean a reference to the entry into force of this Annex.

2) "Existing ship" is as defined in Regulation 1(6) of Annex I of the present Convention.

3) "International voyage" is as defined in Regulation 1(8) of Annex I of the present Convention.

4) "Sewage" means:
   (a) drainage and other discharge from any form of toilets, lavatory pans, urinals and WC scoupers;
   (b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scoupers located in such premises;

PROPOSED AMENDMENTS TO REGULATION I - AUSTRALIA

(4)(c)
Wording should be altered to take account of animals carried in spaces other than holds, as follows:
"drainage from holds and other spaces occupied by living animals; or"

DENMARK

Add a new definition:
"'Passenger ship' means a ship which carries more than one hundred passengers as defined in Regulation 2(e) of Part A of the International Convention for the Safety of Life at Sea, 1960."

This addition is consequential upon acceptance of the change proposed to Regulation 2.

GERMANY (FDR)

Insert new sub-paragraph
(6) "Sewage treatment plant" means an installation for treating sewage before discharge in restricted waters.

Remarks:
As there is a definition of "Holding tank" this proposed amendment is desirable.

Change of numbering:
drafted subpara (6) will change to subpara (7).
REGULATION 1

Definitions

(c) drainage from holds containing living animals; or

(d) other waste waters including those containing the substances described in Regulation 3(1)(b) and (d) of Annex V of the present Convention when mixed with the drainages defined above.

5) "Holding tank" means a tank used for the collection and storage of sewage.

6) "Nearest land" is as defined in Regulation 1(9) of Annex I of the present Convention.

REGULATION 2

Application

The requirement of this Annex shall apply to:

a) new ships of more than 200 tons gross tonnage \( \frac{1}{\text{i}} \) and new ships which do not have a measured gross tonnage but which have beds for more than 10 persons; and

PROPOSED AMENDMENTS TO REGULATION 1

INTERNATIONAL CHAMBER OF SHIPPIING

Recommendation:

Add a new definition:

"A passenger is every person other than:-

(i) the master and members of the crew and other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(ii) a child under one year of age."

Comment:

This additional definition, which comes from the SOLAS Convention, is consequential upon acceptance of the changes proposed by ICS to Regulation 2.

PROPOSED AMENDMENTS TO REGULATION 2

DENMARK

Amend sub-paragraph (b) to read as follows:

"b) existing ships, other than passenger ships, of more than 200 tons gross tonnage and existing ships which do not have a measured gross tonnage but which have beds for more than 10 persons, 10 years after the date of entry into force of this Annex."

The reference to passenger ships is consequential upon acceptance of the suggested new sub-paragraph (c), below. The removal of the square brackets reflects the view that a 10 year period after the date of entry into force of the Annex is reasonable and realistic to carry out the necessary adaptation of existing vessels.
REGULATION 2

Application

(b) existing ships of more than 200 tons gross tonnage ¹/ and existing ships which do not have a measured gross tonnage but which have beds for more than 10 persons, [10] ²/ years after the date of entry into force of this Annex ³/.

PROPOSED AMENDMENTS TO REGULATION 2

Add a new sub-paragraph (c) as follows:-

"(c) existing passenger ships of more than 200 tons gross tonnage, 10 years after the date of entry into force of this Annex, or, where the Administration is satisfied that compliance would be technically or economically impracticable, at such later date as the Administration may decide."

The Danish Government is convinced that at the end of the 10 year 'period of grace' there will be very few such vessels still in operation and thus the pollution hazard they would present is so small as to justify a special concession.

GERMANY (FDR)

Subpara (a) and (b) should read:

(a) new ships of more than 200 tons gross tonnage and new ships of not more than 200 tons gross tonnage or which do not have a measured gross tonnage but which are designed to have on board more than [20] persons; and

(b) existing ships of more than 200 tons gross tonnage and existing ships of not more than 200 tons gross tonnage or which do not have a measured gross tonnage but which are designed to have on board more than [20] persons, [10] years after the date of entry into force of this Annex,
Some delegations suggested that provision should be made to enable Administrations to exempt certain passenger ships from the requirements of this Annex if it is satisfied that the application of those requirements would be neither reasonable nor practicable.

2/ Some delegations suggested that provision should be made to enable Administrations to exempt certain passenger ships from the requirements of this Annex if it is satisfied that the application of those requirements would be neither reasonable nor practicable.

b) Footnote 2/ to be deleted

Remarks:
As additional criteria for ships of less than 200 tons gross tonnage the fixed number of person admitted on board seems to be necessary because the marine pollution by ship-generated sewage is mainly dependant on number of persons.

Remarks:
A reduction to 5 years will force many ship to expensive conversions.

Footnote 3/ to be deleted.

c) Footnote 3/ to be deleted.

Remarks:
Each national Administration has the possibility to exempt certain ships engaged only on national voyages from the requirements of this Annex.

INTERNATIONAL CHAMBER OF SHIPPING

A. Recommendation

Amend sub-paragraph (b) to read as follows:-

"existing ships, other than those which carry more than 100 passengers, of more than 200 tons gross tonnage and existing ships which do not have a measured gross tonnage but which have beds for more than 10 person, 10 years after the date of entry into force of this Annex."

Comment
The reference to passenger ships is consequential upon acceptance of the suggested new sub-paragraph (c), below. The removal of the square brackets reflects the view of ICS that a 10-year period after the date of entry into force of
PROPOSED AMENDMENTS TO REGULATION 2

the Annex is reasonable and realistic to carry out the necessary adaptation of existing vessels.

B. Recommendation

Add a new sub-paragraph (c) as follows:-

"existing ships of more than 200 tons gross tonnage which carry more than 100 passengers, 10 years after the date of entry into force of this Annex, or, where the Administration is satisfied that compliance with the requirements of this Annex would be technically or economically impracticable, at such later date as the Administration may decide."

Comment

ICS is convinced that there is a small number of passenger vessels which would be driven out of service if faced with compliance with the requirements of the Annex. At the end of the 10 year 'period of grace' there will be very few such vessels still in operation and ICS therefore believes that the pollution hazard they would present is so small as to justify a special concession.

NORWAY

b) Delete the square brackets.

SWEDEN

A period of 10 years seems to be too long.

USA

(b) "Existing ships of more than 200 gross tonnage and existing ships which do not have a measured gross tonnage but which have beds for more than 10 persons, 5 years after the date of entry into force of this Annex."
PROPOSED AMENDMENTS TO REGULATION 2

USSR

Paragraph (a):

Existing text to be replaced by:-

"(a) new ships of more than 200 tons gross tonnage which have beds for more than 10 persons."

Paragraph (b):

Square brackets to be deleted and figure 10 to be replaced by 5.

A ten year period of postponement is too long. The current development of techniques enables this period to be decreased to five years.

PROPOSED AMENDMENTS TO REGULATION 3

AUSTRALIA

Typographical error

Regulation 3(6)

In the third sentence, the word 'very' should read 'every'.

GERMANY (FDR)

Subpara (1) should read:

(1) ... Certificate (1973), shall be issued to a ship

(1) using special equipment for handling sewage (holding tank or sewage treatment plant) and

(11) engaged on international voyages, shall be of a form which corresponds to that of the model given in the Appendix of this Annex.
Certificate and Survey

(3) (a) A Contracting Government may, at the request of another Contracting Government, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorise the issue of an International Sewage Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.

(b) A copy of the certificate and a copy of the survey report shall be transmitted as early as possible to the requesting Government.

(c) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is entitled to fly, and it shall have the same force and receive the same recognition as the certificate issued under paragraph (2) of this Regulation.

(5) The Certificate shall be issued after a survey and inspection of the ship which shall be such as to ensure that the following items are in accordance with the aims of this Annex:

(a) when the ship is equipped with a sewage treatment plant it is regarded as a suitable equipment when the following effluent requirements can be met:

1. Total coliform count shall not exceed 10,000 per litre.

2. Total Biological Oxygen Demand (BOD) shall not exceed [100] mg/litre of Oxygen at 20°C.


The results of a test under normal operation conditions are laid down in the Certificate.

Remarks:
Following the words of footnote 4/ the survey and issue of certificates should be made mandatory to ships using a special equipment and engaged on international voyages. Moreover the Certificate can play an essential role for the Administrations when it is necessary to prove whether the requirements of this Annex are implemented or not.

Subpara (5) should read:

4/ Some delegations considered that the survey and issue of certificates should be made mandatory to ships engaged on
Certificate and Survey

(d) No International Sewage Pollution 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.

(4) The Certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.

(5) The Certificate shall be issued after the survey to a ship to ensure that it is equipped with:

(a) suitable equipment to the satisfaction of the Administration to collect and hold sewage or to treat the sewage so as to be able to meet the requirements of Regulation 4(1)(b) of this Annex; and

(b) a pipeline leading to the exterior convenient for the discharge of sewage to a reception facility 5, and that such a pipeline is fitted with

Remarks

GERMANY (FDR) (cont'd)

From the great number of polluting elements in a sewage system discharge there are measurements of certain elements that yield enough information to ascertain whether a discharge has a potential of polluting the surrounding water. These are measurements of bio-chemical oxygen demand (BOD), suspended solids and number of coliform bacteria.

Preliminary standards are put into brackets. The Federal Republic of Germany is eager to give more substantive explanation for these standards at the October Conference. At present the effluents of several types of sewage treatment plants are tested.

It is necessary to define special figures for these measurable standards to have a guideline for the construction of the various types of sewage plants which are used aboard of different ships to meet the same effluent standards when discharging in restricted areas. When issuing a Certificate to a ship there should be 2 figures with respect of the effluent standards of sewage plants:

1. results of a manufacturer's test to qualify the equipment for using aboard.

2. results of a test under conditions that simulate operation at sea conducted by the issuing Administration (see amendment to the model Certificate given in the Appendix).

Subpara (5)(b) should read:

"(b) when the ship is equipped with a system to collect and hold sewage before discharge into the sea or inshore reception facilities it is regarded as a suitable equipment when the following specifications are available:
Certificate and Survey

a standard shore connection in compliance with Regulation 7 of this Annex.

(6) The survey 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 survey either to surveyors nominated for the purpose or to organizations recognized by it. In very case the Administration concerned fully guarantees the completeness and efficiency of the survey.

(7) After any survey of the ship under this Regulation has been completed, no change shall be made in the items covered by the survey without the sanction of the Administration, except for the maintenance and repair of installed equipment.

PROPOSED AMENDMENTS TO REGULATION 3

GERMANY (FDR) (Cont’d)

(1) Total capacity of the holding tank

(ii) Visible mark of the holding tank’s actual charge

(iii) A pipeline leading to the exterior and an additional pump to pump the sewage up to the deck's height both convenient for the discharge .... (following 5(b) of the draft).

Remarks to (iii):

The proposed Amendment seems to be important to demonstrate that the ship is able to manage the discharge of sewage to a reception facility by shipborne means.

Subpara (b) should read:

"... shall be issued for a period of two and a half years. For prolongation a new survey with tests are necessary."

Remarks

The period of validity should be only two and a half years instead of five years. The Certificate gives more evidence for the master of the ship and the surveyor.

JAPAN

Change paragraph (1) into the following:

"(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued to a ship engaged on international voyages and shall be of a form which corresponds to that of the model given in the Appendix to this Annex."
Certificate and Survey

(8) An International Sewage 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.

(1) The sub-paragraph should read:

"An International Sewage Pollution Prevention Certificate (1973) shall be issued to ships engaged on international voyages, and shall be of a form which corresponds to that of the model given in the Appendix to this Annex".

Comments:

The issue of certificates should be mandatory for ships engaged on international voyages.

USSR

Paragraph (5) footnote 5/:

The proposition made in footnote 5 may be acceptable, but only on condition that any exemption from the requirement to lead discharge pipelines onto the upper deck is dependent on the existence of a system of sewage treatment on board such as will ensure that discharges into the sea will be in accordance with adopted criteria.

PROPOSED AMENDMENTS TO REGULATION 4

DENMARK

Insert the figure '3' in the square brackets in paragraph (1)(a).

The Danish Government believes that 3 miles is an adequate limit in this context. The adoption of a 12 mile limit would be unduly restrictive for the smaller vessels operating primarily in coastal or short-sea voyages.

6/ One delegation suggested that consideration should be given to inclusion of special requirements for fixed platforms.
Discharge of Sewage

(a) the ship is discharging at a distance of more than [ ] nautical miles from the nearest land, provided that sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; or

(b) the ship has in operation suitable sewage treatment equipment as defined in Regulation 3(5)(a) which can satisfy the following criteria:

(1) The total coliform count of the effluent shall not exceed [10,000] per litre, 10/ and

(11) The effluent shall not produce visible floating solids in, nor cause discoloration of, the surrounding water; or

GERMANY (FDR)

Footnote 6/ to be deleted.

Remarks:

Special requirements for fixed platforms are not necessary. See definition of ship in Article 2(5) which includes fixed platforms.

Footnote 7/ to be deleted.

Remarks:

The rights of the Contracting States are fixed in Article 8(1). Besides the need of uniform requirements for easy implementation by the ship's masters don't want the encouragement for more stringent regulations which a coastal State may make.

Subpara (1) should read:

"(1) ... the discharge of sewage into the water is prohibited, except when:"

Remarks:

The expression "water" is more general, because the discharge is prohibited in coastal waters including rivers and harbours.

Subpara (a) should read:

"(a) the ship is discharging sewage stored in holding tanks at a distance of more than 2 nautical miles from the nearest land. Holding tanks shall not be discharged instantaneously but at a moderate rate..."
Discharge of Sewage

(c) the ship is situated in the waters of a State and is discharging sewage in accordance with such less severe requirements as may be imposed by such State.

(2) When the sewage is mixed with wastes or waste water having different discharge requirements specified in Annex V of the present Convention, the more severe discharge requirements shall apply.

Remarks:

GERMANY (FDR) (Cont'd)

A distance of 3 nautical miles will be sufficient in the next decade (for the rate of dilution) to protect the coastal waters against the detrimental effects of sewage-discharges from ships. Moreover any greater distance from the nearest land will trouble smaller vessels engaged in coastal trade in their normal operations.

Subpara (b) should read:

"(b) the ship has in operation a suitable sewage treatment plant which can satisfy the general effluent standards as defined in Regulation 3(5) (a) and

(i) the test results of the plant are laid down in the ship's valid International Sewage Pollution Prevention Certificate.

(ii) Additionally the effluent shall not produce visible floating solids ...

Remarks to (i):

The hygienic effluent standards which indicate, that the discharge has been chlorinated (reduction of coliform Bacteria), treated with oxygen (to prevent a reduce of free oxygen in the surrounding water) and sufficiently settled (to prevent settlement or sludge on the bottom) are listed in Reg 3(5)(a).

Remarks to (ii):

The additional effluent criteria show whether the discharge of treated sewage meet the aesthetic requirements of the anti-pollution campaign. Conclusions on the effect of the sewage treatment plant in operation are possible.
8/ No clear majority could be reached with respect to any particular distance from land. Furthermore, the scientific information available indicated that, in view of the large number of variable factors involved, it would not be possible to establish a particular distance on a scientific basis only. It appears, however, that this would probably fall within 12 miles from the nearest land.

9/ Several delegations were of the opinion that the words "under test conditions" should be inserted at the beginning of the sub-paragraph.

10/ Some delegations proposed the inclusion of BOD as a criterion. Other delegations felt that the coliform criteria should not be included.

11/ Some delegations were of the opinion that the words "when in operation aboard ship" should be inserted at the beginning of the sub-paragraph.
Discharge of Sewage

12/ Some delegations felt that the text of this sub-paragraph might need to be reviewed when the distance from the nearest land in sub-paragraph (a) of this Regulation has been established. Other delegations were of the opinion that this sub-paragraph should be deleted.

NORWAY

(1) The wording should be retained.

Comments:

It is felt that the wording in an international convention should cover the needs of all governments which become parties to the convention to avoid the difficulties which occur when a state impose more stringent regulations in their own waters than those put down in the convention itself.

Norway therefore do not agree to the views expressed in footnote 7/ Furthermore, the proposal in footnote 7/ seems to be incompatible with Article 8(2).

(a) Insert the figure '3' within the square brackets and delete the brackets.

Comments:

A distance of 3 nautical miles is considered an adequate distance in this context.

(b)(1) The sub-paragraph should read:

"Under test conditions the total coliform count of the effluent shall not exceed 10 000 per litre, and ...".

(c) Comments:

The text should be reviewed when the distance from the nearest land in sub-paragraph (a) has been established as mentioned in footnote 12/.

FRANCE

Footnote 7/ This note only adds confusion to the text and can be linked to the extent of national jurisdictions.

USSR

Paragraph 1(a) and footnote 34

Square brackets to be replaced by figure 12.
Paragraph 1(b)(1):
Square brackets at figure 10,000 to be deleted.
REGULATION 5

Exceptions

Regulation 4 of this Annex shall not apply to:

(a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and its personnel or saving life at sea; 13/

(b) the escape of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken for the purpose of preventing or minimizing the escape.

13/ Some delegations preferred a broader exception and proposed the addition of the following "or of avoiding damage to a ship or its cargo".

PROPOSED AMENDMENTS TO REGULATION 5

FINLAND

(a) "the discharge of sewage from a ship necessary for the purpose of securing the safety to a ship and its personnel or saving life at sea."

Add the following words:

"or of avoiding damage to a ship or its cargo".

The requirement as presently drafted is unnecessarily strict.

USSR

Paragraph (a) and footnote 13:

The proposition made in the footnote to extend the wording of Paragraph (a) by adding the words "or of avoiding damage to a ship or its cargo" is supported.

A considerable quantity of expensive goods may be spoiled by a practically small amount of sewage.
REGULATION 6

Reception Facilities

Each Contracting Government shall take appropriate steps to ensure that ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of any sewage that remains on board the ship for disposal.

PROPOSED AMENDMENTS TO REGULATION 6

AUSTRALIA

The grammatical construction should be changed to the following:

"Each contracting Government shall take appropriate steps to ensure that ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of any sewage that remains for disposal on board the ship."

GERMANY (FDR)

This regulation should read:

"... without causing undue delay and undue extra costs to ships.

Ports should generally be obliged only to receive sewage under the foregoing conditions from those ships whose actual remaining capacity of the holding tank is not large enough to enter the non prohibited zone."

Remarks:

The operators (private or public) of reception facilities should try to carry out their service in such a way causing for the ship owners a minimum of time and costs.

The possibility to use reception facilities should be limited to a small number of ships because the investment for providing reception facilities for every ship entering the harbour and which does not have a sewage treatment plant in operation would be too high.
REGULATION 7

Standard Shore Connection

To enable pipes of shore reception facilities to be connected with the ship's pipe discharge line, if provided, both lines shall be fitted with a standard connection with dimensions in accordance with the following specification and appended sketch:

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outer diameter:</td>
<td>178 mm</td>
</tr>
<tr>
<td>Inner diameter:</td>
<td>64 mm</td>
</tr>
<tr>
<td>Bolt circle diameter:</td>
<td>132 mm</td>
</tr>
<tr>
<td>Holes:</td>
<td>4 holes of 19 mm diameter equidistantly placed slotted to the flange periphery</td>
</tr>
<tr>
<td>Flange thickness:</td>
<td>14.5 mm minimum</td>
</tr>
<tr>
<td>Bolts:</td>
<td>4, each of 16 mm diameter and 50 mm in length</td>
</tr>
<tr>
<td>Material:</td>
<td>Any material suited to 6 kilogrammes per square centimetre service.</td>
</tr>
<tr>
<td>Gasket:</td>
<td>Of any material suited to 6 kilogrammes per square centimetre service</td>
</tr>
</tbody>
</table>

The flange shall have a flat face on one side, and to the other shall have attached a coupling which will fit both the pipes of the reception facilities for connections on the shore side and the ship's pipe discharge line for the connections retained on board.

---

14 This table of dimensions, which is identical to the international shore connection specified in Regulation 56(h) of Chapter II of the 1960 Safety Convention, was prepared by the French delegation but its contents have not been considered in detail.
APPENDIX TO ANNEX IV

International Sewage Pollution Prevention Certificate (1973)

(Official Seal)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

by ........................................

(full designation of the country)

........................................

(full designation of the competent person or organization recognized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Distinctive Number or Letter</th>
<th>Port of Registry</th>
<th>Gross Tonnage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1) General Remarks:
The International Sewage Pollution Prevention Certificate should be issued to all ships engaged on international voyages and which a suitable equipment (holding tank or sewage treatment plant) for handling sewage.

The Certificate shall contain special technical details (including effluent standards). This will be desirable for the ship's master as well as for the surveyor.

2) Particular Remarks:

a) Besides the listing of Name of Ship, Distinctive Number or Letter, Port of Registry, Gross Tonnage, the Number of Persons admitted on Board should be added.

Remarks:

C.f. change of Reg. 2 where the criteria "Number of persons admitted on Board" is proposed to be amended.

b) Paragraph 1 (See: top of Page 141 of draft Convention or Page 22 of the present document) should read:

"This is to certify that:"
APPENDIX TO ANNEX IV

Type of ship ........................................

No. of beds on board (if no gross tonnage figure is quoted)\(^\text{15/}\) ..............

Date of which keel was laid or ship was in a similar stage of construction .................................................................

Date of building contract or date of conversion .................................................................

Date of delivery ........................................

\(^{15/}\) See footnote 1/ under Regulation 2. The actual wording is conditional on decision taken on Regulation 2.

This is to certify that:

(1) The ship is equipped with

(a) ............................................................to:
   (Description of equipment used)

(i) collect and hold the sewage*

(ii) treat the sewage so as to be able to meet the requirements of Regulation 4(1)(b) of Annex IV of the said Convention.*

PROPOSED AMENDMENTS TO APPENDIX TO ANNEX IV

(1) The ship is equipped with a sewage treatment plant/holding tank +)

(a) Description of holding tank equipment:

(i) Total capacity of the holding tank.................................m\(^3\)

(ii) additional technical data:...........

(b) Description of the sewage treatment plant, that is able to meet the requirements of Regulation 3(5)(a) and of Regulation 4(1)(b) of ANNEX IV of the said Convention.

Type (name of manufacturer):.............

The sewage plant is designed to reach the following effluent standards (results of a manufacturer's test):

(i) Total Coliform count ....per litre

(ii) BOD (Biochemical Oxygen Demand) ....mg/litre

(iii) Suspended solids ....mg/litre

By the test, conducted by the issuing Administration, the following results were achieved:

+ ) Delete as appropriate.
APPENDIX TO ANNEX IV

(b) a pipeline for the discharge of sewage to a reception facility, and that such pipeline is fitted with a standard shore connection in compliance with Regulation [7] of Annex IV of the above said Convention[6/].

(2) The ship has been surveyed in accordance with the provisions of Annex IV to the International Convention for the Prevention of Pollution from Ships, 1973, concerning the Prevention of Pollution by Sewage, and that the survey showed that the ship complied with the applicable requirements of Annex IV of the said Convention.

This Certificate is valid until the .....................day of .............19...

Issued at.................................

(Place of issue of certificate)

..................19...

(Date of issue)

............................

(Signature of official
issuing the certificate
and/or seal of issuing
authority)

If signed the following paragraph is to be added:

The undersigned declares that he is duly authorized by the said Government to issue this Certificate.

*Delete as appropriate

PROPOSED AMENDMENTS TO APPENDIX TO ANNEX IV

Date of test ............1974 ............1976

(1) Total Coliform Count ........per/litre ........per/litre

(ii) BOD (Biochemical
Oxygen Demand) ........mg/litre ........mg/litre

(iii) Suspended solids ........mg/litre ........mg/litre

(c) a pipeline and an additional pump for the discharge of sewage ....... (text from subpara (b) of the draft).

Remarks:

a) Cf. ANNEX IV Reg. 3(5)(b)

b) Cf. ANNEX IV Reg. 3(5)(a).
ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION

BY GARBAGE FROM SHIPS

GENERAL REMARKS ON ANNEX V

GERMANY (PDR)

The Pollution of the sea and coasts by garbage is a permanent growing problem which affects especially the amenities of coastal regions.

Semi-closed sea areas with a high sea-traffic have to be protected by more stringent regulations.

In Helsinki (28th May - 2nd June, 1973) the riparian countries of the Baltic have decided unanimously on a concept to give the Baltic the status of a special area, because of the alarming oceanographical ecological facts of this brackish water area. For further details of our remarks ad. Annex 1, Reg.12. The proposed amendments in connection with the Helsinki-Conference are especially marked in our comments by an asterisk *.

Additionally the Federal Republic of Germany suggests to discuss the following arrangements for areas other than special areas taking into account the use of comminuters or grinders:

If passed through a comminuter or grinder the discharge of:
(a) Food waste (Reg.3 (1) (b))
(b) Dunnage, lining and packing material (Reg.3 (1) (c))
(c) Paper, rags, glass, metal, bottles, crockery and similar refuse (Reg.3 (1) (d))
is permitted in a distance of more than 3 nautical miles from the nearest land.

It is anticipated that the ships will make use of comminuters or grinders on a broad scale.

Doing this the proposed minimum distance of 3 nautical miles instead of different minimum distances (3,12,25 nautical miles) will aid ships in implementing the regulations.
GENERAL COMMENTS ON ANNEX V

NETHERLANDS

Though it is recognized that with a view to the problems of establishing sufficient shore reception facilities all over the world it might not be opportune to make at this moment in time this Annex a "mandatory" one we support strongly the idea of implementing internationally the provisions of this Annex as soon as possible, particularly because of:

a. the safety of navigation is seriously affected by floating synthetic material as ropes, fishing nets and garbage bags.

b. the increasing pollution of the sea by such materials which are non-biodegradable.

We suggest, therefore, that the Conference adopts a resolution in which it is strongly recommended to implement the provisions of the Annex as soon as possible for the reasons given above.

PROPOSED AMENDMENTS TO REGULATION 1

POLAND, DENMARK, FINLAND, GERMANY(FDR) AND SWEDEN

(3) "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 garbage is required. Special areas are those listed in Regulation 3A of this Annex.

Comment.

New sub-paragraph added, Cf Annex 1, Regulation 1 (10) and Annex 11, Regulation 5A.

Obligations for all Coastal States to provide adequate reception facilities for ships operating in the Baltic Sea Area will be laid down in a regional agreement.
PROPOSED AMENDMENTS TO REGULATION 1

JAPAN

Delete the words of "excluding fresh fish and part thereof" in paragraph (1).

USSR

This Regulation to be supplemented by the following paragraph:

(3) "Special Area" means a sea area where, for recognized technical reasons in relation to its oceanographical and ecological conditions and to its peculiar transportation traffic, the adoption of special mandatory methods for prevention of sea pollution by garbage is required. Special areas are those listed in Regulation 3A of this Annex.

"The special mandatory methods for prevention of sea pollution by garbage" shall be defined and agreed by Contracting Governments of the Coastal States in this special area.

Proper garbage reception facilities should be available for all ships within the special area.

REGULATION 2

Application

The requirements of this Annex shall apply to all ships.

PROPOSED AMENDMENTS TO REGULATION 2
PROPOSED AMENDMENTS TO REGULATION 3

POLLAND DENMARK, FINLAND AND SWEDEN

(Identical comments submitted individually)

Amend as follows:-

(1) "subject to the provisions of Regulation 3A and 4 of this Annex".

Comment:

Cf Annex 1, Reg. 9(1) and Annex II, Reg. 5A.

(1)(c)(ii) Brackets to be deleted.

(1)(d)(ii) Brackets to be deleted.

Regulation 3A

List of Special Areas and related requirements

(1) For the purpose of this Annex special areas shall include the Baltic Sea Area.

(2) For the purpose of this Annex the Baltic Sea means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of the Skaw in the Skagerrak.

Comment:

The border line is the same as that used in Regulation 51 of the International Convention on Load Lines 1966.

DENMARK

Delete square around all the figures in paragraph (1), and additionally amend sub-paragraphs (b) and (d) to read:

"(b) the discharge into the sea of food wastes, and also of paper, rags, glass, metal, bottles, crockery and
PROPOSED AMENDMENTS TO REGULATION 3

DENMARK (Cont'd)

similar refuse if such garbage is passed through a comminuter or grinder, is prohibited within a distance of 3 nautical miles from the nearest land;

"(c)

subject to the provisions of sub-paragraph (b) of this paragraph, the discharge of all other garbage, including paper, rags, glass, metal, bottles, crockery and similar refuse is prohibited:

(1) within a distance of 12 nautical miles from the nearest land; and

(iii) "[anywhere within special areas.]"

Comment:

The Danish Government believes that the off-shore limits, as drafted, are satisfactory. It is submitted, however, that where a comminuter or grinder is fitted, the garbage mentioned in sub-paragraph (d) could be subjected to the conditions in sub-paragraph (b).

FEDERAL REPUBLIC OF GERMANY

Amend sub-paragraph (c) to read:

"the discharge into the sea of dunnage, lining and packing material including wood which will continue to float, is prohibited:

(1) within a distance of [50] nautical miles from the nearest land; and

* (ii) anywhere within special areas."

Remarks:

Dunnage is not only made of wood; for this reason we would like to use dunnage in a more broader sense.

---

Regulation 3

Discharge of Garbage

(c) the discharge into the sea of wood dunnage, lining and packing materials which will continue to float, is prohibited:

(1) within a distance of [25] 4/ nautical miles from the nearest land; and

(ii) anywhere within special areas 5/;

(d) the discharge into the sea of all other garbage including paper, rags, glass, metal, bottles, crockery, and similar refuse is prohibited:

(1) within a distance of [12] nautical miles from the nearest land; and

(ii) anywhere within special areas 5/.

(2) When the garbage is mixed with waste or waste water having different discharge requirements specified in Annex IV of the present Convention the more severe discharge requirements shall apply.

---

4/ Some delegations expressed a preference for a distance of 50 miles from the nearest land.
5/ These areas have yet to be defined. Some delegations pointed out that such areas should not be established until it has been ensured that adequate reception facilities can be made available in the countries concerned.

6/ Some delegations felt that the types of garbage mentioned in sub-paragraph (d) could, if passed through a comminuter or grinder, be discharges under the same conditions as those mentioned in sub-paragraph (b) of this Regulation.

PROPOSED AMENDMENTS TO REGULATION 3

FEDERAL REPUBLIC OF GERMANY (Cont'd)

(1) To prevent damage of amenities a larger distance from land is suitable. (See footnote 4).

(ii) Brackets to be deleted.

(d)(ii) should read:

"anywhere within special areas"

Remarks:

Brackets to be deleted.

A new sub-paragraph (2) should be added:-

(2) If passed through a comminuter or grinder the discharge of garbage specified in sub-paragraph (c) and (d) can outside of special areas be discharged under the same conditions as those mentioned in sub-paragraph (b) of this regulation.

Remarks:

Cf. footnote 6/. If such an installation is in operation there is less separation of different types of garbage necessary aboard. The possibility of using comminuter or grinders will be advantageous for the crew handling garbage. Moreover the coasts will hardly be affected by floating garbage.

Change the numbering of (2) into (3) and amend:

(3) when the garbage including that which passed through a comminuter or a grinder is mixed with .........

Remarks:

Cf. new sub-paragraph (2) Reg.3.
Footnote 2

This note only adds confusion to the text and can be linked to the extent of national jurisdictions.

INTERNATIONAL CHAMBER OF SHIPPING

Recommendation

Delete square brackets around all the figures in paragraph (l), and additionally amend sub-paragraphs (b) and (d) to read:

"(b) the discharge into the sea of food wastes, and also of paper, rags, glass, metal, bottles, crockery and similar refuse if such garbage is passed through a comminuter or grinder, is prohibited within a distance of 3 nautical miles from the nearest land;"

"(d) subject to the provisions of sub-paragraph (b) of this paragraph, the discharge into the sea of all other garbage, including paper, rags, glass, metal, bottles, crockery and similar refuse is prohibited:

(i) within a distance of 12 nautical miles from the nearest land; and

(ii) [anywhere within special areas]."

Comment

ICS believes that the off-shore limits, as drafted, are satisfactory. It is submitted, however, that where a comminuter or grinder is fitted, the garbage mentioned in sub-paragraph (d) should be subject to the conditions in sub-paragraph (b). Certain vessels - cruise vessels used on coastal voyages, for example - would welcome such a provision.

ICS also supports the view expressed in footnote 5; if special areas are to be defined, shore reception facilities for the disposal of those substances whose discharge at sea is prohibited must be provided before the regulations are introduced.
PROPOSED AMENDMENTS TO REGULATION 3

JAPAN

Change sub-paragraph (1)(b) into the following:

"(b) the discharge into the sea of food wastes and fresh fish and part thereof is prohibited within a distance of 3 nautical miles from the nearest land."

NORWAY

(1) The wording should be retained.

Comments:

It is felt that the wording in an international convention should cover the needs of all governments which become parties to the convention to avoid difficulties which occur when a state impose more stringent regulations in their own waters than those put down in the convention itself. Norway therefore do not agree to the views expressed in footnote 2. Furthermore, the proposal in footnote 2 seems to be incompatible with Article 2(2).

(1)(b) Delete the square brackets.

(1)(c)(i) Delete the square brackets.

(1)(c)(ii) Comments: If special areas are to be defined, adequate reception facilities have to be made available in the countries concerned before such areas are established.

(1)(d)(i) Delete the square brackets.

(1)(d)(ii) Comments: If special areas are to be defined, adequate reception facilities have to be made available in the countries before such areas are established.
PROPOSED AMENDMENTS TO REGULATION 3

U.S.A.

(1)(b) the discharge into the sea of food wastes is prohibited within a distance of 12 nautical miles from the nearest land;

(1)(c)(i) within a distance of 50 nautical miles from the nearest land; and

U.S.S.R.

(1) The first sentence to be substituted by:

"Excepting the provisions of Regulations 3A and 4, in accordance with other provisions of this Annex;"

(1)(c)(ii) Square brackets to be deleted.

(1)(d)(i) and (1)(d)(ii) Square brackets to be deleted.

(1)(d) and footnote 6 Existing wording of the text to be retained. It is not advisable to change it as suggested in footnote 6, as discharge of any garbage, regardless of its form and kind, should be prohibited.

Annex V to be supplemented by the following Regulations:

3A Special Areas and Requirements for the prevention of pollution by garbage from ships.

(1) For the purpose of this Annex "Special Areas" shall include

a) The Baltic Sea Area.

(2) For the purpose of this Annex the Baltic Sea Area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak.
Exceptions

Regulation 3 of this Annex shall not apply to:

(a) the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and its personnel, or saving life at sea; 1/

(b) the escape of garbage resulting from damage to a ship provided all reasonable precautions have been taken after the occurrence of the damage for the purpose of preventing or minimizing the escape; and

(c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided all reasonable precautions have been taken to prevent such loss.

1/ Some delegations preferred a broader exception and proposed the addition of the following: "or of avoiding damage to a ship or its cargo."

REGULATION 5

Reception Facilities

Each Contracting Government shall take appropriate steps to ensure that ports shall be provided with facilities adequate for the reception of garbage without causing delay to ships.

Proposed Amendments to Regulation 4

USA

Regulation 4 (a) "the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and its personnel, or saving life at sea."

Regulation 4 (c) Delete in its entirety.

USSR

(a) and Footnote 7 There is no necessity to broaden the text by adding the words "or avoiding damage to a ship or its cargo", because it is hardly conceivable that damage to the ship or cargo may be inflicted by garbage.

Proposed Amendments to Regulation 5

FEDERAL REPUBLIC OF GERMANY

Amend as follows:

"for the reception of garbage without causing undue delay and undue extra costs to ships."

Remarks:

The operators (private or public) of reception facilities should try to carry out their service in such a way causing for ship owners a minimum of time and costs.
PROPOSED AMENDMENTS TO REGULATION 5

U.S.S.R.

Text of the Regulation to be supplemented by adding the words:

"taking into account the fact that the ship should be equipped with corresponding technical means".

Shore or floating facilities designed for the reception of garbage will not always be in a position to handle containers with garbage from ships having high sides.