

No. 1812. 8 November 1996

**NO. 66 OF 1996: INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS AMENDMENT ACT, 1996**

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

General Explanatory Note:

Words in ***bold italic*** indicate omissions from existing enactments.

Words *in italic* indicate insertions in existing enactments.

ACT

To amend the International Convention for the Prevention of Pollution from Ships Act, 1986, so as to insert certain definitions and to amend other definitions; to provide anew for the application and interpretation of the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978; to make other provision for the making of regulations by the Minister of Transport; to create certain offences and to prescribe penalties for such offences; to give jurisdiction to a magistrate to impose any penalty prescribed by the Act; to extend the application of the Act to the Prince Edward Islands; and to give effect, pursuant to accession by the Republic, to Annex III to the said Protocol and to amendments to the said Protocol which have been accepted by the Republic; and to provide for matters connected therewith.

(English text signed by the President.)

(Assented to 30 October 1996.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 2 of 1986

1. Section 1 of the International Convention for the Prevention of Pollution from Ships Act, 1986 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the substitution for the definition of "Convention" of the following definition:

" 'Convention' means the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol as amended by the Protocol of 1978 adopted by the Inter-Governmental Maritime Consultative Organization ("IMCO") in London on 3 November 1973 17 February 1978, and set out in the Schedule;"

(b) by the insertion after the definition of "Convention" of the following definitions:

" 'Director-General' means the Director-General: Transport or any person acting on his or her authority;

'exclusive economic zone' means the exclusive economic zone referred to in section 7 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);

'master', in relation to a ship, includes any person (other than a pilot) having command or charge of such ship;"

(c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Transport Affairs;"

(d) by the insertion after the definition of "Minister" of the following definition:

" '*owner*', in relation to a ship, means the person or persons registered as owner of the ship, or, in the absence of registration, the person or persons to whom the ship belongs, but, in relation to a ship belonging to a State and which is operated by a person registered as the operator of the ship, the person so registered;" and

(e) by the insertion after the definition of "regulation" of the following definitions:

" '*ship*' means a vessel of any type whatsoever operating in the sea and includes a hydrofoil boat, air-cushion vehicle, submersible, floating craft and fixed or floating platform;

'*South African ship*' means any ship having South African nationality as contemplated in section 64 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

'*territorial waters*' means the territorial waters referred to in section 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);".

Substitution of section 2 of Act 2 of 1986

2. The following section is hereby substituted for section 2 of the principal Act:

"Application and interpretation of Convention

2. (1) *Subject to the provisions of this Act, the Convention shall have effect in relation to-*

(a) *any South African ship, wherever it may be; and*

(b) *any other ship while it is in the Republic or its territorial waters or exclusive economic zone.*

(2) Unless the context indicates otherwise, a reference in the Convention–

(a) to a State Party shall be construed as, or as including, a reference to the Republic, and any reference to a Party shall be construed accordingly;

(b) to the Administration or Government shall, in relation to a South African ship or the Republic, be construed as, or as including, a reference to the Minister or any person acting on his or her authority.

(3) The English text of the Convention shall prevail for the purposes of its interpretation."

Substitution of section 3 of Act 2 of 1986

3. The following section is hereby substituted for section 3 of the principal Act:

"Regulations

3. (1) *The Minister may make regulations–*

(a) relating to the carrying out of, and giving effect to, the provisions of the Convention;

(b) whereby exemption is granted, with or without conditions, in respect of particular ships or ships of a particular class or type, from all or ally of the provisions of the Convention;

(c) applying, subject to such exemptions, restrictions and modifications as may be desirable, any provision of the Convention to ships to which and in circumstances in which the Convention does not apply;

(d) prescribing fees, and providing for the recovery of expenditure incurred, in connection with the application of the Convention– and

(e) in general, for the better achievement of the purposes of this Act.

(2) Regulations made under subsection (1) may–

(a) in so far as they relate to the matters mentioned in paragraph (a) of that subsection, include other and more extensive provisions than those contained in the Convention, provided they relate to the same or similar matters than those dealt with in the Convention;

(b) prescribe, for any contravention thereof or failure to comply therewith, penalties not exceeding the maximum penalties prescribed by section 3A(4);

(c) be applicable outside the Republic."

Insertion of section 3A in Act 2 of 1986

4. The following section is hereby inserted in the principal Act after section 3:

"Offences and penalties

3A. (1) (a) Any person who contravenes any provision of this Act or the Convention or who fails to comply with any provision thereof with which it is his or her duty to comply, shall be guilty of an offence.

(b) The owner and the master of a ship that does not comply with the requirements of this Act and the Convention shall each be guilty of an offence.

(2) (a) At a prosecution under subsection (1) in relation to a discharge of a harmful substance from a ship into the sea it shall be sufficient for the State to show that such discharge occurred, but it shall be a good defence if it is shown that the discharge complied with the requirements of this Act or the Convention.

(b) For the purposes of paragraph (a), 'discharge' and 'harmful substance' shall have the meanings assigned thereto in Article 2 of the Convention.

(3) No person shall be guilty of an offence under subsection (1) if he or she can show that he or she took all reasonable steps to ensure that the provisions of this Act and the Convention were complied with.

(4) Any person convicted of an offence under subsection (1) shall be liable to a fine not exceeding R500000, or to imprisonment for a period not exceeding five years or to such fine as well as such imprisonment.

(5) If any person—

(a) admits to the Director-General that he or she has contravened or failed to comply with any provision of this Act or the Convention, which contravention or failure constitutes an offence under this Act;

(b) agrees to abide by the decision of the Director-General; and

(c) deposits with the Director-General such sum as that officer may require of him or her, but not exceeding the maximum fine which may be imposed for a conviction for the contravention or failure in question, the Director-General may, after such enquiry as he or she deems necessary, determine the matter summarily and may, without legal proceedings, order the whole or any part of the said deposit to be forfeited to the State by way of a penalty.

(6) There shall be a right of appeal to the Minister from a determination or order by the Director-General whereby a penalty exceeding RIO 000 is imposed under subsection (5), provided such right is exercised within a period of three months from the date of such determination or order.

(7) The imposition of a penalty under subsection (5) shall be deemed not to be a conviction of an offence, but no prosecution in respect of the offence in question may thereafter be instituted."

Substitution of section 4 of Act 2 of 1986

5. The following section is hereby substituted for section 4 of the principal Act:

"Jurisdiction

4. (1) Any offence contemplated in section 3(2) 3A(1) shall, for purposes in relation to jurisdiction of a court to try the offence be deemed to have been committed **at any place where the accused happens to be within the area of jurisdiction of the court in which the prosecution is instituted.**

(2) *Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.*"

Insertion of section 4A in Act 2 of 1986

6. The following section is hereby inserted in the principal Act after section 4:

"Application of Act to Prince Edward Islands

4A. *This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and a reference in this Act to the Republic shall include a reference to those Islands.*"

Substitution of section 5 of Act 2 of 1986

7. The following section is hereby substituted for section 5 of the principal Act:

"Short title

5. This Act shall be called the ***International Convention for the Prevention of Pollution from Ships Marine Pollution (Prevention of Pollution from Ships) Act, 1986 and shall come into operation on a date fixed by the State President by proclamation in the Gazette.***"

Amendment of Schedule to Act 2 of 1986

8. The Schedule to the principal Act is hereby amended to the extent indicated in the Schedule.

Substitution of long title of Act 2 of 1986

9. The following long title is hereby substituted for the long title of the principal Act:

"ACT

To provide for the *application in the Republic of protection of the sea from pollution by oil and other harmful substances discharged from ships, and for that purpose to give effect to the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978*; and to provide for matters connected therewith."

Short title and commencement of section 8

10. This Act shall be called the *International Convention for the Prevention of Pollution from Ships Amendment Act, 1996*, and section 8 shall come into operation on a date fixed by the President by proclamation in the Gazette.

Schedule (Section 8)

Amendment Of The Schedule To The Marine Pollution (Prevention Of Pollution From Ships) Act, 1986: International Convention For The Prevention Of Pollution From Ships, 1973, As Amended By The Protocol Of 1978, To Give Effect To Amendments To The Said Protocol Adopted By The International Maritime Organisation By Resolutions MEPC. 21(22), Which Entered Into Force On 6 April 1987, 29(25), Which Entered Into Force On 1 April 1989, 34(27), Which Entered Into Force On 13 October 1990, 36(28), Which Entered Into Force On 18 February 1991, 42(30), Which Entered Into Force On 17 March 1992, 47(31) And 48(31), Which Entered Into Force On 4 April 1993, 51(32) And 52(32), Which Entered Into Force On 6 July 1993, 57(33), Which Entered Into Force On 1 July 1994, 58(33), Which Entered Into Force On 28 February 1994, And Resolutions 1, 2 And 3 Of The Conference Of Parties To The International Convention For The Prevention Of Pollution From Ships, 1973, As Amended By The Protocol Of 1978 Relating Thereto, Adopted On 2 November 1994, Which Entered Into Force On 3 March 1996

Definition

1. In this Schedule "the Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978, as contained in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986).

Substitution of Protocol I to Convention

2. The following Protocol is hereby substituted for Protocol I to the Convention:

"PROTOCOL I

PROVISIONS CONCERNING REPORTS ON INCIDENTS INVOLVING HARMFUL SUBSTANCES

(in accordance with Article 8 of the Convention)

ARTICLE I

Duty to Report

(1) The Master or other person having charge of any ship involved in an incident referred to in Article 11 of this Protocol shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.

(2) In the event of the ship referred to in paragraph (1) of this Article being abandoned, or in the event of a report on such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible, assume the obligations placed upon the Master under the provisions of this Protocol.

ARTICLE II

When to Report

(1) A report shall be made when an incident involves:

(a) a discharge or probable discharge of oil, or noxious liquid substances carried in bulk, resulting from damage to the ship or its equipment, or for the purpose of securing the safety of a ship or saving life at sea;

(b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or

(c) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.

(2) For the purposes of this Protocol–

(a) 'oil' referred to in paragraph (1)(a) of this Article means oil as defined in Regulation I (1) of Annex I to the Convention;

(b) 'noxious liquid substances' referred to in paragraph (1)(a) of this Article means noxious liquid substances as defined in Regulation 1(6) of Annex II to the Convention;

(c) 'harmful substances' in packaged form referred to in paragraph (1)(b) of this Article means substances which are identified as marine pollutants in the International Maritime Dangerous Goods (IMDG) Code.

ARTICLE III

Contents of Report

Reports shall in any case include:

(a) identity of ships involved;

(b) time, type and location of incident;

(c) quantity and type of harmful substance involved;

(d) assistance and salvage measures.

ARTICLE IV

Supplementary Report

Any person who is obliged under the provisions of this Protocol to send a report shall, when possible—

(a) supplement the initial report, as necessary, and provide information concerning further developments; and

(b) comply as fully as possible with requests from affected States for additional information.

ARTICLE V

Reporting Procedures

(1) Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State.

(2) In order to implement the provisions of this Protocol, Parties to the present Convention shall issue, or cause to be issued, regulations or instructions on the procedures to be followed in reporting incidents involving harmful substances, based on guidelines developed by the Organization."

Amendment of Regulation 1 of Chapter I of Annex I to Convention

3. Regulation 1 of Chapter 1 of Annex I to the Convention is hereby amended by the addition to paragraph (8) of the following subparagraph:

" (c) Notwithstanding the provisions of subparagraph (a) of this paragraph, the conversion of an existing oil tanker to meet the requirements of Regulation 13F or 13G of this Annex shall not be deemed to constitute a major conversion for the purpose of this Annex."

Insertion of Regulation 8A in Chapter I of Annex I to Convention

4. The following Regulation is hereby inserted in Chapter I of Annex I to the Convention after Regulation 8:

"Regulation 8A

Port State Control on Operational Requirements

(1) A ship when in a port or an offshore terminal of another Party is subject to inspection by officers duly authorised by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by oil.

(2) In the circumstances given in paragraph (1), the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.

(3) Procedures relating to the port State control prescribed in Article 5 of the present Convention shall apply to this Regulation.

(4) Nothing in this Regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention."

Amendment of Regulation 9 of Chapter II of Annex I to Convention

5. Regulation 9 of Chapter II of Annex I to the Convention is hereby amended-

(a) by the substitution for item (iv) of subparagraph (a) of paragraph (1) of the following item:

(iv) the instantaneous rate of discharge of oil content does not exceed **60** 30 litres per nautical mile;"

(b) by the substitution for subparagraph (b) of paragraph (1) of the following subparagraph:

"(b) from a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue:

(i) the ship is not within a special area;

(ii) the ship is proceeding en route;

(iii) the oil content of the effluent without dilution does not exceed 15 parts per million; and

(iv) the ship has in operation equipment as required by Regulation 16 of this Annex."

(c) by the substitution for paragraph (4) of the following paragraph:

"(4) The provisions of paragraph (1) of this Regulation shall not apply to the discharge

of clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding 15 parts per million and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues. ***The provisions of subparagraph (1)(b) of this Regulation shall not apply to the discharge of the processed oily mixture, provided that all of the following conditions are satisfied:***

(a) the oily mixture does not originate from cargo pump-room bilges;

(b) the oily mixture is not mixed with oil cargo residues;

(c) the oil content of the effluent without dilution does not exceed 15 parts per million; and

(d) the ship has in operation oil filtering equipment complying with Regulation 16(7) of this Annex."; and

(d) by the addition of the following paragraph:

"(7) In the case of a ship, referred to in Regulation 16(6) of this Annex, not fitted with equipment required by Regulation 16(1) or (2) of this Annex, the provisions of paragraph (1)(b) of this Regulation will not apply until 6 July 1998 or the date on which the ship is fitted with such equipment, whichever is the earlier. Until this date any discharge from machinery space bilges into the sea of oil or oily mixtures from such ship shall be prohibited except when all the following conditions are satisfied:

(a) the oily mixture does not originate from the cargo pump-room bilges;

(b) the oily mixture is not mixed with oil cargo residues;

(c) the ship is not within a special area;

(d) the ship is more than 12 nautical miles from the nearest land;

(e) the ship is proceeding en route;

(f) the oil content of the effluent is less than 100 parts per million; and

(g) the ship has in operation oily-water separating equipment of a design approved by the Administration, taking into account the specification recommended by the Organization*."

Amendment of Regulation 10 of Chapter II of Annex I to Convention

6. Regulation 10 of Chapter II of Annex I to the Convention is hereby amended-

(a) by the substitution for paragraph (1) of the following paragraph:

"(1) For the purposes of this Annex the special areas are the Mediterranean Sea area,

the Baltic Sea area, the Black Sea area, the Red Sea area, **and** the Gulfs area, *the Gulf of Aden area and the Antarctic area*, which are defined as follows:

(a) The Mediterranean Sea *area* means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41 degrees N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5 degrees 36'W.

(b) 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 the Skaw in the Skagerrak at 57 degrees 44.8'N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41 degrees N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12 degrees 8.5'N, 43 degrees 19.6'E) and Husn Murad (12 degrees 40.4'N, 43 degrees 30.2'E).

(e) The Gulfs area means the sea area located north west of the thumb line between Ras al Hadd (22 degrees 30'N, 59 degrees 48'E) and Ras *el A/ Faste*h (25 degrees 04'N, 61 degrees 25'E).

(f) *The Gulf of Aden area means that part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the thumb line between Ras si Ane (12 degrees 8.5'N, 43 degrees 19.6'E) and Husn Murad (12 degrees 40.4'N, 43 degrees 30.2'E) and to the east by the thumb line between Ras Asir (11 degrees 50'N, 51 degrees 16.9'E) and Ras Fartak (15 degrees 35'N, 52 degrees 13.8'E).*

(g) *The Antarctic area means the sea area south of 60' south latitude.*";

(b) by the substitution for subparagraphs (a) and (b) of paragraph (2) of the following subparagraphs, respectively:

"(a) any discharge into the sea of oil or oily mixture from any oil tanker, **and** or any ship of 400 tons gross tonnage and above other than an oil tanker, shall be prohibited, while in a special area. *In respect of the Antarctic area, any discharge into the sea of oil or oily mixture from any ship shall be prohibited;*

**Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X).*

(b) any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million. **or alternatively when all of the following conditions are satisfied:**

(i) the ship is proceeding en route;

(ii) the oil content of the effluent is less than 100 parts per million;

and

(iii) the discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land";

(c) by the substitution for item (v) of subparagraph (b) of paragraph (3) of the following item:

"(v) the ship has in operation oil filtering equipment complying with Regulation 16(7) (5) of this Annex; and";

(d) by the substitution in subparagraph (b) of paragraph (7) for the words preceding item (i) of the following words:

"Red Sea area, ***and*** Gulfs area *and the Gulf of Aden area*"; and

(e) by the addition of the following paragraph:

"(8) Notwithstanding paragraph (7), the following rules shall apply to the Antarctic area:

(a) The Government of each Party to the Convention whose ports are used by ships departing en route or arriving from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all sludge, dirty ballast, tank washing water, and other oily residues and mixtures from all ships without causing undue delay, and according to the needs of the ships using them.

(b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, are fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area and have concluded agreements to discharge such oily residues at a reception facility after leaving the area."

Insertion of Regulations 13F and 13G in Chapter II of Annex I to Convention

7. The following Regulations are hereby inserted in Chapter 11 of Annex I to the Convention after Regulation 13E:

"Regulation 13F

Prevention of Oil Pollution in event of Collision or Stranding

(1) This Regulation shall apply to oil tankers of 600 tons deadweight and above–

(a) for which the building contract is placed on or after 6 July 1993;

(b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 6 January 1994;

(c) the delivery of which is on or after 6 July 1996; or

(d) which have undergone a major conversion—

(i) for which the contract is placed after 6 July 1993;

(ii) in the absence of a contract, the construction work of which is begun after 6 January 1994; or

(iii) which is completed after 6 July 1996.

(2) Every oil tanker of 5000 tons deadweight and above shall:

(a) in lieu of Regulation 13E, as applicable, comply with the requirements of paragraph

(3) unless it is subject to the provisions of paragraphs (4) and (5); and

(b) comply, if applicable, with the requirements of paragraph (6).

(3) The entire cargo tank length shall be protected by ballast tanks or spaces other than cargo or fuel oil tanks as follows:

(a) Wing tanks or spaces

Wing tanks or spaces shall extend either for the full depth of the ship's side or from the top of the double bottom to the uppermost deck, disregarding a rounded gunwale where fitted. They shall be arranged such that the cargo tanks are located inboard of the moulded line of the side shell plating, nowhere less than the distance w which, as shown in figure 1, is measured at any cross-section at right angles to the side shell, as specified below:

$w = 0.5 + DW/20000$ (m); or

$w = 2.0$ m, whichever is the lesser.

The minimum value of $w = 1.0$ m.

(b) Double bottom tanks or spaces

At any cross-section the depth of each double bottom tank or space shall be such that the distance h between the bottom of the cargo tanks and the moulded line of the bottom shell plating measured at right angles to the bottom shell plating as shown in figure 1 is not less than specified below:

$h = B/15$ (m); or

h = 2.0 m, whichever is the lesser.

The minimum value of h = 1.0 m,

(c) Turn of the bilge area or at locations without a clearly defined turn of the bilge

When the distances h and w are different, the distance w shall have preference at levels exceeding 1.5h above the baseline as shown in figure 1.

(d) The aggregate capacity of ballast tanks

On crude oil tankers of 20000 tons deadweight and above and product carriers of 30000 tons deadweight and above, the aggregate capacity of wing tanks, double bottom tanks, forepeak tanks and afterpeak tanks shall not be less than the capacity of segregated ballast tanks necessary to meet the requirements of Regulation 13, Wing tanks or spaces and double bottom tanks used to meet the requirements of Regulation 13 shall be located as uniformly as practicable along the cargo tank length. Additional segregated ballast capacity provided for reducing longitudinal hull girder bending stress, trim, etc., may be located anywhere within the ship.

(e) Suction wells in cargo tanks

Suction wells in cargo tanks may protrude into the double bottom below the boundary line defined by the distance h provided that such wells are as small as practicable and the distance between the well bottom and bottom shell plating is not less than 0.5h.

(f) Ballast and cargo piping

Ballast piping and other piping such as sounding and vent piping to ballast tanks shall not pass through cargo tanks. Cargo piping and similar piping to cargo tanks shall not pass through ballast tanks. Exemptions to this requirement may be granted for short lengths of piping, provided that they are completely welded or equivalent thereto.

Figure 1-Cargo tank boundary lines for the purpose of paragraph (3)

Diagram forthcoming

(4) (a) Double bottom tanks or spaces as required by paragraph (3) (b) may be dispensed with, provided that the design of the tanker is such that the cargo and vapour pressure exerted on the bottom shell plating forming a single boundary between the cargo and the sea does not exceed the external hydrostatic water pressure, as expressed by the following formula:

$f \times h \times p \times g + 100 \sim p \times d \times p \times g$ where: c c - n s

hc. = height of cargo in contact with the bottom shell plating in metres

pc. = maximum cargo density in t/M3

dn = minimum operating draught under any expected loading condition in metres

ρ_s = density of sea water in t/M³

$\sim p$ = maximum set pressure of pressure/vacuum valve provided for the cargo tank in bars

f = safety factor = 1.1

g = standard acceleration of gravity (9.81 M/S²).

(b) Any horizontal partition necessary to fulfil the above requirements shall be located at a height of not less than $B/6$ or 6 metres, whichever is the lesser, but not more than $0.6D$, above the baseline where D is the moulded depth amidships.

(c) The location of wing tanks or spaces shall be as defined in paragraph (3)(a) except that, below a level $1.5h$ above the baseline where h is as defined in paragraph (3)(b), the cargo tank boundary line may be vertical down to the bottom plating, as shown in figure 2.

Figure 2-Cargo tank boundary lines for the purpose of paragraph (4)

Diagram forthcoming

(5) Other methods of design and construction of oil tankers may also be accepted as alternatives to the requirements prescribed in paragraph (3), provided that such methods ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved in principle by the Marine Environment Protection Committee based on guidelines developed by the Organization.

(6) For oil tankers of 20000 tons deadweight and above the damage assumptions prescribed in Regulation 25(2)(b) shall be supplemented by the following assumed bottom raking damage:

(a) longitudinal extent:

(i) ships of 75000 tons deadweight and above: $0.6L$ measured from the forward perpendicular;

(ii) ships of less than 75000 tons deadweight: $0.4L$ measured from the forward perpendicular;

(b) transverse extent: $B/3$ anywhere in the bottom;

(c) vertical extent: breach of the outer hull.

(7) Oil tankers of less than 5000 tons deadweight shall:

(a) at least be fitted with double bottom tanks or spaces having such a depth that the distance h specified in paragraph (3)(b) complies with the following:

$$h = B/15 \text{ (m)}$$

with a minimum value of $h = 0.76 \text{ m}$;

in the turn of the bilge area and at locations without a clearly defined turn of the bilge, the cargo tank boundary line shall run parallel to the line of the midship flat bottom as shown in figure 3; and

(b) be provided with cargo tanks so arranged that the capacity of each cargo tank does not exceed 700 m^3 unless wing tanks or spaces are arranged in accordance with paragraph (3)(a) complying with the following:

$$w = 0.4 + 2.4 DW/20000 \text{ (m)}$$

with a minimum value of $w = 0.76 \text{ m}$.

Figure 3-Cargo tank boundary lines for the purpose of paragraph (7)

Diagram forthcoming

(8) Oil shall not be carried in any space extending forward of a collision bulkhead located in accordance with Regulation 11-1/1 I of the International Convention for the Safety of Life at Sea, 1974, as amended. An oil tanker that is not required to have a collision bulkhead in accordance with that Regulation shall not carry oil in any space extending forward of the transverse plane perpendicular to the centreline that is located as if it were a collision bulkhead located in accordance with that Regulation.

(9) In approving the design and construction of oil tankers to be built in accordance with the provisions of this Regulation, Administrations shall have due regard to the general safety aspects including the need for the maintenance and inspection of wing and double bottom tanks or spaces.

Regulation 13G

Prevention of Oil Pollution in the event of Collision or Stranding: Measures for Existing Tankers

(1) This Regulation shall:

(a) apply to crude oil tankers of 20000 tons deadweight and above and to product carriers of 30000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in Regulation 13F(1) of this Annex;

(b) not apply to oil tankers complying with Regulation 13F of this Annex, which are contracted, the keels of which are laid, or are delivered before the dates specified in Regulation 13F(1) of this Annex; and

(c) not apply to oil tankers covered by subparagraph (a) which comply with Regulation 13F(3)(a) and (b), (4) or (5) of this Annex, except that the requirement for minimum

distances between cargo tank boundaries and the ship's side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection shall comply with Regulation 13E(4)(b) of this Annex.

(2) The requirements of this Regulation shall take effect as from 6 July 1995.

(3) (a) An oil tanker to which this Regulation applies shall be subject to an enhanced programme of inspections during periodical, intermediate and annual surveys, the scope and frequency of which shall at least comply with the guidelines developed by the Organization.

(b) An oil tanker over five years of age to which this Regulation applies shall have on board, available to the competent authority of any Government of a State Party to the present Convention, a complete file of the survey reports, including the results of all scantling measurement required, as well as the statement of structural work carried out.

(c) The file referred to in subparagraph (b) shall be accompanied by a condition evaluation report, containing conclusions on the structural condition of the ship and its residual scantlings, endorsed to indicate that it has been accepted by or on behalf of the flag Administration. This file and condition evaluation report shall be prepared in a standard format as contained in the guidelines developed by the Organization.

(4) An oil tanker not meeting the requirements of a new oil tanker as defined in Regulation 1(26) of this Annex shall comply with the requirements of Regulation 13F of this Annex not later than 25 years after its date of delivery, unless wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of Regulation 13E(4), cover at least 30% of L_t for the full depth of the ship on each side or at least 30% of the projected bottom shell area EPA , within the length L , where L , and the projected bottom shell area EPA , are as defined in Regulation 13E(2), in which case compliance with Regulation 13F is required not later than 30 years after its date of delivery.

(5) An oil tanker meeting the requirements of a new oil tanker as defined in Regulation 1(26) of this Annex shall comply with the requirements of Regulation 13F of this Annex not later than 30 years after its date of delivery.

(6) Any new ballast and load conditions resulting from the application of paragraph (4) of this Regulation shall be subject to approval of the Administration which shall have regard, in particular, to longitudinal and local strength, intact stability and, if applicable, damage stability.

(7) Other structural or operational arrangements such as hydrostatically balanced loading may be accepted as alternatives to the requirements prescribed in paragraph (4), provided that such alternatives ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved by the Administration based on guidelines developed by the Organization."

Amendment of Regulation 15 of Chapter II of Annex I to Convention

8. Regulation 15 of Chapter II of Annex I to the Convention is hereby amended by the substitution for subparagraph (a) of paragraph (3) of the following subparagraph:

"(a) An oil discharge monitoring and control system approved by the Administration shall be fitted. In considering the design of the oil content meter to be incorporated in the system, the Administration shall have regard to the specification recommended by the Organization.* The system shall be fitted with a recording device to provide a continuous record of the discharge in litres per nautical mile and total quantity discharged, or the oil content and rate of discharge. This record shall be identifiable as to time and date and shall be kept for at least three years. The oil discharge monitor and control system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by Regulation 9(1)(a) of this Annex.

*Reference is made to the Recommendation on International Performance Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.233(VII).

Any failure of this monitoring and control system shall stop the discharge and be noted in the Oil Record Book. A manually operated alternative method shall be provided and may be used in the event of such failure, but the defective unit shall be made operable ***before the oil tanker commences its next ballast voyage unless it is proceeding to a repair port as soon as possible. The port State authority may allow the tanker with a defective unit to undertake one ballast voyage before proceeding to a repair port.*** The oil discharge monitoring and control system shall be designed and installed in compliance with the *Revised* Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers developed by the Organization.* Administrations may accept such specific arrangements as detailed in the Guidelines and Specifications."

Substitution of Regulation 16 of Chapter II of Annex I to Convention

9. The following Regulation is hereby substituted for Regulation 16 of Chapter 11 of Annex I to the Convention:

"Regulation 16

Oil Discharge Monitoring and Control System and Oil Filtering Equipment

(1) Any ship of 400 tons gross tonnage and above but less than 10000 tons gross tonnage shall be fitted with oil filtering equipment complying with paragraph (4) of this Regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this Regulation or paragraph (1) of Regulation 14.

(2) Any ship of 10000 tons gross tonnage and above shall be provided with oil filtering

equipment, and with arrangements for an alarm and for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 parts per million.

(3) (a) The Administration may waive the requirements of paragraphs (1) and (2) of this Regulation for any ship engaged exclusively on voyages within special areas provided that all of the following conditions are complied with:

(i) the ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;

(ii) all oily bilge water is retained on board for subsequent discharge to reception facilities;

(iii) the Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals at which the ship calls;

(iv) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on voyages within special areas; and

(v) the quantity, time, and port of the discharge are recorded in the Oil Record Book.

(b) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of Regulation 9(1)(b) of this Annex.

(4) Oil filtering equipment referred to in paragraph (1) of this Regulation 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 system has an oil content not exceeding 15 parts per million. In

**Reference is made to the Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers adopted by the Organization by resolution A.496(XII) A.586(14). considering the design of such equipment, the Administration shall have regard to the specifications recommended by the Organization*.*

(5) Oil filtering equipment referred to in paragraph (2) of this Regulation shall be of a design approved by the Administration and shall be such as will ensure that any oil mixture discharged into the sea after passing through the system or systems has an oil content not exceeding 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained. The system shall also be provided with arrangements such as will ensure that any discharge of oil mixtures is automatically stopped when the oil content of the effluent exceeds 15 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization*.

(6) For ships delivered before 6 July 1993 the requirements of this Regulation shall apply from 6 July 1998 provided that these ships can operate with oily-water

separating equipment (100 ppm equipment)."

Amendment of Regulation 17 of Chapter II of Annex I to Convention

10. Regulation 17 of Chapter II of Annex I to the Convention is hereby amended by the addition of the following paragraph:

"(3) Piping to and from sludge tanks shall have no direct connection overboard, other than the standard discharge connection referred to in Regulation 19."

Amendment of Regulation 21 of Chapter II of Annex I to Convention

11. Regulation 21 of Chapter II of Annex I to the Convention is hereby amended-

(a) by the substitution for subparagraph (c) of the following subparagraph:

*"(c) **in any special area and** subject to the provisions of Regulation 11 of this Annex, the discharge into the sea of oil or oily mixture shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.";* and

(b) by the deletion of subparagraph (d).

Amendment of Regulation 24 of Chapter III of Annex I to Convention

12. Regulation 24 of Chapter III of Annex I to the Convention is hereby amended by the substitution for paragraph (4) of the following paragraph:

"(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 inside the cargo tanks:

(0.5 bi/B + 0.1)L

but not to exceed 0.2L

(b) where a centreline longitudinal bulkhead is provided inside the cargo tanks:

(0.25 bi/B + 0.15)L

(c) where two or more longitudinal bulkheads are provided inside the cargo tanks:

(i) for wing cargo tanks: 0.2L

(ii) for centre cargo tanks:

(1) if bi/B is equal to or greater than one fifth: 0,2L

(2) if bi/B is less than one fifth:

– where no centreline longitudinal bulkhead is provided: $(0.5 bi/B + 0.1)L$

– where a centreline longitudinal bulkhead is provided: $(0.25 bi/B + 0.15)L$

(d) bi is the minimum distance from the ship's side to the outer longitudinal bulkhead of the tank in question measured inboard at right angles to the centreline at the level corresponding to the assigned summer freeboard."

** Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meter adopted by the Organization by resolution A.393 (X).*

Addition of Chapter IV to Annex I to Convention

13. The Convention is hereby amended by the addition to Annex I to the Convention of the following Chapter:

"CHAPTER IV-PREVENTION OF POLLUTION ARISING FROM AN OIL POLLUTION INCIDENT

Regulation 26

Shipboard Oil Pollution Emergency Plans

(1) Every oil tanker of 150 tons gross tonnage and above and every ship other than an oil tanker of 400 tons gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration. In the case of ships built before 4 April 1993 this requirement shall apply 24 months after that date.

(2) Such a plan shall be in accordance with guidelines developed by the Organization and written in the working language of the master and officers.*

The plan shall consist at least of:

(a) The procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident, as required in Article 8 and Protocol I of the present Convention, based on the guidelines developed by the Organization";

(b) the list of authorities or persons to be contacted in the event of an oil pollution incident;

(c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and

(d) the procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution."

Substitution of Forms A and B of Appendix II to Annex I to Convention

14. The following Forms are hereby substituted for Forms A and B of Appendix II to Annex I to the Convention:

"FORM A

(Revised 1991)

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

Diagram forthcoming

**Reference is made to 'Guidelines for the development of shipboard oil pollution emergency plans' to be developed by the Organization.*

Reference is made to General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants, adopted by the Organization by resolution A.648(16).

Substitution of Appendix III to Annex I to Convention

15. The following Appendix is hereby substituted for Appendix III to Annex I to the Convention:

* The list of oil-like noxious substances permitted for carriage, signed, dated and certified by a seal or a stamp of the issuing authority shall be attached.

Diagram forthcoming

Amendment of Regulation 1 of Annex II to Convention

16. Regulation 1 of Annex II to the Convention is hereby amended-

(a) by the substitution for paragraphs (6) and (7) of the following paragraphs, respectively:

"(6) 'Noxious liquid substance' means any substance designated *referred to* in Appendix 11 to this Annex or provisionally assessed under the provisions of Regulation 3(4) as falling into Category A, B, C or D.

(7) 'Special area' means a sea area where for recognised technical reasons in relation to its oceanographic 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 is required.

Special areas shall be:

- (a) The Baltic Sea area;
- (b) The Black Sea area; *and*
- (c) *The Antarctic area.*"; and

(b) by the insertion after paragraph (9) of the following paragraph:

"(9A) 'Antarctic area' means the sea area south of latitude 60 degrees S."

Amendment of Regulation 2 of Annex II to Convention

17. Regulation 2 of Annex II to the Convention is hereby amended by the addition of the following paragraph:

*"(7) (a) Where an amendment to this Annex and to the International Bulk Chemical Code and the Bulk Chemical Code involves changes to the structure or equipment and fittings due to the upgrading of the requirements for the carriage of certain substances, the Administration may modify or delay for a specified period the application of such an amendment to ships constructed before the date of entry into force of that amendment, if the immediate application of such an amendment is considered unreasonable or impracticable. Such relaxation shall be determined with respect to each substance, having regard to the guidelines developed by the Organization.**

(b) The Administration allowing a relaxation of the application of an amendment under this paragraph shall submit to the Organization a report giving details of the ship or ships concerned, the cargoes carried, the trade in which each ship is engaged and the justification for the relaxation, for circulation to the Parties to the Convention for their information and appropriate action, if any."

Amendment of Regulation 3 of Annex II to Convention

18. Regulation 3 of Annex 11 to the Convention is hereby amended by the substitution for paragraph (3) of the following paragraph:

"(3) Noxious liquid substances carried in bulk which are at present categorized as Category A, B, C or D and subject to the provisions of this Annex are referred to in Appendix II to this Annex."

Amendment of Regulation 4 of Annex II to Convention

19. Regulation 4 of Annex II to the Convention is hereby amended by the substitution for paragraphs (1) and (2) of the following paragraphs, respectively:

"(1) The substances **listed** referred to in Appendix III to this Annex have been evaluated and found to fall outside **the Categories Category A, B, C and or D**, as defined in Regulation 3(1) of this Annex because they are presently at present considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting **operations operation**.

(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances **listed** referred to in Appendix III to this Annex shall not be subject to any requirement of this Annex."

Amendment of Regulation 5 of Annex II to Convention

20. Regulation 5 of Annex II to the Convention is hereby amended-

(a) by the substitution for the words preceding paragraphs (1) and (7) of the following words:

"Subject to the provisions of *paragraph (14) of this Regulation and of Regulation 6 of this Annex,*";

(b) by the substitution in paragraph (1) for the words preceding subparagraph (a) of the following words:

"The discharge into the sea of substances in Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substances in the effluent to such facility is at or below the residual concentration prescribed for that substance in column III of Appendix 11 to this Annex *0.1 % by weight and until the tank is empty, with the exception of Phosphorus, yellow or white for which the residual concentration shall be at 0.01% by weight*. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are also satisfied:";

**Reference is made to Guidelines for the Application of Amendments to the List of Substances in Annex 11 of MARPOL 73/78 and the IBC Code with respect to Pollution Hazards approved by the Marine Environment Protection Committee of the Organization and issued under cover MEPC/Circ.266.*

(c) by the substitution in paragraph (7) for the words preceding subparagraph (a) of the following words:

"The discharge into the sea of substances of Category A as defined in Regulation 3(1)(a) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the States bordering the Special area shall provide in accordance with Regulation 7 of this Annex, until the concentration of the substances in the effluent to such facility is at or below the residual concentration prescribed for that substance in column TV of Appendix II to this Annex *0.05% by weight* and until the tank is empty, *with the exception of Phosphorus, yellow or white for which the residual concentration shall be 0.005% by weight*. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are also satisfied:"; and

(d) by the addition of the following paragraph:

"(14) In respect of the Antarctic area any discharge into the sea of noxious liquid substances or mixtures containing such substances shall be prohibited."

Amendment of Regulation 8 of Annex II to Convention

21. Regulation 8 of Annex II to the Convention is hereby amended by the substitution for paragraph (3) of the following paragraph:

*"(3) If the tank is to be washed in accordance with **subparagraph paragraph (2)(a)**, the effluent from the tank washing operation shall be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by a surveyor, has fallen to the **residual** concentration specified for that substance **in Appendix II Regulation 5(1) and (7), as applicable**, of this Annex. When the required **residual** concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and endorsed by the surveyor referred to under paragraph (1)(a) of this Regulation."*

Amendment of Regulation 14 of Annex II to Convention

22. Regulation 14 of Annex II to the Convention is hereby amended by the substitution in the words preceding subparagraph (a) for the words "designated in Appendix II" of the words "referred to in Appendix II".

Addition of Regulation 15 to Annex II to Convention

23. The following Regulation is hereby added to Annex II to the Convention:

"Regulation 15

Port State Control on Operational Requirements

(1) A ship when in a port of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex,

where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by noxious liquid substances.

(2) In the circumstances given in paragraph (1) of this Regulation, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.

(3) Procedures relating to the port State control prescribed in Article 5 of the present Convention shall apply to this Regulation.

(4) Nothing in this Regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational

Substitution of Appendices II and III to Annex II to Convention

24. The following Appendices are hereby substituted for Appendices II and III to Annex II to the Convention:

"Appendix II

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Noxious liquid substances carried in bulk and which are at present categorized as Category A, B, C or D and subject to the provisions of this Annex, are so indicated in the pollution category column of Chapters 17 and 18 of the International Bulk Chemical Code.

Appendix III

LIST OF OTHER LIQUID SUBSTANCES

Liquid substances carried in bulk which are identified as falling outside Category A, B, C or D and not subject to the provisions of this Annex are indicated as 'III' in the pollution category column of Chapters 17 and 18 of the International Bulk Chemical Code."

Addition of Annex III to Convention

25. The following Annex is hereby added to the Convention:

"ANNEX III

REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM

Regulation 1

Application

1. Unless expressly provided otherwise, the regulations of this Annex apply to all ships carrying harmful substances in packaged form.

*1.1 For the purposes of this Annex, 'harmful substances' are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods (IMDG) Code.**

1.2 Guidelines for the identification of harmful substances in packaged form are given in the Appendix to this Annex.

1.3 For the purposes of this Annex, 'packaged form' is defined as the forms of containment specified for harmful substances in the IMDG Code.

2. The carriage of harmful substances is prohibited, except in accordance with the provisions of this Annex.

*3. To supplement the provisions of this Annex, the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packing, marking, labelling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances.**

4. For the purposes of this Annex, empty packagings 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 harmful to the marine environment.

5. The requirements of this Annex do not apply to ships' stores and equipment.

Regulation 2

Packing

Packages shall be adequate to minimize the hazard to the marine environment, having regard to their specific contents.

Regulation 3

Marking and Labelling

1. Packages containing a harmful substance shall be durably marked with the correct technical name (trade names alone shall not be used) and, further, shall be durably marked or labelled to indicate that the substance is a marine pollutant. Such identification shall be supplemented where possible by any other means, for example, by use of the relevant United Nations number.

2. The method of marking the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea. In

*considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package. 3. Packages containing small quantities of harmful substances may be exempted from the marking requirements.**

**Reference is made to the International Maritime Dangerous Goods (IMDG) Code adopted by the Organization by resolution A.716(17) as it has been or may be amended by the Maritime Safety 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 each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words 'MARINE POLLUTANT'.

2. The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate and in proper condition for carriage to minimize the hazard to the marine environment.

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 the harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his or her representative until the harmful substances are unloaded. A copy of one of these documents shall be made available before departure to the person or organization designated by the port State authority.

4. When 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, 1974, as amended, the documents required by this Regulation may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Annex.

Regulation 5

Stowage

Harmful substances shall be properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of the ship and persons on board.

**Reference is made to the specific exemptions provided for in the International Maritime Dangerous Goods (IMDG) Code.*

Reference to 'documents' in this Regulation does not preclude the use of electronic

data processing (EDP) and electronic data interchange (EDI) transmission techniques as an aid to paper documentation.

Regulation 6

Quantity Limitations

Certain harmful substances may, for sound scientific and technical reasons, need to be prohibited for carriage or 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 packaging and the inherent nature of the substances.

Regulation 7

Exceptions

1. Jettisoning of harmful substances carried in packaged form 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 the present 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 does not impair the safety of the ship and persons on board.

Regulation 8

Port State Control on Operational Requirements

1. A ship when in a port of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by harmful substances.

2. In the circumstances given in paragraph 1 of this Regulation, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.

3. Procedures relating to the port State control prescribed in Article 5 of the present Convention shall apply to this Regulation.

4. Nothing in this Regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.

Appendix

GUIDELINES FOR THE IDENTIFICATION OF HARMFUL SUBSTANCES IN PACKAGED FORM

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances:

– bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating '+' in column A); or*

**Reference is made to the Composite List of Hazard Profiles, prepared by the IMO/FAO/UNESCO/ WMO/ WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), which is circulated annually by the Organization by means of BCH circulars to all IMO Member States.*

– bioaccumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less (Hazard Rating 'Z' in column A28); or*

– liable to produce tainting of seafood (Hazard Rating 'T' in column A);*

or

– highly toxic to aquatic life, defined by a LC50/96 hour less than 1 ppm (Hazard Rating '4' in column B).".*

Amendment of Regulation 5 of Annex V to Convention

26. Regulation 5 of Annex V to the Convention is hereby amended

(a) by the substitution in paragraph (1) for the words preceding subparagraph (a) of the following words:

*"For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, **and** the **Gulf Gulfs** area, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:"*

(b) by the addition to paragraph (1) of the following subparagraphs:

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

(i) the North Sea southwards of latitude 62 degrees N and eastwards of longitude 4 degrees W;

(ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57 degrees 44.8'N; and

(iii) the English Channel and its approaches eastwards of longitude 5 degrees W and northward of latitude 48 degrees 30'N.

(g) *The Antarctic area means the sea area south of 60' south latitude.*

(h) *The Wider Caribbean Region, as defined in Article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and the Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30 degrees N parallel from Florida eastward to 77 degrees 30 degrees W meridian, thence a rhumb line to the intersection of 20 degrees N parallel and 59 degrees W meridian, thence a rhumb line to the intersection of 7 degrees 20'N parallel and 50 degrees W meridian. thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.";*

(c) by the substitution for subparagraph (b) of paragraph (2) of the following subparagraph:

"(b) disposal into the sea of food wastes shall *except as provided in subparagraph (c)* be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.";

(d) by the addition to paragraph (2) of the following subparagraph:

"(c) *disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case not subject to Regulation 4 not less than 3 nautical miles from the nearest land. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.";* and

(e) by the addition of the following paragraph:

**Reference is made to the Composite List of Hazard Profiles, prepared by the IMO/FAO/UNESCO/ WMO/ WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), which is circulated annually by the Organization by means of BCH circulars to all IMO Member States.*

The concentration of a substance which will, within the specified time (generally 96 hours), kill 50% of the exposed group of test organisms. LC 50 is often specified in mg/l (parts per million (ppm)).

"(5) *Notwithstanding paragraph (4) o rules apply to the Antarctic area:*

(a) *The Government of each Party to the Convention whose ports are used by ships departing en route to or arriving from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.*

(b) *The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage while operating in the area and that agreements have*

been concluded to discharge such garbage at a reception facility after leaving the area.
".

Amendment of Regulation 6 of Annex V to Convention

27. Regulation 6 of Annex V to the Convention is hereby amended by the substitution for paragraph (c) of the following paragraph:

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

Addition of Regulation 8 to Annex V to Convention

28. The following Regulation is hereby added to Annex V to the Convention:

"Regulation 8

Port State Control on Operational Requirements

(1) A ship when in a port of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by garbage.

(2) In the circumstances given in paragraph (1) of this Regulation, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.

(3) Procedures relating to the port State control prescribed in Article 5 of the present Convention shall apply to this Regulation.

(4) Nothing in this Regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention."