



บรรณานุกรม

ภาษาไทยหนังสือ

ณรงค์ ฅ เชียงใหม่ มลพิษสิ่งแวดล้อม. กรุงเทพฯ: สำนักพิมพ์โอเดียนสโตร์, 2525.

นงพงา สุขวนิช ภาวะมลพิษ ภัยใกล้ตัว. กรุงเทพฯ: สำนักงานคณะกรรมการสิ่งแวดล้อมแห่งชาติ,
2528.

เปี่ยมศักดิ์ เมนะเศวต, ดร. แหล่งน้ำกับปัญหามลพิษ. กรุงเทพฯ: ภาควิชาวิทยาศาสตร์ทางทะเล
คณะวิทยาศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย, 2524.

มาลี บานชื่น พลังงานและสภาพแวดล้อม. กรุงเทพฯ: มหาวิทยาลัยธรรมศาสตร์, 2525.

สมศักดิ์ โชคนุกูล มลพิษกับการอนุรักษ์สิ่งแวดล้อม. พิมพ์ครั้งที่ 1, สงขลา: โครงการบริการศึกษา
มหาวิทยาลัยศรีนครินทรวิโรฒ, 2531.

สุโขทัยธรรมมาธิราช, มหาวิทยาลัย สาขานิติศาสตร์ เอกสารการสอนชุดกฎหมายสิ่งแวดล้อม ชุดที่
8-15. พิมพ์ครั้งที่ 4 กรุงเทพมหานคร: มหาวิทยาลัย สุโขทัยธรรมมาธิราช, 2529.

บทความ

กมล สนิทเกษตริณ "การปฏิบัติต่อเรือต่างประเทศในท่าเรือต่าง ๆ" วารสารการพาณิชย์นาวี 4
(พฤษภาคม-สิงหาคม 2528): 10-21.

เชิด รุ่งอุทัย "บทบาทการขนส่งน้ำมันทางน้ำและผลกระทบต่อสิ่งแวดล้อม." สารสิ่งแวดล้อม
5 (พฤษภาคม-มิถุนายน 2522): 22-32.

ชรัตน์ รุ่งเรืองศิลป์ "แผนป้องกันมลพิษจากน้ำมันในทะเล...อย่าลืมหอคอยดอนวิ้วหาย,"
ประชาชาติธุรกิจ (19-21 กรกฎาคม 2533): 40-41.

ธวัชชัย ศิริภัทราชัย "โศกนาฏกรรมที่อลาสก้า." รู้รอบตัว 5 (มกราคม 2533): 61-66.

นพพร โพธิ์รังสิยากร "กฎหมายทะเล (ตอนที่ 1)" อุลพาท 23 (มกราคม-เมษายน 2531):
30-80.

_____. "กฎหมายทะเล (ตอนที่ 2)" อุลพาท 35 (มีนาคม-เมษายน 2531): 85-99.

_____. "กฎหมายทะเล (ตอนที่ 3)" อุลพาท 35 (พฤษภาคม-มิถุนายน 2531): 94-124.

_____. "กฎหมายทะเล (ตอนที่ 4)" อุลพาท 35 (กรกฎาคม-สิงหาคม 2531): 51-57.

- _____ . "กฎหมายทะเล (ตอนที่ 5)" ดูลพาท 35 (กันยายน-ตุลาคม 2531): 47-127.
- _____ . "กฎหมายทะเล (ตอนที่ 6)" ดูลพาท 35 (พฤศจิกายน-ธันวาคม 2531): 82-95.
- ปรียพรรณ บุญยวิบูลย์ "คราบน้ำมันกับสารเคมี" ความรู้คือประทีป 15 (มีนาคม 2518): 2-17.
- พนัส ทัศนียานนท์ "ความรับผิดทางแพ่งในความเสียหายที่เกิดจากมลภาวะน้ำมันจากเรือ"
วารสารนิติศาสตร์ 10 (พ.ศ. 2521): 465-482,
- พิภพ พุกขมาศ "น้ำมันกับสิ่งแวดล้อม" ความรู้คือประทีป 16 (มกราคม 2518): 7-11,
- ยุทธ ชันโสภา "DNA Recombination กับปัญหา Oil Pollution" สารสิ่งแวดล้อม
3 (มิถุนายน-กรกฎาคม 2520): 14-16.
- วิชัย เลี่ยมทอง "ผลประโยชน์ของชาติทางทะเล" นาวิกศาสตร์ 68 (พฤศจิกายน 2526):
141-156.
- _____ . "ผลประโยชน์ของชาติทางทะเล" นาวิกศาสตร์ 68 (ธันวาคม 2528): 37-60,
- วุฒิชัย ทีระอัมพรกุล ผู้แปลและเรียบเรียง "ผลกระทบสิ่งแวดล้อมที่เกิดจากน้ำมัน แปลและ
เรียบเรียงจาก "Accidental Oil Pollution of the Sea" สารสิ่งแวดล้อม
3 (สิงหาคม-กันยายน 2520): 14-22,
- ภาณุ วิชาดแพทย์ ผู้แปลและเรียบเรียง "วันทางทะเลโลก 1990 เพื่อทะเลที่สะอาดขึ้น" :
บทบาททาง IMO ในทศวรรษที่ 1991" วารสารการพาณิชย์นาวี 10 (มกราคม 2534):
14-22.
- สุมาลี น้ามังคกุล "น้ำมันและสิ่งแวดล้อมที่เป็นพิษ" วิทยาศาสตร์ 30 (มิถุนายน 2519):
35-39.
- สุวิทย์ วีระวงศ์ "การป้องกันมลพิษทางน้ำ" วารสารการพาณิชย์นาวี 6 (มกราคม-เมษายน
2530): 17-28.
- สุนทร นิยมญาติ. "หลักกฎหมายระหว่างประเทศว่าด้วยความรับผิดชอบของรัฐ" สารธรรม
25 (กุมภาพันธ์, 2518): 70-82.

ภาษาต่างประเทศ

หนังสือ

- Abecassis, David W. Oil Pollution from Ships International, United Kingdom and United States Law and Practice, 2 ND ed, London: Stevens & Sons Ltd., 1985,

- Abecassis, David W. Marine Oil Pollution. Cambridge: University of Cambridge, 1976.
- Brownlie, Ian. Principle of Public International Law. London: Clearendon Press, 1973.
- Gunningham, Neil. Pollution, Social Interest and the Law. London: Martin Robertson, 1974.
- Holm, John R. Topics and Terms in Environmental Problems. New York: John Wiley & Sons, 1977.
- Kind John Warren. Marine Pollution and the Law of the Sea. Buffalo: William S. Hein & Co., Inc., 1986.
- Office of the National Environment Board. "Oil Pollution Control Measures and Arrangement in Thailand." Bangkok, 1986.
- Mankabady, Samir. The International Marine Organization Volume 2: Accidents at Sea. London: Crom Helm, 1988.
- M'Gonigle, R. Micheal and Zacher, Mark W. Pollution Politics and International Law: Tankers at Sea. California: University of California Press, 1981.
- Shearer, A.I. The Internation Law of the Sea. Oxford: Clarendon Pr., 1982.
- Singh NaGendra. International Maritime Law Convention Volume 3. London: Stevens & Sons Limited., 1983.
- _____. Maritime Flag and International Law Haryana: Thomson Press (India) Limited., 1978.
- Sohn, Louis B. The Law of the Sea in a nutshell, Minnesota: West Publishing Co., 1984.
- Timagenis, J. GR. International Control of Marine Pollution. New York: Oceana Publications. Inc., 1980.

บทความ

- Collin, David Micheal "The Tanker's Right of Harmless Discharge and Protection of Marine Environment" Journal of Maritime Law and Commerce. 18 (April 1987): 275-291.
- De Biever, Alien F.M. "Liability and Compensation for damage in Connection with the Carriage of Hazards and Noxious Substances by Sea." Journal of Maritime Law and Commerce 17 (January 1986): 61-88.
- "Gasses and solids added to IMO's post Exxon Valdez debates" Lloyd's Ship Manager & shipping News International (March 1990): 45-60.
- Jacobson, Douglas A. and Yellen, James D. "Oil Pollution: The 1984 London Protocols and the AMOCO CADIZ." Journal of Maritime and Commerce (October 1984): 467-488.
- Mushkat Rado "International Environment Law in the Asia Pacific Region: Recent Development." California West International Law Journal (November 1989): 21-38.
- Ramkrihnas K. "Environment Concerns and the Law of the Sea" Journal of Maritime Law and Commerce 16 (January 1985): 1-19,

เอกสารอื่น ๆ

- สุนิสา เตชะเสถียร "หลักกฎหมายทะเลว่าด้วยความรับผิดชอบแห่งสำหรับความเสียหายที่เกิดจากภาวะมลพิษน้ำมันจากเรือเดินทะเล" วิทยานิพนธ์ปริญญามหาบัณฑิต คณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์, 2530.
- จุมมา ประมาณผล "มาตรการทางกฎหมายในการควบคุม ป้องกันและแก้ไขภาวะมลพิษทางทะเลจากการทิ้งของเสีย" วิทยานิพนธ์ปริญญามหาบัณฑิต ภาควิชานิติศาสตร์บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย, 2532.

การเดินเรือในน่านน้ำไทย พุทธศักราช 2456, พระราชบัญญัติ. แก้ไขเพิ่มเติม โดยพระราช
บัญญัติการเดินเรือในน่านน้ำไทย (ฉบับที่ 13) พ.ศ. 2525.

การป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน พุทธศักราช 2525, ระเบียบสำนักนายกรัฐมนตรี.
รัฐมนตรี.

International Convention for the Prevention of Pollution from Ships
1973 and Protocol 1978.

International Convention Relating to International on the High Sea
in Case of Oil Pollution Casualties, 1969 and Protocol 1973.

International Convention on Civil Liability for Oil Pollution Damage
1969 and Protocol 1976.

International Convention on the Establishment of an International Fund
for Compensation for Oil Pollution Damage 1971 and Protocol
1976.

Un Convention on the Law of the Sea, 1982.

આવકવહી



**CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY
IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE**

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969, and Sections 13 and 14 of the Merchant Shipping (Oil Pollution) Act, 1981.

139

Certificate No. CLC-122-91

NAME OF SHIP	OFFICIAL NUMBER	PORT OF REGISTRY	NAME AND ADDRESS OF OWNER
	1		

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969.

Type of security Policy of Insurance

Duration of security noon 20 February 1991 to noon 20 February 1992

Name and Address of the Insurer(s) and/or Guarantor(s)
 (1) Name The Britannia Steam Ship Insurance Association Ltd.,

Address New City Court, 20 St Thomas Street,
London SE1 9RR.

(2) Name _____

Address _____

This certificate is valid until noon 20 February 1992

Issued by the Government of the Republic of Singapore.

Date of issue: 18 February 1991.


 DIRECTOR OF MARINE
 SINGAPORE

KINGDOM OF THAILAND

(Note: This Certificate shall be supplemented by a Record of Construction and Equipment.)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention") under the authority of the Government of

by BUREAU VERITAS

Name of Ship BV No: 84K051	Distinctive number or Letters	Port of Registry	Gross Tonnage
	H S J F	BANGKOK	9730 Tons

Type of ship :

~~Oil tanker *~~~~Ship other than oil tanker with cargo tanks coming under Regulation 2(2) of Annex I of the Convention *~~

Ship other than any of the above *

THIS IS TO CERTIFY

1. That the ship has been surveyed in accordance with Regulation 4 of Annex I of the Convention; and
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This certificate is valid until 19 June 1994 subject to surveys
in accordance with Regulation 4 of Annex I of the Convention.

Issued at PARIS the 3 November 1989

Valid only when the Supplement No. 66645/A is available for inspection.

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

BUREAU VERITAS



PF/GF

J. VERDON Secretary

Due Date for Intermediate Survey: 19 December 1991

(if only one intermediate survey is held during the period of validity of this certificate)

range: 19 June 1991 to 18 June 1992

Due Date for Mandatory Annual Surveys: 19 June

range: 19 March to 18 September

* Delete as appropriate



ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey;

Place Bangkok, Thailand

Date 14th July 1990

A. YOOSOOK

A. Yoosook

Surveyor to BUREAU VERITAS



Annual*/Intermediate* survey;

Place

Date

.....
Surveyor to BUREAU VERITAS

Annual*/Intermediate* survey;

Place

Date

.....
Surveyor to BUREAU VERITAS

Annual survey;

Place

Date

.....
Surveyor to BUREAU VERITAS

* Delete as appropriate.

**SUPPLEMENT TO THE
INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE No 66645,
OF COMPLIANCE**

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

In respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as „the Convention”).

Notes :

1. This form is to be used for the third type of ships as categorized in the IOPP Certificate, i.e. "ships other than any of the above". For oil tankers and ships other than oil tankers with cargo tanks coming under Regulation 2(2) of Annex I of the Convention, Form B shall be used.
2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.
4. Entries in boxes shall be made by inserting either a cross (X) for the answers "yes" and "applicable" or a dash (-) for the answers "no" and "not applicable" as appropriate.
5. Regulations mentioned in this Record refer to Regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1. PARTICULARS OF SHIP

- 1.1. Name of ship ..PETCHOMPHOO
- 1.2. Distinctive number or letters H . S . J . F
- 1.3. Port of registry BANGKOK
- 1.4. Gross tonnage .9730



1.5. Date of build :

143

- 1.5.1. Date of building contract
- 1.5.2. Date on which keel was laid or ship was at a similar stage of construction 1968
- 1.5.3. Date of delivery 3/1969

1.6. Major conversion (if applicable) :

- 1.6.1. Date of conversion contract
- 1.6.2. Date on which conversion was commenced
- 1.6.3. Date of completion of conversion

1.7. Status of ship :

- 1.7.1. New ship in accordance with Regulation 1(6)
- 1.7.2. Existing ship in accordance with Regulation 1(7)
- 1.7.3. The ship has been accepted by the Administration as an "existing ship" under Regulation 1(7) due to unforeseen delay in delivery

2. EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 10 and 16)

2.1. Carriage of ballast water in oil fuel tanks :

- 2.1.1. The ship may under normal conditions carry ballast water in oil fuel tanks
- 2.1.2. The ship does not under normal conditions carry ballast water in oil fuel tanks

2.2. Type of separating / filtering equipment fitted :

- 2.2.1. Equipment capable of producing effluent with oil content less than 100 ppm;
- 2.2.2. Equipment capable of producing effluent with oil content not exceeding 15 ppm

2.3. Type of control system :

144

2.3.1. Discharge monitoring and control system (Regulation 16(5))

1. with automatic stopping device

2. with manual stopping device

2.3.2. 15 ppm alarm (Regulation 16(7))

2.3.3. Automatic stopping device for discharges in special areas (Regulation 10(3)(b)(vi))

2.3.4. Oil content meter (resolution A.444(XI))

1. with recording device

2. without recording device

2.4. Approval standards :

2.4.1. The separating / filtering equipment :

1. has been approved in accordance with resolution A.393(X)

2. has been approved in accordance with resolution A.233(VII)

3. has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII)

4. has not been approved

2.4.2. The process unit has been approved in accordance with resolution A.444(XI)

2.4.3. The oil content meter has been approved in accordance with resolution A.393(X)

2.5. Maximum throughput of the system is 1, 2 m³/h

2.6. Application :

2.6.1. The ship is not required to be fitted with the above equipment until 19..*
in accordance with Regulation 16(4)

* Insert the date three years after the date of entry into force of the Convention

3. TANKS FOR OIL RESIDUES (SLUDGE) (Regulation 17)

3.1. This ship is provided with oil residue (sludge) tanks with the total capacity of .. 63,8. m³

3.2. Means for the disposal of oil residue in addition to the provision of sludge tanks

4. STANDARD DISCHARGE CONNECTION (Regulation 19)

4.1. The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with Regulation 19

5. EXEMPTION

5.1. Exemptions have been granted by the Administration from the requirements of Chapter II of Annex I of the Convention in accordance with Regulation 2(4) (a) on those items listed under paragraph(s) of this Record.

6. EQUIVALENTS (Regulation 3)

6.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at PARIS the 6 day of NOVEMBER 19 89

BUREAU VERITAS


J. VERDUN Secretary



NO. CC 0506/ 066

146

SHIP SURVEY DIVISION,
HARBOUR DEPARTMENT,
BANGKOK, THAILAND.

LETTER OF COMPLIANCE
FOR THE INTERNATIONAL OIL POLLUTION PREVENTION

This is to certify that this ship complies with the provisions of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (hereinafter referred to as the Convention) and this Letter of Compliance was issued under the authority of the Government of Thailand.

Name of ship	Distinctive Number or letter	Port of Registry	Gross Tonnage
SIAM SUPACHAI	HSCS	BANGKOK	2570.42

Type of Ship :

Oil tanker

Ship other than an oil tanker with cargo tanks coming under Regulation 2 (2) Of Annex I of the Convention

~~Ship other than an oil tanker with cargo tanks coming under Regulation 2 (2) Of Annex I of the Convention~~

THIS IS TO CERTIFY :

1. That the ship has been surveyed in accordance with Regulation 4 of Annex I of the Convention ; and
2. That the survey shows that the structure, equipment, system, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Letter of Compliance is valid until 4TH MARCH 1992 subject to surveys in accordance with Regulation 4 of Annex I of the Convention.

Issued at BANGKOK the 5TH day of MARCH 19 91



CHECK LIST FOR MANDATORY ANNUAL SURVEY, INTERMEDIATE SURVEY
AND PERIODICAL SURVEY UNDER ANNEX I OF MARPOL 73/78

I. EXAMINATION OF CURRENT CERTIFICATES, OIL RECORD BOOKS,
MANUALS AND OTHER DOCUMENTS.

1. Checking the validity of the IOPP certificate.-----
2. Checking of the certificates for type approval of oil pollution prevention equipment necessary to be approved by the Administration.-----
3. Confirming that surveys of the inert gas system, when required to be fitted, have been carried out.-----
4. Checking of all other relevant certificates as required, which may include certificate of Class.-----
5. Checking whether the appropriate entries have been made in the oil record book.-----
6. Confirming that approved Dedicate Clean Ballast Tank Operation Manual (Reg. 13A(4) and/or the approved Operations and Equipment Manual for Crude Oil Washing System (Reg. 13B(5)), as applicable, is/are on board.-----
7. Confirming that the operation manual for the oil discharge monitoring and control system (Reg. 15(3)(c)), where applicable, is on board.-----
8. Confirming that the loading and stability information in approved form as required by Reg. 25(5), where applicable, is on board.-----
9. Sighting the records of the various oil discharge monitoring equipment as applicable.-----
10. Confirming approved operational procedures for existing oil tankers having special ballast arrangements (Reg. 13D), where applicable, is on board.----

REMARKS		
MAS	IS	PS
C	C	C
C	C	C
C	C	C
C	C	C
C	C	C
C	C	C
C	C	C
C	C	C
C	C	C
C	C	C

O: To carry out inspection in the manner as indicated for each sub-item.
 C: Confirmation of the carriage on board the ship. The content also should be confirmed as necessary.
 G: General examination by visual inspection or appropriate.
 E: Examination in an appropriate way for confirmation of satisfactory performance.
 X: Thorough examination for wear, corrosion, obvious defects, deterioration or damage. For this purpose, the relevant fittings should be opened out as necessary.
 T: Satisfactory operation should be confirmed by an appropriate operation test.
 ST: Simulation test.
 PT(1.0): Pressure testing at the pressure not less than the working pressure.
 *: As far as practicable.

II. SURVEY OF THE CONDITION OF THE SHIP AND ITS EQUIPMENT
 A. FOR ALL SHIPS INCLUDING OIL TANKERS

1. Equipment for the control of oil discharge from machinery space bilge (Reg. 9, 10 and 16)

	REMARKS		
	MAS	IS	PS
i) Oily-water separating equipment or oil filtering equipment, process units, where fitted, including associated pumps, piping and fittings for wear and corrosion.----- <input checked="" type="checkbox"/>	G	S, ST	X, ST
ii) Oil discharge monitoring and control system including where practicable the automatic and manual operation of the means provided to stop the discharge of effluent.----- <input checked="" type="checkbox"/>	ST	ST	ST
iii) Indicators and recorders installed in the monitor and a sufficient supply of consumables for the recorders.----- <input type="checkbox"/>	G	G	G
iv) Oil content metre (15 ppm alarm and bilge monitor) for obvious defects, deterioration or damage and the record of calibration of the metre done in accordance with the manufacturer's operation and instruction manual.----- <input checked="" type="checkbox"/>	-	G, C	G, C
v) Alarm for the oil filtering system.----- <input checked="" type="checkbox"/>	ST	ST	ST
vi) Automatic stopping device required for discharges in Special Areas, where fitted.----- <input checked="" type="checkbox"/>	ST	ST	ST
2. Oil fuel tanks (Reg. 14)			
i) Segregation of oil fuel and water ballast system.----- <input checked="" type="checkbox"/>	G	G	G
3. Oily residue (sludge) tanks and standard discharge connection			
i) Arrangement of the oil residue (sludge) tank and its discharge arrangements.----- <input checked="" type="checkbox"/>	G	G	G
ii) Homogenizers, sludge incinerators or other recognized means for the control of sludge when the size of oily residue (sludge) tank is approved on the basis of such installation.----- <input type="checkbox"/>	G	G	ST
iii) Standard discharge connection.----- <input checked="" type="checkbox"/>	G	G	G

B. FOR OIL TANKERS ONLY

4. Segregated ballast tanks (Reg. 13)

i) Arrangements of pumps, pipes, and valves in accordance with the requirements for SBT systems.-----

ii) No cross-connections between the cargo and segregated ballast systems.-----

iii) Non-return valves on the segregated ballast connections and the spool piece mounted in a conspicuous position in the pump room with a permanent notice restricting its use. (where a portable spool piece is provided for the emergency discharge of segregated ballast by connecting the segregated ballast system to a cargo pump.)-----

iv) No contamination with oil in the segregated ballast tanks.-----

v) No leakage from those ballast pipelines passing through cargo tanks and those cargo pipelines passing through ballast tanks.-----

5. Dedicated clean ballast tanks (Reg. 13A)

i) Arrangements of pumps, pipes and valves in accordance with the Revised Specifications for Oil Tankers with Dedicated Clean Ballast Tanks.-----

ii) No contamination with oil in the dedicated clean ballast tanks.-----

iii) No leakage from those ballast pipelines passing through cargo tanks and those cargo pipelines passing through ballast tanks.-----

6. Crude oil washing system (Reg. 13B)

i) Crude oil washing system installed in accordance with the Revised Specifications for the Design, Operation and Control of the Crude Oil Washing Systems (IMO Resolution A. 446(XI) and A. 497(XII)).-----

	REMARKS		
	MAS	IS	PS
	-	-	G
	G	G	G
	G	G	G
	G	G	G
	-	-	G
	G*	G*	G*
	G	G	G
	-	-	G
	○	○	○

In particular

- a) Crude oil washing piping, pumps, valves and deck mounted washing machines and all anchoring devices for crude oil washing piping.
- b) Pressure test of the crude oil washing system to at least the working pressure.
- c) Number of operational drive units as specified in the Manual. (in those cases where driving units are not integral with the tank washing machines.)
- d) Internal equipment and arrangements of tanks.
- e) Double shut-off valves or identifiable balnks by which steam heaters for water washing, when fitted, can be properly isolated during crude oil washing operations.
- f) Prescribed means of communications between the deck watchkeeper and the cargo control position.
- g) Overpressure relief device (or other approved arrangement) fitted to the pumps supplying the crude oil washing system.
- h) Flexible hoses for supply of oil to the washing machines on combination carriers.

ii) Effectiveness of the crude oil washing system

In particular,

- a) Effectiveness of the cleaning and stripping of tanks containing departure and/or arrival ballast water.
- b) Operation of the crude oil washing machines.
- c) Effectiveness of the stripping system in appropriate cargo tanks by observing the monitoring equipment and by hand-dipping or other approved means.
- d) Internal tank inspection after crude oil washing to confirm that installation and operational procedures laid down in the Operations and Equipment Manual are satisfactory.

iii) No leakage from those ballast pipelines passing through cargo tanks and those cargo pipelines passing through ballast tanks.

	REMARKS		
	MAS	IS	PS
	G	G	G
	-	(PT) (1.0) <small>See note below</small>	PT (1.0)
	G	G	G
	-	-	G
	G	G	X
	T	T	T
	G	G	G
	G	G	PT (1.0)
	⊛	○	○
	E*	E	E
	E*	E	E
	E*	E	E
	-	E	E
	-	-	G

Note : At IS, if there are any doubt as to its condition upon examination of crude oil washing piping outside cargo tanks, the piping may be required to be pressure tested, gauged or both.

10. Existing oil tankers having special ballast arrangements (Reg. 13D)

i) Approved arrangements for special ballast.

REMARKS		
MAS	IS	PS
G	G	G



PART XII
PROTECTION AND PRESERVATION OF THE
MARINE ENVIRONMENT

SECTION 1. GENERAL PROVISIONS

Article 192
General obligation

States have the obligation to protect and preserve the marine environment.

Article 193
Sovereign right of States to exploit their natural resources

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment. 1

Article 194
*Measures to prevent, reduce and control pollution of the
marine environment*

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.

2. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, *inter alia*, those designed to minimize to the fullest possible extent:

- (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;
- (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;
- (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the sea-bed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;
- (d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating

the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention.

5. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

Article 195

Duty not to transfer damage or hazards or transform one type of pollution into another

In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 196

Use of technologies or introduction of alien or new species

1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.

2. This article does not affect the application of this Convention regarding the prevention, reduction and control of pollution of the marine environment.

SECTION 2. GLOBAL AND REGIONAL CO-OPERATION

Article 197

Co-operation on a global or regional basis

States shall co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

Article 198

Notification of imminent or actual damage

When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

Article 199

Contingency plans against pollution

In the cases referred to in article 198, States in the area affected, in accordance with their capabilities, and the competent international organizations

shall co-operate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage. To this end, States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

Article 200

Studies, research programmes and exchange of information and data

States shall co-operate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies.

Article 201

Scientific criteria for regulations

In the light of the information and data acquired pursuant to article 200, States shall co-operate, directly or through competent international organizations, in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment.

SECTION 3. TECHNICAL ASSISTANCE

Article 202

Scientific and technical assistance to developing States

States shall, directly or through competent international organizations:

- (a) promote programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:
 - (i) training of their scientific and technical personnel;
 - (ii) facilitating their participation in relevant international programmes;
 - (iii) supplying them with necessary equipment and facilities;
 - (iv) enhancing their capacity to manufacture such equipment;
 - (v) advice on and developing facilities for research, monitoring, educational and other programmes;
- (b) provide appropriate assistance, especially to developing States, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment;
- (c) provide appropriate assistance, especially to developing States, concerning the preparation of environmental assessments.

Article 203

Preferential treatment for developing States

Developing States shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimization of its effects, be granted preference by international organizations in:

- (a) the allocation of appropriate funds and technical assistance; and
- (b) the utilization of their specialized services.

SECTION 4. MONITORING AND ENVIRONMENTAL ASSESSMENT

Article 204

Monitoring of the risks or effects of pollution

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment.

2. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

Article 205

Publication of reports

States shall publish reports of the results obtained pursuant to article 204 or provide such reports at appropriate intervals to the competent international organizations, which should make them available to all States.

Article 206

Assessment of potential effects of activities

When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.

SECTION 5. INTERNATIONAL RULES AND NATIONAL LEGISLATION TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

Article 207

Pollution from land-based sources

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.

4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1, 2 and 4 shall include those designed to minimize, to the fullest extent possible, the release of toxic, harmful or noxious substances, especially those which are persistent, into the marine environment.

Article 208

Pollution from sea-bed activities subject to national jurisdiction

1. Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.

4. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.

5. States, acting especially through competent international organizations or diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

Article 209

Pollution from activities in the Area

1. International rules, regulations and procedures shall be established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area. Such rules, regulations and procedures shall be re-examined from time to time as necessary.

2. Subject to the relevant provisions of this section, States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be. The requirements of such laws and regulations shall be no less effective than the international rules, regulations and procedures referred to in paragraph 1.

Article 210

Pollution by dumping

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.

4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.

6. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards.

Article 211
Pollution from vessels

1. States, acting through the competent international organization or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routing systems designed to minimize the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.

2. States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

3. States which establish particular requirements for the prevention, reduction and control of pollution of the marine environment as a condition for the entry of foreign vessels into their ports or internal waters or for a call at their off-shore terminals shall give due publicity to such requirements and shall communicate them to the competent international organization. Whenever such requirements are established in identical form by two or more coastal States in an endeavour to harmonize policy, the communication shall indicate which States are participating in such co-operative arrangements. Every State shall require the master of a vessel flying its flag or of its registry, when navigating within the territorial sea of a State participating in such co-operative arrangements, to furnish, upon the request of that State, information as to whether it is proceeding to a State of the same region participating in such co-operative arrangements and, if so, to indicate whether it complies with the port entry requirements of that State. This article is without prejudice to the continued exercise by a vessel of its right of innocent passage or to the application of article 25, paragraph 2.

4. Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels.

5. Coastal States, for the purpose of enforcement as provided for in section 6, may in respect of their exclusive economic zones adopt laws and regulations

for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

6. (a) Where the international rules and standards referred to in paragraph 1 are inadequate to meet special circumstances and coastal States have reasonable grounds for believing that a particular, clearly defined area of their respective exclusive economic zones is an area where the adoption of special mandatory measures for the prevention of pollution from vessels is required for recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its utilization or the protection of its resources and the particular character of its traffic, the coastal States, after appropriate consultations through the competent international organization with any other States concerned, may, for that area, direct a communication to that organization, submitting scientific and technical evidence in support and information on necessary reception facilities. Within 12 months after receiving such a communication, the organization shall determine whether the conditions in that area correspond to the requirements set out above. If the organization so determines, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for special areas. These laws and regulations shall not become applicable to foreign vessels until 15 months after the submission of the communication to the organization.
 - (b) The coastal States shall publish the limits of any such particular, clearly defined area.
 - (c) If the coastal States intend to adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels, they shall, when submitting the aforesaid communication, at the same time notify the organization thereof. Such additional laws and regulations may relate to discharges or navigational practices but shall not require foreign vessels to observe design, construction, manning or equipment standards other than generally accepted international rules and standards; they shall become applicable to foreign vessels 15 months after the submission of the communication to the organization, provided that the organization agrees within 12 months after the submission of the communication.
7. The international rules and standards referred to in this article should include *inter alia* those relating to prompt notification to coastal States, whose coastline or related interests may be affected by incidents, including maritime casualties, which involve discharges or probability of discharges.

Article 212

Pollution from or through the atmosphere

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution.

SECTION 6. ENFORCEMENT

Article 213

Enforcement with respect to pollution from land-based sources

States shall enforce their laws and regulations adopted in accordance with article 207 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources.

Article 214

Enforcement with respect to pollution from sea-bed activities

States shall enforce their laws and regulations adopted in accordance with article 208 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

Article 215

Enforcement with respect to pollution from activities in the Area

Enforcement of international rules, regulations and procedures established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area shall be governed by that Part.

Article 216

Enforcement with respect to pollution by dumping

1. Laws and regulations adopted in accordance with this Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping shall be enforced:

- (a) by the coastal State with regard to dumping within its territorial sea or its exclusive economic zone or onto its continental shelf;
- (b) by the flag State with regard to vessels flying its flag or vessels or aircraft of its registry;
- (c) by any State with regard to acts of loading of wastes or other matter occurring within its territory or at its off-shore terminals.

2. No State shall be obliged by virtue of this article to institute proceedings when another State has already instituted proceedings in accordance with this article.

Article 217
Enforcement by flag States

1. States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.

2. States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.

3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to international rules and standards referred to in paragraph 1. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.

4. If a vessel commits a violation of rules and standards established through the competent international organization or general diplomatic conference, the flag State, without prejudice to articles 218, 220 and 228, shall provide for immediate investigation and where appropriate institute proceedings in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted.

5. Flag States conducting an investigation of the violation may request the assistance of any other State whose co-operation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States.

6. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws.

7. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States.

8. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur.

Article 218
Enforcement by port States

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside

the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

2. No proceedings pursuant to paragraph 1 shall be instituted in respect of a discharge violation in the internal waters, territorial sea or exclusive economic zone of another State unless requested by that State, the flag State, or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of the State instituting the proceedings.

3. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred.

4. The records of the investigation carried out by a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. Any proceedings instituted by the port State on the basis of such an investigation may, subject to section 7, be suspended at the request of the coastal State when the violation has occurred within its internal waters, territorial sea or exclusive economic zone. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State.

Article 219

Measures relating to seaworthiness of vessels to avoid pollution

Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their off-shore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall permit the vessel to continue immediately.

Article 220

Enforcement by coastal States

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may, subject to section 7, institute proceedings in respect of any violation of its laws and regulations adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels when the violation has occurred within the territorial sea or the exclusive economic zone of that State.

2. Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated laws and regulations of that State adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice to the application of the rele-

vant provisions of Part II, section 3, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws, subject to the provisions of section 7.

3. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of that State conforming and giving effect to such rules and standards, that State may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

4. States shall adopt laws and regulations and take other measures so that vessels flying their flag comply with requests for information pursuant to paragraph 3.

5. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a substantial discharge causing or threatening significant pollution of the marine environment, that State may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

6. Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or exclusive economic zone, that State may, subject to section 7, provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

7. Notwithstanding the provisions of paragraph 6, whenever appropriate procedures have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for bonding or other appropriate financial security has been assured, the coastal State if bound by such procedures shall allow the vessel to proceed.

8. The provisions of paragraphs 3, 4, 5, 6 and 7 also apply in respect of national laws and regulations adopted pursuant to article 211, paragraph 6.

Article 221

Measures to avoid pollution arising from maritime casualties

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

Article 222
Enforcement with respect to pollution from or
through the atmosphere

States shall enforce, within the air space under their sovereignty or with regard to vessels flying their flag or vessels or aircraft of their registry, their laws and regulations adopted in accordance with article 212, paragraph 1, and with other provisions of this Convention and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from or through the atmosphere, in conformity with all relevant international rules and standards concerning the safety of air navigation.

SECTION 7. SAFEGUARDS

Article 223
Measures to facilitate proceedings

In proceedings instituted pursuant to this Part, States shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organization, and shall facilitate the attendance at such proceedings of official representatives of the competent international organization, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national laws and regulations or international law.

Article 224
Exercise of powers of enforcement

The powers of enforcement against foreign vessels under this Part may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

Article 225
Duty to avoid adverse consequences in the exercise of the
powers of enforcement

In the exercise under this Convention of their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

Article 226
Investigation of foreign vessels

1. (a) States shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in articles 216, 218 and 220. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is required to carry by generally accepted international rules and standards or of any similar documents which it is carrying; further physical inspection of the vessel may be undertaken only after such an examination and only when:

- (i) there are clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of those documents;
 - (ii) the contents of such documents are not sufficient to confirm or verify a suspected violation; or
 - (iii) the vessel is not carrying valid certificates and records.
- (b) If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security.
- (c) Without prejudice to applicable international rules and standards relating to the seaworthiness of vessels, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair yard. Where release has been refused or made conditional, the flag State of the vessel must be promptly notified, and may seek release of the vessel in accordance with Part XV.
2. States shall co-operate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

Article 227

Non-discrimination with respect to foreign vessels

In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.

Article 228

Suspension and restrictions on institution of proceedings

1. Proceedings to impose penalties in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this article. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the coastal State.

2. Proceedings to impose penalties on foreign vessels shall not be instituted after the expiry of three years from the date on which the violation was committed, and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in paragraph 1.

3. The provisions of this article are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

Article 229
Institution of civil proceedings

Nothing in this Convention affects the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

Article 230
Monetary penalties and the observance of recognized rights of the accused

1. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels beyond the territorial sea.

2. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea.

3. In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognized rights of the accused shall be observed.

Article 231
Notification to the flag State and other States concerned

States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State all official reports concerning such measures. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State apply only to such measures as are taken in proceedings. The diplomatic agents or consular officers and where possible the maritime authority of the flag State, shall be immediately informed of any such measures taken pursuant to section 6 against foreign vessels.

Article 232
Liability of States arising from enforcement measures

States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss.

Article 233
Safeguards with respect to straits used for international navigation

Nothing in sections 5, 6 and 7 affects the legal régime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may take appropriate enforcement measures and if so shall respect *mutatis mutandis* the provisions of this section.

SECTION 8. ICE-COVERED AREAS

Article 234 *Ice-covered areas*

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

SECTION 9. RESPONSIBILITY AND LIABILITY

Article 235 *Responsibility and liability*

1. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law.

2. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.

3. With the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall co-operate in the implementation of existing international law and the further development of international law relating to responsibility and liability for the assessment of and compensation for damage and the settlement of related disputes, as well as, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds.

SECTION 10. SOVEREIGN IMMUNITY

Article 236 *Sovereign immunity*

The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

SECTION 11. OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 237

Obligations under other conventions on the protection and preservation of the marine environment

1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.

2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention.

PART XIII

MARINE SCIENTIFIC RESEARCH

SECTION 1. GENERAL PROVISIONS

Article 238

Right to conduct marine scientific research

All States, irrespective of their geographical location, and competent international organizations have the right to conduct marine scientific research subject to the rights and duties of other States as provided for in this Convention.

Article 239

Promotion of marine scientific research

States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with this Convention.

Article 240

General principles for the conduct of marine scientific research

In the conduct of marine scientific research the following principles shall apply:

- (a) marine scientific research shall be conducted exclusively for peaceful purposes;
- (b) marine scientific research shall be conducted with appropriate scientific methods and means compatible with this Convention;
- (c) marine scientific research shall not unjustifiably interfere with other legitimate uses of the sea compatible with this Convention and shall be duly respected in the course of such uses;

INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS, 1973

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral 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,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

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

HAVE AGREED as follows:

ARTICLE 1

General Obligations under the Convention

(1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.

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

ARTICLE 2

Definitions

For the purposes of the present Convention, unless expressly provided otherwise:

(1) "Regulations" means the Regulations contained in the Annexes to the present Convention.

(2) "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, and includes any substance subject to control by the present Convention.

(3) (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

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

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

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

(5) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(6) "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

(7) "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE 3

Application

(1) The present Convention shall apply to:

(a) ships entitled to fly the flag of a Party to the Convention; and

(b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

(2) Nothing in the present Article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.

(3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

ARTICLE 4

Violation

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor 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 to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; 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 present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

ARTICLE 5

Certificates and Special Rules on Inspection of Ships

(1) Subject to the provisions of paragraph (2) of the present Article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the Regulations shall be accepted by the other Parties and regarded for all 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 a Party, to inspection by officers duly authorized by that Party. 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 that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship entry to the ports or off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. 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.

(4) With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 6

Detection of Violations and Enforcement of the Convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the Regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the Regulations. If it is practicable to do so, the competent authority of the former Party shall notify the Master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or off-shore terminals under its jurisdiction, if a request for an

investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

ARTICLE 7

Undue Delay to Ships

- (1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under Articles 4, 5 or 6 of the present Convention.
- (2) When a ship is unduly detained or delayed under Article 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

ARTICLE 8

Reports on Incidents Involving Harmful Substances

- (1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention.
- (2) Each Party to the Convention shall:
 - (a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and
 - (b) notify the Organization with complete details of such arrangements for circulation to other Parties and Member States of the Organization.
- (3) Whenever a Party receives a report under the provisions of the present Article, that Party shall relay the report without delay to:
 - (a) the Administration of the ship involved; and
 - (b) any other State which may be affected.
- (4) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol I to the present Convention. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other party concerned.

ARTICLE 9

Other Treaties and Interpretation

- (1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.

(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 C(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.

(3) The term "jurisdiction" in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

ARTICLE 10

Settlement of Disputes

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

ARTICLE 11

Communication of Information

- (1) The Parties to the Convention undertake to communicate to the Organization:
- (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 authorized 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 reception facilities including their location, capacity and available facilities and other characteristics;
 - (e) official reports or summaries of official reports in so far 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 Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under sub-paragraphs (1)(b) to (f) of the present Article.

ARTICLE 12

Casualties to Ships

175

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

ARTICLE 13

Signature, Ratification, Acceptance, Approval and Accession

- (1) The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall thereafter remain open for accession. States 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 Secretary-General of the Organization.
- (3) The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

ARTICLE 14

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 of Annexes III, IV and V (hereinafter referred to as "Optional Annexes") of the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.
- (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 the present Article in respect of an Optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of the present Article shall not be under any obligation nor entitled to claim any privileges under the present Convention in

respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.

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

ARTICLE 15

Entry into Force

(1) The present Convention shall enter into force twelve months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than fifty 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 the present Article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the present Convention or acceded to it of 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 the present 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.

(5) 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.

(6) After the date on which all the conditions required under Article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

ARTICLE 16

Amendments

(1) The present Convention may be amended by any of the procedures specified

(2) Amendments after consideration by the Organization:

177

- (a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;
- (b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;
- (d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;
- (e) if adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet;
 - (ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f)(iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;
 - (iii) an amendment to an Appendix to an Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one-third of the Parties or by the Parties 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 fulfilled;
 - (iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in sub-paragraphs (f)(ii) or (f)(iii) above;

- (v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to ~~an~~ Article of the Convention, as provided for in sub-paragraph (f)(i) above;
 - (g) the amendment shall enter into force under the following conditions:
 - (i) in the case of an amendment to an Article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under the procedure specified in sub-paragraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;
 - (ii) in the case of an amendment to Protocol I, to an Appendix to an Annex or to an Annex to the Convention under the procedure specified in sub-paragraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under sub-paragraph (f)(ii), that their express approval is necessary.
- (3) Amendment by a Conference:
- (a) Upon the request of a Party, concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.
 - (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)(f) and (g) above.
- (4) (a) In the case of an amendment to an Optional Annex, a reference in the present Article to a "Party to the Convention" shall be deemed to mean a reference to a Party bound by that Annex.
- (b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that Amendment.
- (5) The adoption and entry into force of a new Annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an Article of the Convention.
- (6) Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.

(7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the Articles of the present Convention.

(8) The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present Article, together with the date on which each such amendment enters into force.

(9) Any declaration of acceptance or of objection to an amendment under the present Article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties to the Convention.

ARTICLE 17

Promotion of Technical Co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for reception and monitoring;
- (c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and
- (d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

ARTICLE 18

Denunciation

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

ARTICLE 19

180

Deposit and Registration

- (1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.
- (2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 20

Languages

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese 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.

DONE AT LONDON this second day of November, one thousand nine hundred and seventy-three.

* *Signatures omitted.*

PROVISIONS CONCERNING REPORTS ON
INCIDENTS INVOLVING HARMFUL SUBSTANCES
(in accordance with Article 8 of the Convention)

Article I

Duty to Report

(1) The Master of a ship involved in an incident referred to in Article III of this Protocol, or other person having charge of the ship, 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 the present Article being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible assume the obligations placed upon the Master under the provisions of this Protocol.

Article II

Methods of Reporting

(1) Each report shall be made by radio whenever possible, but in any case by the fastest channels available at the time the report is made. Reports made by radio shall be given the highest possible priority.

(2) Reports shall be directed to the appropriate officer or agency specified in paragraph (2)(a) of Article 8 of the Convention.

Article III

When to make Reports

The report shall be made whenever an incident involves:

- (a) a discharge other than as permitted under the present Convention; or
- (b) a discharge permitted under the present Convention by virtue of the fact that:
 - (i) it is for the purpose of securing the safety of a ship or saving life at sea; or
 - (ii) it results from damage to the ship or its equipment; or
- (c) a discharge of a harmful substance for the purpose of combating a specific pollution incident or for purposes of legitimate scientific research into pollution abatement or control; or
- (d) the probability of a discharge referred to in sub-paragraphs (a), (b) or (c) of this Article.

Contents of Report

- (1) Each report shall contain in general:
 - (a) the identity of the ship;
 - (b) the time and date of the occurrence of the incident;
 - (c) the geographic position of the ship when the incident occurred;
 - (d) the wind and sea conditions prevailing at the time of the incident; and
 - (e) relevant details respecting the condition of the ship.
- (2) Each report shall contain, in particular:
 - (a) a clear indication or description of the harmful substances involved, including, if possible, the correct technical names of such substances (trade names should not be used in place of the correct technical names);
 - (b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;
 - (c) where relevant, a description of the packaging and identifying marks; and
 - (d) if possible the name of the consignor, consignee or manufacturer.
- (3) Each report shall clearly indicate whether the harmful substance discharged, or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance or a noxious gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.
- (4) Each report shall be supplemented as necessary by any other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.

Article V

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, with information concerning further developments; and
- (b) comply as fully as possible with requests from affected States for additional information concerning the incident.

Article I

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

Article II

- (1) An Arbitration Tribunal shall be established upon the request of one Party to the Convention addressed to another in application of Article 10 of the present 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 Organization of the fact that it has applied for the establishment of a Tribunal, of the names of the Parties to the dispute, and of the Articles of the Convention or Regulations over which there is in its opinion disagreement concerning their interpretation or application. The Secretary-General shall transmit this information to all Parties.

Article III

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 IV

- (1) If, at the end of a period of sixty days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of sixty days proceed to such nomination, selecting him from a list of qualified persons previously drawn up by the Council of the Organization.
- (2) If, within a period of sixty 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 Organization who shall nominate the Chairman of the Tribunal within a period of sixty 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 sixty 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 III above, or in the absence of agreement between the members of the Tribunal within a period of sixty days of the decease or default, according to the provisions of the present Article.

Article V

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

Article VI

Each Party shall be responsible for the remuneration of its Arbitrator and connected costs and for the costs entailed by the preparation of its own case. The remuneration of the Chairman of the Tribunal and of all general expenses incurred by the Arbitration shall be borne equally by the Parties. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof.

Article VII

Any Party to the Convention which has an interest of a legal nature and which may be affected by the decision in the case may, after giving written notice to the Parties which have originally initiated the procedure, join in the arbitration procedure with the consent of the Tribunal.

Article VIII

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

Article IX

(1) Decisions of the Tribunal both as to its procedure and its place of meeting and as to any question laid before it, shall be taken by majority votes 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 vote of the Chairman shall be decisive.

- (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 X

(1) The Tribunal shall render its award within a period of five months from the time it is established unless it decides, in the case of necessity, to extend the time limit for a further period not exceeding three months. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organization. The Parties shall immediately comply with the award.

(2) Any controversy which may arise between the Parties as regards interpretation or execution of the award may be submitted by either Party for judgment to 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.

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

CHAPTER I - GENERAL

Regulation 1

Definitions

For the purposes of this Annex:

- (1) "Oil" means petroleum in any form including crude oil, 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.
- (2) "Oily mixture" means a mixture with any oil content.
- (3) "Oil fuel" means any oil used as fuel in connexion with the propulsion and auxiliary machinery of the ship in which such oil is carried.
- (4) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of the present Convention when it is carrying a cargo or part cargo of oil in bulk.
- (5) "Combination carrier" means a ship designed to carry either oil or solid cargoes in bulk.
- (6) "New ship" means a ship:
 - (a) for which the building contract is placed after 31 December 1975; or
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 30 June 1976; or
 - (c) the delivery of which is after 31 December 1979; or
 - (d) which has undergone a major conversion:
 - (i) for which the contract is placed after 31 December 1975; or
 - (ii) in the absence of a contract, the construction work of which is begun after 30 June 1976; or
 - (iii) which is completed after 31 December 1979.
- (7) "Existing ship" means a ship which is not a new ship.

- (8) "Major conversion" means a conversion of an existing ship:
- (a) which substantially alters the dimensions or carrying capacity¹⁸⁷ of the ship; or
 - (b) which changes the type of the ship; or
 - (c) the intent of which in the opinion of the Administration is substantially to prolong its life; or
 - (d) which otherwise so alters the ship that if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship.

(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 international law, 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°00' 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°52' 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 latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

(10) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required. Special areas shall include those listed in Regulation 10 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 an enclosed space which is formed by the permanent structure of a ship and 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 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 ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause

a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system 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 introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of the present Convention.

(18) "Length" (L) means 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 foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. 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.

(19) "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.

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

(21) "Breadth" (B) means 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.

(22) "Deadweight" (DW) means the difference in metric tons between the displacement of a ship in water of a specific gravity of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship.

(23) "Lightweight" means the displacement of a ship in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water and feedwater in tanks, consumable stores, passengers and their effects.

(24) "Permeability" of a space means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space.

(25) "Volumes" and "areas" in a ship shall be calculated in all cases to moulded lines.

Regulation 2

Application

(1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

(2) In ships other than oil tankers fitted with cargo spaces which are constructed¹⁸⁹ and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of Regulations 9, 10, 14, 15(1), (2) and (3), 18, 20 and 24(4) of this Annex for oil tankers shall also apply to the construction and operation of those spaces, except that where such aggregate capacity is less than 1,000 cubic metres the requirements of Regulation 15(4) of this Annex may apply in lieu of Regulation 15(1), (2) and (3).

(3) Where a cargo 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 also apply.

- (4) (a) Any hydrofoil, air-cushion vehicle and other new type of vessel (near-surface craft, submarine craft, etc.) 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 construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.
- (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, as soon as possible, but not more than ninety days thereafter, communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the Parties to the Convention for their information and appropriate action, if any.

Regulation 3

Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by Regulations in this Annex.

(2) The Administration which allows a fitting, material, appliance or apparatus, as an alternative to that required by this Annex shall communicate to the Organization for circulation to the Parties to the Convention particulars thereof, for their information and appropriate action, if any.

Regulation 4

Surveys

(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 specified below:

- (a) An initial 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 survey of its structure, equipment, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex.
 - (b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Oil Pollution Prevention Certificate (1973) is extended as specified in Regulation 8(3) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.
 - (c) Intermediate surveys at intervals specified by the Administration but not exceeding thirty months, which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys 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 subject to the provisions of paragraph (1) of this Regulation in order to ensure that the applicable provisions of this Annex are complied with.
- (3) Surveys 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 surveys 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 surveys.
- (4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the structure, equipment, fittings, arrangements or material covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.

Regulation 5

Issue of Certificate

- (1) An International Oil Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of Regulation 4 of this Annex, 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 in voyages to ports or off-shore terminals under the jurisdiction of other Parties to the Convention. In the case of existing ships this requirement shall apply twelve months after the date of entry into force of the present Convention.
- (2) Such Certificate 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.

Regulation 6

191

Issue of a Certificate by another Government

- (1) The Government of a Party to the Convention may, at the request of the Administration, 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 soon as possible to the requesting Administration.
- (3) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under Regulation 5 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 which is not a Party.

Regulation 7

Form of Certificate

The International Oil Pollution Prevention Certificate (1973) shall be drawn up in an official language of the issuing country in the form corresponding to the model given in Appendix II to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 8

Duration 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, except as provided in paragraphs (2), (3) and (4) of this Regulation.
- (2) If a ship at the time when the Certificate expires is not in a port or off-shore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, 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 State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.
- (3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) 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.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, fittings, arrangements, or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate surveys as specified by the Administration under Regulation 4(1)(c) of this Annex are not carried out.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

CHAPTER II - REQUIREMENTS FOR CONTROL OF OPERATIONAL POLLUTION

Regulation 9

Control of Discharge of Oil

(1) Subject to the provisions of Regulations 10 and 11 of this Annex and paragraph (2) of this Regulation, 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, except as provided for in sub-paragraph (b) of this paragraph:
 - (i) the tanker is not within a special area;
 - (ii) the tanker is more than 50 nautical miles from the nearest land;
 - (iii) the tanker is proceeding en route;
 - (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 does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and

- (vi) the tanker has in operation, except as provided for in Regulation 15(5) and (6) of this Annex, an oil discharge monitoring and control system and a slop tank arrangement as required by Regulation 15 of this Annex;
- (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 more than 12 nautical miles from the nearest land;
 - (iii) the ship is proceeding en route;
 - (iv) the oil content of the effluent is less than 100 parts per million; and
 - (v) the ship has in operation an oil discharge monitoring and control system, oily-water separating equipment, oil filtering system or other installation as required by Regulation 16 of this Annex.
- (2) In the case of a ship of less than 400 tons gross tonnage other than an oil tanker whilst outside the special area, the Administration shall ensure that it is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board and their discharge to reception facilities or into the sea in compliance with the requirements of paragraph (1)(b) of this Regulation.

(3) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 10 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(4) The provisions of paragraph (1) of this Regulation shall not apply to the discharge of clean or segregated ballast. The provisions of sub-paragraph (1)(b) of this Regulation shall not apply to the discharge of oily mixture which without dilution has an oil content not exceeding 15 parts per million.

(5) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

(6) The oil residues which cannot be discharged into the sea in compliance with paragraphs (1), (2) and (4) of this Regulation shall be retained on board or discharged to reception facilities.

Regulation 10

Methods for the Prevention of Oil Pollution from Ships while operating in Special Areas

(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" 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°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of $5^{\circ}36'\text{W}$.
- (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 $57^{\circ}44.8'\text{N}$.
- (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°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 ($12^{\circ}8.5'\text{N}$, $43^{\circ}19.6'\text{E}$) and Husn Murad ($12^{\circ}40.4'\text{N}$, $43^{\circ}30.2'\text{E}$).
- (e) The Gulfs area means the sea area located north west of the rhumb line between Ras al Hadd ($22^{\circ}30'\text{N}$, $59^{\circ}48'\text{E}$) and Ras Al Fasteh ($25^{\circ}04'\text{N}$, $61^{\circ}25'\text{E}$).
- (2) (a) Subject to the provisions of Regulation 11 of this Annex, any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited, while in a special area.
- (b) Such ships while in a special area shall retain on board all oil drainage and sludge; dirty ballast and tank washing waters and discharge them only to reception facilities.
- (3) (a) Subject to the provisions of Regulation 11 of this Annex, 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.
- (b) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.
- (c) The oil residues which cannot be discharged into the sea in compliance with sub-paragraph (a) of this paragraph shall be retained on board or discharged to reception facilities.
- (4) The provisions of this Regulation shall not apply to the discharge of clean or segregated ballast.

(5) Nothing in this Regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with Regulation 9 of this Annex.

(6) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation or Regulation 9 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(7) Reception facilities within special areas:

(a) Mediterranean Sea, Black Sea and Baltic Sea areas:

- (i) The Government of each Party to the Convention, the coastline of which borders on any given special area undertakes to ensure that not later than 1 January 1977 all oil loading terminals and repair ports within the special area are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from oil tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.
- (ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast undertakes to ensure the provision of the facilities referred to in sub-paragraph (a)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.
- (iii) During the period between the entry into force of the present Convention (if earlier than 1 January 1977) and 1 January 1977 ships while navigating in the special areas shall comply with the requirements of Regulation 9 of this Annex. However, the Governments of Parties the coastlines of which border any of the special areas under this sub-paragraph may establish a date earlier than 1 January 1977, but after the date of entry into force of the present Convention, from which the requirements of this Regulation in respect of the special areas in question shall take effect:
 - (1) if all the reception facilities required have been provided by the date so established; and
 - (2) provided that the Parties concerned notify the Organization of the date so established at least six months in advance, for circulation to other Parties.
- (iv) After 1 January 1977, or the date established in accordance with sub-paragraph (a)(iii) of this paragraph if earlier, each Party shall

196

notify the Organization for transmission to the Contracting Governments concerned of all cases where the facilities are alleged to be inadequate.

(b) Red Sea area and Gulfs area:

- (i) The Government of each Party the coastline of which borders on the special areas undertakes to ensure that as soon as possible all oil loading terminals and repair ports within these special areas are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.
- (ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast shall undertake to ensure the provision of the facilities referred to in sub-paragraph (b)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.
- (iii) Each Party concerned shall notify the Organization of the measures taken pursuant to provisions of sub-paragraph (b)(i) and (ii) of this paragraph. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.
- (iv) During the period between the entry into force of the present Convention and the date so established, ships while navigating in the special area shall comply with the requirements of Regulation 9 of this Annex.
- (v) After such date oil tankers loading in ports in these special areas where such facilities are not yet available shall also fully comply with the requirements of this Regulation. However, oil tankers entering these special areas for the purpose of loading shall make every effort to enter the area with only clean ballast on board.
- (vi) After the date on which the requirements for the special area in question take effect, each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities are alleged to be inadequate.
- (vii) At least the reception facilities as prescribed in Regulation 12 of this Annex shall be provided by 1 January 1977 or one year after the date of entry into force of the present Convention, whichever occurs later.

Exceptions

Regulations 9 and 10 of this Annex shall not apply to:

- (a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:
 - (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and
 - (ii) except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Regulation 12

Reception Facilities

(1) Subject to the provisions of Regulation 10 of this Annex, the Government of each Party undertakes to ensure the provision at oil loading terminals, repair ports, and in other ports in which ships have oily residues to discharge, of facilities for the reception of such residues and oily mixtures as remain from oil tankers and other ships adequate to meet the needs of the ships using them without causing undue delay to ships.

(2) Reception facilities in accordance with paragraph (1) of this Regulation shall be provided in:

- (a) all ports and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles;
- (b) all ports and terminals in which oil other than crude oil in bulk is loaded at an average quantity of more than 1,000 metric tons per day;
- (c) all ports having ship repair yards or tank cleaning facilities;
- (d) all ports and terminals which handle ships provided with the sludge tank(s) required by Regulation 17 of this Annex;
- (e) all ports in respect of oily bilge waters and other residues, which cannot be discharged in accordance with Regulation 9 of this Annex; and

- 130
- (f) all loading ports for bulk cargoes in respect of oil residues from combination carriers which cannot be discharged in accordance with Regulation 9 of this Annex.
- (3) The capacity for the reception facilities shall be as follows:
- (a) Crude oil loading terminals shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1)(a) of this Annex from all oil tankers on voyages as described in paragraph (2)(a) of this Regulation.
 - (b) Loading ports and terminals referred to in paragraph (2)(b) of this Regulation shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9(1)(a) of this Annex from oil tankers which load oil other than crude oil in bulk.
 - (c) All ports having ship repair yards or tank cleaning facilities shall have sufficient reception facilities to receive all residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.
 - (d) All facilities provided in ports and terminals under paragraph (2)(d) of this Regulation shall be sufficient to receive all residues retained according to Regulation 17 of this Annex from all ships that may reasonably be expected to call at such ports and terminals.
 - (e) All facilities provided in ports and terminals under this Regulation shall be sufficient to receive oily bilge waters and other residues which cannot be discharged in accordance with Regulation 9 of this Annex.
 - (f) The facilities provided in loading ports for bulk cargoes shall take into account the special problems of combination carriers as appropriate.
- (4) The reception facilities prescribed in paragraphs (2) and (3) of this Regulation shall be made available no later than one year from the date of entry into force of the present Convention or by 1 January 1977, whichever occurs later.
- (5) Each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

Regulation 13

Segregated Ballast Oil Tankers

- (1) Every new oil tanker of 70,000 tons deadweight and above shall be provided with segregated ballast tanks and 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 without recourse to the use of oil tanks for water ballast except as provided for in paragraph (3) of this Regulation. In all cases, however, the capacity of segregated ballast tanks shall be at least such that in

any ballast condition at any part of the voyage, including the conditions consisting of lightweight plus segregated ballast only, the ship's draughts and trim, can meet each of the following requirements:

- (a) the moulded draught amidships (dm) in metres (without taking into account any ship's deformation) shall not be less than:

$$dm = 2.0 + 0.02L;$$

- (b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm), as specified in subparagraph (a) of this paragraph, in association with the trim by the stern of not greater than 0.015L; and
- (c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller(s).

(3) In no case shall ballast water be carried in oil tanks except in weather conditions so severe that, in the opinion of the Master, it is necessary to carry additional ballast water in oil tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 and 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 20 of this Annex.

(4) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraph (1) of this Regulation may, however, be qualified as a segregated ballast tanker, provided that in the case of an oil tanker of 150 metres in length and above it fully complies with the requirements of paragraphs (2) and (3) of this Regulation and in the case of an oil tanker of less than 150 metres in length the segregated ballast conditions shall be to the satisfaction of the Administration.

Regulation 14

Segregation of Oil and Water Ballast

(1) Except as provided in paragraph (2) of this Regulation, in new ships of 4,000 tons gross tonnage and above other than oil tankers, and in new oil tankers of 150 tons gross tonnage and above, no ballast water shall be carried in any oil fuel tank.

(2) Where abnormal conditions or the need to carry large quantities of oil fuel render it necessary to carry ballast water which is not a clean ballast in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with Regulation 9 using the equipment specified in Regulation 16(2) of this Annex, and an entry shall be made in the Oil Record Book to this effect.

(3) All other ships shall comply with the requirements of paragraph (1) of this Regulation as far as reasonable and practicable.

Retention of Oil on Board

- (1) Subject to the provisions of paragraphs (5) and (6) of this Regulation, oil tankers of 150 tons gross tonnage and above shall be provided with arrangements in accordance with the requirements of paragraphs (2) and (3) of this Regulation, provided that in the case of existing tankers the requirements for oil discharge monitoring and control systems and slop tank arrangements shall apply three years after the date of entry into force of the present Convention.
- (2) (a) Adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residue and tank washings from the cargo tanks into a slop tank approved by the Administration. In existing oil tankers, any cargo tank may be designated as a slop tank.
- (b) 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 any effluent discharged into the sea will be such as to comply with the provisions of Regulation 9 of this Annex.
- (c) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slops generated by tank washing, oil residues and dirty ballast residues but the total shall be not less than 3 per cent of the oil carrying capacity of the ship, except that, where segregated ballast tanks are provided in accordance with Regulation 13 of this Annex, or where arrangements such as eductors involving the use of water additional to the washing water are not fitted, the Administration may accept 2 per cent. New oil tankers over 70,000 tons deadweight shall be provided with at least two slop tanks.
- (d) 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.
- (3) (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. Any failure of this monitoring and control system shall stop the discharge

* 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).

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. Existing oil tankers shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually and the rate of discharge may be estimated from the pump characteristic.

- (b) Effective oil/water interface detectors approved by the Administration shall be provided for a rapid and accurate determination of the oil/water interface in slop tanks and shall be available for use in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent direct to the sea.
 - (c) Instructions as to the operation of the system shall be in accordance with an operational manual approved by the Administration. They shall cover manual as well as automatic operations and shall be 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) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers of less than 150 tons gross tonnage, for which the control of discharge of oil under Regulation 9 of this Annex shall be effected by the retention of oil on board with subsequent discharge of all contaminated washings to reception facilities. 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 reception facilities unless adequate arrangements are made to ensure that any effluent which is allowed to be discharged into the sea is effectively monitored to ensure that the provisions of Regulation 9 of this Annex are complied with.
- (5) The Administration may waive the requirements of paragraphs (1), (2) and (3) of this Regulation for any oil tanker which engages exclusively on voyages both of 72 hours or less in duration and within 50 miles from the nearest land, provided that the oil tanker is not required to hold and does not hold an International Oil Pollution Prevention Certificate (1973). Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.
- (6) Where in the view of the Organization equipment required by Regulation 9(1)(a)(vi) of this Annex and specified in sub-paragraph (3)(a) of this Regulation is not obtainable for the monitoring of discharge of light refined products (white oils), the Administration may waive compliance with such requirement, provided that discharge shall be permitted only in compliance with procedures established by the Organization which shall satisfy the conditions of Regulation 9(1)(a) of this Annex except the obligation to have an oil discharge monitoring and control system in operation. The Organization shall review the availability of equipment at intervals not exceeding twelve months.

* Reference is made to "Clean Seas Guide for Oil Tankers", published by the International Chamber of Shipping and the Oil Companies International Marine Forum.

(7) The requirements of paragraphs (1), (2) and (3) of this Regulation shall not apply to oil tankers carrying asphalt, for which the control of discharge of asphalt under Regulation 9 of this Annex shall be effected by the retention of asphalt residues on board with discharge of all contaminated washings to reception facilities.

Regulation 16

Oil Discharge Monitoring and Control System and Oily-Water Separating Equipment

(1) Any ship of 400 tons gross tonnage and above shall be fitted with an oily-water separating equipment or filtering system complying with the provisions of paragraph (6) 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 10,000 tons gross tonnage and above shall be fitted:

(a) in addition to the requirements of paragraph (1) of this Regulation with an oil discharge monitoring and control system complying with paragraph (5) of this Regulation; or

(b) as an alternative to the requirements of paragraph (1) and subparagraph (2)(a) of this Regulation, with an oily-water separating equipment complying with paragraph (6) of this Regulation and an effective filtering system, complying with paragraph (7) of this Regulation.

(3) 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) For existing ships the requirements of paragraphs (1), (2) and (3) of this Regulation shall apply three years after the date of entry into force of the present Convention.

(5) An oil discharge monitoring and control system shall be of a design approved by the Administration. In considering the design of the oil content meter to be incorporated into 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 oil content in parts per million. This record shall be identifiable as to time and date and shall be kept for at least three years. The monitoring 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 oil content of effluent exceeds that permitted by Regulation 9(1)(b) of this Annex. Any failure of this monitoring and control system shall stop the discharge and be noted in the

* 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).

203

Oil Record Book. The defective unit shall be made operable before the ship commences its next voyage unless it is proceeding to a repair port. Existing ships shall comply with all of the provisions specified above except that the stopping of the discharge may be performed manually.

(6) Oily-water separating equipment or an oil filtering 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 or filtering systems shall have an oil content of less than 100 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.*

(7) The oil filtering system referred to in paragraph (2)(b) of this Regulation shall be of a design approved by the Administration and shall be such that it will accept the discharge from the separating system and produce an effluent the oil content of which does not exceed 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained.

Regulation 17

Tanks for Oil Residues (Sludge)

(1) Every ship of 400 tons gross tonnage and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oily residues (sludges) which cannot be dealt with otherwise in accordance with the requirements of this Annex, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities. Existing ships shall comply with this requirement as far as is reasonable and practicable.

Regulation 18

Pumping, Piping and Discharge Arrangements of Oil Tankers

(1) In every oil tanker, a discharge manifold for connexion to reception facilities for the discharge of dirty ballast water or oil contaminated water shall be located on 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 deepest ballast condition. Different piping arrangements to permit operation in the manner permitted in subparagraphs (4)(a) and (b) of this Regulation may be accepted.

* 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).

(3) In new oil tankers means shall be provided for stopping the discharge of effluent into the sea from a position on upper deck or above located so that the manifold in use referred to in paragraph (1) of this Regulation and the effluent from the pipelines referred to in paragraph (2) of this Regulation may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as telephone or radio system is provided between the observation position and the discharge control position.

(4) All discharges shall take place above the waterline except as follows:

- (a) Segregated ballast and clean ballast may be discharged below the waterline in ports or at offshore terminals.
- (b) Existing ships which, without modification, are not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline provided that an examination of the tank immediately before the discharge has established that no contamination with oil has taken place.

Regulation 19

Standard Discharge Connection

To enable pipes of reception facilities to be connected with the ship's discharge pipeline for residues from machinery bilges, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

Description	Dimension
Outside diameter	215 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	183 mm
Slots in flange	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
Flange thickness	20 mm
Bolts and nuts: quantity, diameter	6, each of 20 mm in diameter and of suitable length
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/cm ² .	

(1) Every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above other than an oil tanker 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 to 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

- (i) loading of oil cargo;
- (ii) internal transfer of oil cargo during voyage;
- (iii) opening or closing before and after loading and unloading operations of valves or similar devices which inter-connect cargo tanks;
- (iv) opening or closing of means of communication between cargo piping and seawater ballast piping;
- (v) opening or closing of ships' side valves before, during and after loading and unloading operations;
- (vi) unloading of oil cargo;
- (vii) ballasting of cargo tanks;
- (viii) cleaning of cargo tanks;
- (ix) discharge of ballast except from segregated ballast tanks;
- (x) discharge of water from slop tanks;
- (xi) disposal of residues;
- (xii) 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 fuel oil 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 in port, and the routine discharge at sea of bilge water which has accumulated in machinery spaces.

(3) In the event of such discharge of oil or oily mixture as is referred to in Regulation 11 of this Annex or in the event of accidental or other exceptional discharge of oil not excepted by that Regulation, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

208

(4) Each operation described in paragraph (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 operation are completed. Each section of the book shall be signed by the officer or officers in charge of the operations concerned and shall be countersigned by the Master of the ship. The entries in the Oil Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Oil Pollution Prevention Certificate (1973), in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(5) The Oil Record Book 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. It shall be preserved for a period of three years after the last entry has been made.

(6) The competent authority of the Government of a Party to the Convention may inspect the Oil Record Book on board any ship to which this Annex applies while the ship is in its port or offshore terminals and may make a 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 has 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. The inspection of an Oil Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Regulation 21

Special Requirements for Drilling Rigs and other Platforms

Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Annex applicable to ships of 400 tons gross tonnage and above other than oil tankers, except that:

- (a) they shall be equipped as far as practicable with the installations required in Regulations 16 and 17 of this Annex;
- (b) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and
- (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.

CHAPTER III - REQUIREMENTS FOR MINIMIZING OIL POLLUTION FROM
OIL TANKERS DUE TO SIDE AND BOTTOM DAMAGES

Regulation 22

Damage Assumptions

(1) 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*

- | | |
|---|---|
| (i) Longitudinal extent (l_c): | $\frac{1}{3}L^{\frac{2}{3}}$ or 14.5 metres,
whichever is less |
| (ii) Transverse extent (t_c):
(inboard from the ship's side at right angles to the centre-line at the level corresponding to the assigned summer free-board) | $\frac{B}{5}$ or 11.5 metres,
whichever is less |
| (iii) Vertical extent (v_c): | from the base line upwards without limit |

(b) *Bottom damage*

- | | For 0.3L from the forward perpendicular of the ship | Any other part of the ship |
|---|---|--|
| (i) Longitudinal extent (l_s): | $\frac{L}{10}$ | $\frac{L}{10}$ or 5 metres,
whichever is less |
| (ii) Transverse extent (t_s): | $\frac{B}{6}$ or 10 metres,
whichever is less but not less than 5 metres | 5 metres |
| (iii) Vertical extent from the base line (v_s): | $\frac{B}{15}$ or 6 metres, whichever is less | |

(2) Wherever the symbols given in this Regulation appear in this Chapter, they have the meaning as defined in this Regulation.

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:

$$O_c = \sum W_i + \sum K_i C_i \quad (I)$$

(b) for bottom damages:

$$O_s = \frac{1}{3}(\sum Z_i W_i + \sum Z_i C_i) \quad (II)$$

where: W_i = volume of a wing tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; W_i for a segregated ballast tank may be taken equal to zero,

C_i = volume of a centre tank in cubic metres assumed to be breached by the damage as specified in Regulation 22 of this Annex; C_i for a segregated ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{t_c}$ when b_i is equal to or greater than t_c . K_i shall be taken equal to zero.

$Z_i = 1 - \frac{h_i}{v_s}$ when h_i is equal to or greater than v_s . Z_i shall be taken equal to zero.

b_i = width of wing tank in metres under consideration measured inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard.

h_i = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted h_i shall be taken equal to zero.

Whenever symbols given in this paragraph appear in this Chapter, they have the meaning as defined in this Regulation.

(2) If a void space or segregated ballast tank of a length less than ℓ_c as defined in Regulation 22 of this Annex is located between wing oil tanks, O_c in formula (I) may be calculated on the basis of volume W_i 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 by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{\ell_i}{\ell_c}$$

where ℓ_i = 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_i 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_i shall be taken equal to the double bottom height minus the well 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. These valves shall be kept closed at sea at any time when the tank contains oil cargo, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

- (4) In the case where bottom damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = \frac{1}{4}(\sum Z_i W_i + \sum Z_i C_i) \quad (III)$$

- (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 . The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other Parties to the Convention.

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

(a) a tanker, the delivery of which is after 1 January 1977; or

(b) a tanker to which both the following conditions apply:

210

(i) delivery is not later than 1 January 1977; and

(ii) the building contract is placed after 1 January 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 30 June 1974.

(2) Cargo tanks of oil tankers shall be of such size and arrangements that the hypothetical outflow O_c or O_s 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 $400 \sqrt[3]{DW}$, 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. However, in segregated ballast oil tankers as defined in Regulation 13 of this Annex, the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each exceeding l_c in length, may be increased to the maximum limit of hypothetical oil outflow provided that the width of the wing tanks exceeds t_c .

(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:

(i) for wing tanks:

$$0.2L$$

(ii) for centre tanks:

(1) if $\frac{b_i}{B}$ is equal to or greater than $\frac{1}{3}$:

$$0.2L$$

(2) if $\frac{b_i}{B}$ is less than $\frac{1}{3}$:

– where no centreline longitudinal bulkhead is provided:

$$\left(0.5 \frac{b_i}{B} + 0.1\right)L$$

– where a centreline longitudinal bulkhead is provided:

$$\left(0.25 \frac{b_i}{B} + 0.15\right)L$$

(5) In order not to exceed the volume limits established by paragraphs (2), (3) and (4) of this Regulation and irrespective of the accepted type of cargo transfer system installed, when such system inter-connects two or more cargo tanks, valves or other similar closing devices shall be provided for separating the tanks from each other. These valves or devices shall be closed when the tanker is at sea.

(6) Lines of piping which run through cargo tanks in a position less than t_c from the ship's side or less than v_c from the ship's bottom shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank. These valves shall be kept closed at sea at any time when the tanks contain cargo oil, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

Regulation 25

Subdivision and Stability

(1) Every new oil tanker shall comply with the subdivision and damage stability criteria as specified in paragraph (3) 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 tankers of more than 225 metres in length, anywhere in the ship's length;
- (b) in tankers 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;
- (c) in tankers not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For tankers 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 tanker 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 damage shall be as specified in Regulation 22 of this Annex, except that the longitudinal extent of bottom damage within $0.3L$ from the forward perpendicular shall be the same as for side damage, as specified in Regulation 22(1)(a)(i) of this Annex. If any damage of lesser extent results 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 sub-paragraph (a) of this paragraph 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.
- (c) Where the damage between adjacent transverse watertight bulkheads is envisaged as specified in sub-paragraph (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:
- (i) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage specified in sub-paragraph (a) of this paragraph; or
 - (ii) 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 weathertight 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; and the 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.
- (b) The permeabilities are assumed as follows:

<i>Spaces</i>	<i>Permeability</i>
Appropriated to stores	0.60
Occupied by accommodation	0.95
Occupied by machinery	0.85
Voids	0.95
Intended for consumable liquids	0 or 0.95*
Intended for other liquids	0 to 0.95**

* 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 centreline 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.

LIST OF OILS*

Asphalt solutions

Blending Stocks

Roofers Flux

Straight Run Residue

Oils

Clarified

Crude Oil

Mixtures containing crude oil

Diesel Oil

Fuel Oil No.4

Fuel Oil No.5

Fuel Oil No.6

Residual Fuel Oil

Road Oil

Transformer Oil

Aromatic Oil (excluding vegetable oil)

Lubricating Oils and Blending Stocks

Mineral Oil

Motor Oil

Penetrating Oil

Spindle Oil

Turbine Oil

Distillates

Straight Run

Flashed Feed Stocks

Gas Oil

Cracked

Gasoline Blending Stocks

Alkylates — fuel

Reformates

Polymer — fuel

Gasolines

Casinghead (natural)

Automotive

Aviation

Straight Run

Fuel Oil No.1 (Kerosene)

Fuel Oil No.1-D

Fuel Oil No.2

Fuel Oil No.2-D

Jet Fuels

JP-1 (Kerosene)

JP-3

JP-4

JP-5 (Kerosene, Heavy)

Turbo Fuel

Kerosene

Mineral Spirit

Naphtha

Solvent

Petroleum

Heartcut Distillate Oil

* The list of oils shall not necessarily be considered as comprehensive.

FORM OF CERTIFICATE

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (1973)

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 authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of Ship	Distinctive Number or Letter	Port of Registry	Gross Tonnage

Type of ship:

Oil tanker, including combination carrier*

Asphalt carrier*

Ship other than an oil tanker with cargo tanks coming under Regulation 2(2) of Annex I of the Convention*

Ship other than any of the above*

New/existing ship*

Date of building or major conversion contract

Date on which keel was laid or ship was at a similar stage of construction or on which major conversion was commenced

Date of delivery or completion of major conversion

* Delete as appropriate.

The ship is equipped with:

for ships of 400 tons gross tonnage and above:

- (a) oily-water separating equipment* (capable of producing the effluent with an oil content not exceeding 100 parts per million) or
- (b) an oil filtering system* (capable of producing the effluent with an oil content not exceeding 100 parts per million)

for ships of 10,000 tons gross tonnage and above:

- (c) an oil discharge monitoring and control system* (additional to (a) or (b) above) or
- (d) oily-water separating equipment and an oil filtering system* (capable of producing the effluent with an oil content not exceeding 15 parts per million) in lieu of (a) or (b) above.

Particulars of requirements from which exemption is granted under Regulation 2(2) and 2(4)(a) of Annex I of the Convention:

.....

.....

Remarks:

* Delete as appropriate.

Deadweight metric tons. Length of ship metres.

It is certified that this ship is:

- (a) required to be constructed according to and complies with³
- (b) not required to be constructed according to³
- (c) not required to be constructed according to, but complies with³

the requirements of Regulation 24 of Annex I of the Convention.

The capacity of segregated ballast tanks is cubic metres and complies with the requirements of Regulation 13 of Annex I of the Convention.

The segregated ballast is distributed as follows:

Tank	Quantity	Tank	Quantity

1 This Part should be completed for oil tankers including combination carriers and asphalt carriers, and those entries which are applicable should be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above.

2 This page need not be reproduced on a Certificate issued to any ship other than those referred to in footnote 1.

3 Delete as appropriate.

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Regulation 4 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by oil; and

That the survey shows that the structure, equipment, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until
subject to intermediate survey(s) at intervals of

Issued at
(place of issue of Certificate)

..... 19 ..
*(Signature of duly authorized official
issuing the Certificate)*

(Seal or stamp of the issuing Authority, as appropriate)

Endorsement for existing ships⁴

This is to certify that this ship has been so equipped as to comply with the requirements of the International Convention for the Prevention of Pollution from Ships, 1973 as relating to existing ships three years from the date of entry into force of the Convention.

Signed
(Signature of duly authorized official)

Place of endorsement

Date of endorsement

(Seal or stamp of the Authority, as appropriate)

⁴ This entry need not be reproduced on a Certificate other than the first Certificate issued to any ship.

Intermediate survey

This is to certify that at an intermediate survey required by Regulation 4(1)(c) of Annex I of the Convention, this ship and the condition thereof are found to comply with the relevant provisions of the Convention.

Signed
(Signature of duly authorized official)

Place

Date

(Seal or stamp of the Authority, as appropriate)

Signed
(Signature of duly authorized official)

Place

Date

(Seal or stamp of the Authority, as appropriate)

Under the provisions of Regulation 8(2) and (4) of Annex I of the Convention the validity of this Certificate is extended until

.....

Signed
(Signature of duly authorized official)

Place

Date

(Seal or stamp of the Authority, as appropriate)

FORM OF OIL RECORD BOOK

OIL RECORD BOOK

I – FOR OIL TANKERS¹

Name of ship

Total cargo carrying capacity of ship in cubic metres

Voyage from (date) to (date)

(a) Loading of oil cargo

1. Date and place of loading			
2. Types of oil loaded			
3. Identity of tank(s) loaded			
4. Closing of applicable cargo tank valves and applicable line cut-off valves on completion of loading ²			

The undersigned certifies that in addition to the above, all sea valves, over-board discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of loading oil cargo.

Date of entry Officer in charge

Master

¹ This Part should be completed for oil tankers including combination carriers and asphalt carriers, and those entries which are applicable shall be completed for ships other than oil tankers which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or above. This Part need not be reproduced on an Oil Record Book issued to any ship other than those referred to above.

² Applicable valves and similar devices are those referred to in Regulations 20(2)(a)(iii), 23 and 24 of Annex I of the Convention.

(b) Internal transfer of oil cargo during voyage

5. Date of internal transfer					
6. Identity of tank(s)	(i)	From			
	(ii)	To			
7. Was(were) tank(s) in 6(i) emptied?					

The undersigned certifies that in addition to the above, all sea valves, over-board discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of internal transfer of oil cargo.

Date of entry Officer in charge

Master

(c) Unloading of oil cargo

8. Date and place of unloading			
9. Identity of tank(s) unloaded			
10. Was(were) tank(s) emptied?			
11. Opening of applicable cargo tank valves and applicable line cut-off valves prior to cargo unloading ²			
12. Closing of applicable cargo tank valves and applicable line cut-off valves on completion of unloading ²			

The undersigned certifies that in addition to the above, all sea valves, over-board discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of unloading of oil cargo.

Date of entry Officer in charge

Master

(d) Ballasting of cargo tanks

13. Identity of tank(s) ballasted			
14. Date and position of ship at start of ballasting			
15. If valves connecting cargo lines and segregated ballast lines were used give time, date and position of ship when valves were (a) opened, and (b) closed			

The undersigned certifies that in addition to the above all sea valves, over-board discharge valves, cargo tank and pipeline connections and inter-connections, were secured on completion of ballasting.

Date of entry Officer in charge
Master

(e) Cleaning of cargo tanks

16. Identity of tank(s) cleaned			
17. Date and duration of cleaning			
18. Methods of cleaning ³			

Date of entry Officer in charge
Master

³ Hand hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and the amount used should be stated.

(f) Discharge of dirty ballast

19. Identity of tank(s)			
20. Date and position of ship at start of discharge to sea			
21. Date and position of ship at finish of discharge to sea			
22. Ship's speed(s) during discharge			
23. Quantity discharged to sea			
24. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))			
25. Date and port of discharge into shore reception facilities (if applicable)			
26. Was any part of the discharge conducted during darkness, if so, for how long?			
27. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?			
28. Was any oil observed on the surface of the water in the locality of the discharge?			

Date of entry

Officer in charge

Master

(g) Discharge of water from slop tanks

29. Identity of slop tank(s)			
30. Time of settling from last entry of residues, or			
31. Time of settling from last discharge			
32. Date, time and position of ship at start of discharge			
33. Sounding of total contents at start of discharge			
34. Sounding of oil/water interface at start of discharge			
35. Bulk quantity discharged and rate of discharge			
36. Final quantity discharged and rate of discharge			
37. Date, time and position of ship at end of discharge			
38. Ship's speed(s) during discharge			
39. Sounding of oil/water interface at end of discharge			
40. Was any part of the discharge conducted during darkness, if so, for how long?			
41. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?			
42. Was any oil observed on the surface of the water in the locality of the discharge?			

Date of entry

Officer in charge

Master

(h) Disposal of residues

43. Identity of tank(s)			
44. Quantity disposed from each tank			
45. 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 (state which)			
46. Date and port of disposal of residue			

Date of entry Officer in charge
Master

(i) Discharge of clean ballast contained in cargo tanks

47. Date and position of ship at commencement of discharge of clean ballast			
48. Identity of tank(s) discharged			
49. Was(were) the tank(s) empty on completion?			
50. Position of vessel on completion if different from 47			
51. Was any part of the discharge conducted during darkness, if so, for how long?			
52. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?			
53. Was any oil observed on the surface of the water in the locality of the discharge?			

Date of entry Officer in charge
Master

- (j) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port⁴

54. Port			
55. Duration of stay			
56. Quantity disposed			
57. Date and place of disposal			
58. Method of disposal (state whether a separator was used)			

Date of entry Officer in charge

Master

- (k) Accidental or other exceptional discharges of oil

59. Date and time of occurrence			
60. Place or position of ship at time of occurrence			
61. Approximate quantity and type of oil			
62. Circumstances of discharge or escape, the reasons therefor and general remarks			

Date of entry Officer in charge

Master

⁴ 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".

(1) Has the oil monitoring and control system been out of operation at any time when discharging overboard? If so, give time and date of failure and time and date of restoration and confirm that this was due to equipment failure and state reason if known

.....

.....

Date of entry Officer in charge

Master

(m) Additional operational procedures and general remarks

.....

.....

.....

For oil tankers of less than 150 tons gross tonnage operating in accordance with Regulation 15(4) of Annex I of the Convention, an appropriate oil record book should be developed by the Administration.

For asphalt carriers, a separate oil record book may be developed by the Administration utilizing sections (a), (b), (c), (e), (h), (j), (k) and (m) of this form of oil record book.

II – FOR SHIPS OTHER THAN OIL TANKERS

228

Name of ship

Operations from (date), to (date)

(a) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted			
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried			
3. Date and position of ship at start of cleaning			
4. Date and position of ship at start of ballasting			

Date of entry Officer in charge

Master

(b) Discharge of dirty ballast or cleaning water from tanks referred to under section (a)

5. Identity of tank(s)			
6. Date and position of ship at start of discharge			
7. Date and position of ship at finish of discharge			
8. Ship's speed(s) during discharge			
9. Method of discharge (state whether to reception facility or through installed equipment)			
10. Quantity discharged			

Date of entry Officer in charge

Master

(c) Disposal of residues

11. Quantity of residue retained on board			
12. Methods of disposal of residue: (a) reception facilities (b) mixed with next bunkering (c) transferred to another (other) tank(s) (d) other method (state which)			
13. Date and port of disposal of residue			

Date of entry Officer in charge

Master

(d) Discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port⁵

14. Port			
15. Duration of stay			
16. Quantity discharged			
17. Date and place of discharge			
18. Method of discharge: (a) through oily-water separating equipment; (b) through oil filtering system; (c) through oily-water separating equipment and an oil filtering system; (d) to reception facilities			

Date of entry Officer in charge

Master

⁵ 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".

(e) Accidental or other exceptional discharges of oil

19. Date and time of occurrence			
20. Place or position of ship at time of occurrence			
21. Approximate quantity and type of oil			
22. Circumstances of discharge or escape, the reasons therefor and general remarks			

Date of entry Officer in charge
 Master

(f) Has the required oil monitoring and control system been out of operation at any time when discharging overboard? If so, state time and date of failure and time and date of restoration, and confirm that this was due to equipment failure, and state reason if known

Date of entry Officer in charge
 Master

(g) New ships of 4,000 tons gross tonnage and above: has dirty ballast been carried in oil fuel tanks? Yes/No

If so, state which tanks were so ballasted and method of discharge of the dirty ballast

.....

Date of entry Officer in charge
 Master

(h) Additional operational procedures and general remarks

.....

Date of entry Officer in charge
 Master

PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

London, 17 February 1978

The Parties to the present Protocol,

Recognizing the significant contribution which can be made by the International Convention for the Prevention of Pollution from Ships, 1973, to the protection of the marine environment from pollution from ships,

Recognizing also the need to improve further the prevention and control of marine pollution from ships, particularly oil tankers,

Recognizing further the need for implementing the Regulation for the Prevention of Pollution by Oil contained in Annex I of that Convention as early and as widely as possible,

Acknowledging however the need to defer the application of Annex II of that Convention until certain technical problems have been satisfactorily resolved,

Considering that these objections may best be achieved by the conclusion of a Protocol relating to the International Convention for the Prevention of Pollution from Ships, 1973,

Have agreed as follows:

Article I

GENERAL OBLIGATIONS

1. The Parties to the present Protocol undertake to give effect to the provisions of:

a) the present Protocol and the Annex hereto which shall constitute an integral part of the present Protocol; and

b) the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as "the Convention"), subject to the modifications and additions set out in the present Protocol.

2. The provisions of the Convention and the present Protocol shall be read and interpreted together as one single instrument.

3. Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

Article II

IMPLEMENTATION OF ANNEX II OF THE CONVENTION

1. Notwithstanding the provisions of Article 14(1) of the Convention, the Parties to the present Protocol agree that they shall not be bound by the provisions of Annex II of the Convention for a period of three years from the date of entry into force of the present Protocol or for such longer period as may be decided by a two-thirds majority of the Parties to the present Protocol in the Marine Environment Protection Committee (hereinafter referred to as "the Committee") of the Intergovernmental Maritime Consultative Organiza-

tion (hereinafter referred to as "the Organization").

2. During the period specified in paragraph 1 of this Article, the Parties to the present Protocol shall not be under any obligations nor entitled to claim any privileges under the Convention in respect of matters relating to Annex II of the Convention and all reference to Parties in the Convention shall not include the Parties to the present Protocol in so far as matters relating to that Annex are concerned.

Article III

COMMUNICATION OF INFORMATION

The text of Article 11(1)(b) of the Convention is replaced by the following:

"a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of matters relating to the design, construction, equipment and operation of ships carrying harmful substances in accordance with the provisions of the Regulations for circulation to the Parties for information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations."

Article IV

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. The present Protocol shall be open for signature at the Headquarters of the Organization from 1 June 1978 to 31 May 1979 and shall thereafter remain open for accession. States may become Parties to the present Protocol 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 Secretary-General of the Organization.

Article V

ENTRY INTO FORCE

1. The present Protocol shall enter into force twelve months after the date on which not less than fifteen States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with Article IV of the present Protocol.

2. Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

3. After the date on which an amendment to the present Protocol is deemed to have been accepted in accordance with Article 16 of the Convention,

any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

Article VI

AMENDMENTS

The procedures set out in Article 16 of the Convention in respect of amendments to the Articles, an Annex and an Appendix to an Annex of the Convention shall apply respectively to amendments to the Articles, the Annex and an Appendix to the Annex of the present Protocol.

Article VII

DENUNCIATION

1. The present Protocol may be denounced by any Party to the present Protocol at any time after the expiry of five years from the date on which the Protocol enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.
3. A denunciation shall take effect twelve months after receipt of the notification by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Article VIII

DEPOSITARY

1. The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the Depositary").
2. The Depositary shall:
 - a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of the present Protocol;
 - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it is received and the date on which the denunciation takes effect.
 - (iv) any decisions made in accordance with Article II(1) of the present Protocol;
 - b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.
3. As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article IX

LANGUAGE

The present Protocol is established in a single original in the English, French, Russian and Spanish language, each text being equally authentic. Official translations in the Arabic,

German, Italian and Japanese 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 Protocol.

Done at London this seventeenth day of February one thousand nine hundred and seventy-eight.

ANNEX

MODIFICATIONS AND ADDITIONS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 1

DEFINITIONS

Paragraphs (1) to (7) - No change

The existing text of paragraph (8) is replaced by the following:

8. a) 'Major conversion' means a conversion of an existing ship:

- (i) which substantially alters the dimensions or carrying capacity of the 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; or
- (iv) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Protocol not applicable to it as an existing ship.

b) Notwithstanding the provisions of subparagraph (a) of this paragraph, conversion of an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of Regulation 13 of this Annex shall not be deemed to constitute a major conversion for the purpose of this Annex.

Paragraph (9) to (22) — No change

The existing text of paragraph (23) is replaced by the following:

(23) 'Lightweight' means the displacement of a ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects.

Paragraphs (24) and (25) — No change

The following paragraphs are added to the existing text:

(26) Notwithstanding the provisions of paragraph (6) of this Regulation, for the purposes of Regulation 13, 13B, 13E and 18 (5) of this Annex, "new oil tanker" means an oil tanker:

- a) for which the building contract is placed after 1 June 1979; or

b) in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after 1 January 1979; or

c) the delivery of which is after 1 June 1982; or

d) which has undergone a major conversion:

(i) for which the contract is placed after 1 June 1979; or

(ii) in the absence of a contract, the construction work of which is begun after 1 January 1980; or

(iii) which is completed after 1 June 1982, except that, for oil tankers of 70,000 tons deadweight and above, the definition in paragraph (6) of this Regulation shall apply for the purposes of Regulation 13(1) of this Annex.

(27) Notwithstanding the provisions of paragraph (7) of this Regulation, for the purposes of Regulations 13, 13A, 13B, 13C, 13D and 18(6) of this Annex, "existing oil tanker" means an oil tanker which is not a new oil tanker as defined in paragraph (26) of this Regulation.

(28) "Crude Oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes:

a) crude oil from which certain distillate fractions may have been removed; and

b) crude oil to which certain distillate fractions may have been added.

(29) "Crude oil tanker" means an oil tanker engaged in the trade of carrying crude oil.

(30) "Product carrier" means an oil tanker engaged in the trade of carrying oil other than crude oil.

Regulations 2 and 3 — No change

The existing text of Regulation 4 is replaced by the following:

Surveys and Inspections

(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 specified below:

a) An initial 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 survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, system fittings, arrangements and material fully comply with the applicable requirements of this Annex.

b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex.

c) A minimum of one intermediate survey during the period of validity of the Certificate which shall

be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is carried out in any one Certificate validity period, it shall be held not before six months prior to, nor later than six months after the half-way date of the Certificate's period of validity. Such intermediate surveys shall be endorsed on the Certificate issued under Regulation 5 of this Annex.

2. The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this Regulation in order to ensure that the applicable provisions of this Annex are complied with.

3. a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

b) The Administration shall institute arrangements for unscheduled inspections to be carried out during the period of validity of the Certificate. Such inspections shall ensure that the ship and its equipment remain in all respects satisfactory for the services for which the ship is intended. These inspections may be carried out by their own inspection services, or by nominated surveyors or by recognized organizations, or by other Parties upon request of the Administration. Where the Administration, under the provisions of paragraph (1) of this Regulation, establishes mandatory annual surveys, the above unscheduled inspections shall not be obligatory.

c) An Administration nominating surveyors or recognizing organizations to conduct surveys and inspections as set forth in sub-paragraphs (a) and (b) of this paragraph, shall as a minimum empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship; and

(ii) carry out surveys and inspections if requested by the appropriate authorities of a Port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Protocol for the information of their officers.

d) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is and there the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action

is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the Port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the Port State, the Government of the Port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this Regulation. When applicable, the Government of the Port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

e) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and inspection and shall undertake to ensure the necessary arrangements to satisfy this obligation.

4. a) The condition of the ship and its equipment shall be maintained with the provisions of the present Protocol to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

b) After any survey of the ship under paragraph (1) of this Regulation has been completed, no change shall be made in the structure, equipment, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.

c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex the master or owner of the ship shall report at the earliest opportunity to the Administration the recognized organization of the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (i) of this Regulation is necessary. If the ship is in port of another Party, the master or owner shall also report immediately to the appropriate authorities of the Port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulations 5, 6 and 7

In the existing text of these Regulations, delete all reference to "(1973)" in relation to the International Oil Pollution Prevention Certificate.

Regulation 8

DURATION OF CERTIFICATE

The existing text of Regulation 8 is replaced by the following:

1. An International Oil Pollution Prevention

Certificate shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, provided that in the case of an oil tanker operating with dedicated clean ballast tanks for a limited period specified in Regulation 13(9) of this Annex, the period of validity of the Certificate shall not exceed such specified period.

2. A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or of intermediate surveys as specified by the Administration under Regulation 4(1)(c) of this Annex are not carried out.

3. A Certificate issued to a ship shall also cease to be valid upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Governments issuing the new Certificate is fully satisfied that the ship is in full compliance with the requirements of Regulation 4(4)(a) and (b) of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall transmit as soon as possible to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Regulations 9 to 12 — No change

the existing text to Regulation 13 is replaced by the following Regulations:

Regulation 13

SEGREGATED BALLAST TANKS, DEDICATED CLEAN BALLAST TANKS AND CRUDE OIL WASHING

Subject to the provisions of Regulation 13C and 13D of this Annex, oil tanker shall comply with the requirements of this Regulation.

New oil tankers 20,000 tons deadweight and above

1. Every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2), (3) and (4), or paragraph (5) as appropriate, of this Regulation.

2. The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages without recourse to the use of cargo tanks for water ballast except as provided for in paragraph (3) or (4) of this Regulation. In all cases, however, the capacity of segregated ballast tanks shall be at least such that, in any ballast condition at any part of the voyage, including conditions consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements:

a) the moulded draught amidships (dm) in

meters (without taking into account any ship's deformation) shall not be less than:

$$dm = 2.0 + 0.02L;$$

b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm) as specified in sub-paragraphs (a) of this paragraph, in association with the trim by the stern of not greater than 0.015L; and

c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller(s).

3. In no case shall ballast water be carried in cargo tanks except on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 of this Annex and 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 20 of this Annex.

4. In the case of new crude oil tankers, the additional ballast permitted in paragraph (3) of this Regulation shall be carried in cargo tanks only if such tanks have been crude oil washed in accordance with Regulation 13B of this Annex before departure from an oil unloading port or terminal.

5. Notwithstanding the provisions of paragraph (2) of this Regulation, the segregated ballast conditions for oil tankers less than 150 meters in length shall be to the satisfaction of the Administration.

6. Every new crude oil tanker of 20,000 tons deadweight and above shall be fitted with cargo tank cleaning system using crude oil washing. The Administration shall undertake to ensure that the system fully complies with the requirements of Regulation 13B of this Annex within one year after the tanker was first engaged in the trade of carrying crude oil or by the end of the third voyage carrying crude oil suitable for crude oil washing, whichever occurs later. Unless such oil tanker carries crude oil which is not suitable for crude oil washing, the oil tanker shall operate the system in accordance with the requirements of that Regulation.

Existing crude oil tankers of 40,000 tons deadweight and above

7. Subject to the provisions of paragraphs (8) and (9) of this Regulation every existing crude oil tanker of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3) of this Regulation from the date of entry into force of the present Protocol.

8. Existing crude oil tankers referred to in paragraph (7) of this Regulation may, in lieu of being provided with segregated ballast tanks, operate with a cargo tank cleaning procedure using crude oil washing in accordance with Regulation

13B of this Annex unless the crude oil tanker is intended to carry crude oil which is not suitable for crude oil washing.

9. Existing crude oil tankers referred to in paragraphs (7) and (8) of this Regulation may, in lieu of being provided with segregated ballast tanks or operating with a cargo tank cleaning procedure using crude oil washing, operate with dedicated clean ballast tanks in accordance with the provisions of Regulation 13A of this Annex for the following period:

a) for crude oil tankers of 70,000 tons deadweight and above, until two years after the date of entry into force of the present Protocol; and

b) for crude oil tankers of 40,000 tons deadweight and above but below 70,000 tons deadweight, until four years after the date of entry into force of the present Protocol.

Existing product carriers of 40,000 tons deadweight and above

(10) From the date of entry into force of the present Protocol, every existing product carrier of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3) of this Regulation, or, alternatively, operate with dedicated clean ballast tanks in accordance with the provisions of Regulation 13A of this Annex.

An oil tanker qualified as a segregated ballast oil tanker

(11) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraph (1), (7) or (10) of this Regulation may, however, be qualified as a segregated ballast tanker, provided that it complies with the requirements of paragraphs (2) and (3), or paragraph (5) as appropriate, of this Regulation.

Regulation 13A

REQUIREMENTS FOR OIL TANKERS WITH DEDICATED CLEAN BALLAST TANKS

1. An oil tanker operating with dedicated clean ballast tanks in accordance with the provisions of Regulation 13(9) or (10) of this Annex, shall have adequate tank capacity, dedicated solely to the carriage of clean ballast as defined in Regulation 1(16) of this Annex, to meet the requirements of Regulations 13(2) and (3) of this Annex.

2. The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements established by the Administration. Such requirements shall contain at least all the provisions of the Specifications for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in Resolution 14 and as may be revised by the Organization.

3. An oil tanker operating with dedicated clean ballast tanks shall be equipped with an oil content meter, approved by the Administration on the basis of specification recommended by the

Organization*, to enable supervision of the oil content in ballast water being discharged. The oil content meter shall be installed no later than at the first scheduled shipyard visit of the tanker following the entry into force of the present Protocol. Until such time as the content meter is installed, it shall immediately before discharge of ballast be established by examination of the ballast water from dedicated tanks that no contamination with the oil has taken place.

4. Every oil tanker operating with dedicated clean ballast tanks shall be provided with:

- a) a Dedicated Clean Ballast Tank Operations Manual detailing the system and specifying operational procedures. Such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (2) of this Regulation. If an alteration affecting the dedicated clean ballast tank system is made, the Operation Manual shall be revised accordingly; and
- b) a Supplement to the Oil Record Book referred to in Regulation 20 of this Annex as set out in Supplement 1 to Appendix III of this Annex. The Supplement shall be permanently attached to the Oil Record Book.

Regulation 13B

REQUIREMENTS FOR CRUDE OIL WASHING

1. Every crude oil washing system required to be provided in accordance with Regulation 13(6) and (8) of this Annex shall comply with the requirements of this Regulation.

2. The crude oil washing installation and associated equipment and arrangements shall comply with the requirements established by the Administration. Such requirements shall contain at least all the provisions of the Specifications for the Design, Operation and Control of Crude Oil Washing Systems adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in Resolution 15 and as may be revised by the Organization.

3. An inert gas system shall be provided in every cargo tank and slop tank in accordance with the appropriate Regulations of Chapter II-2 of the International Convention for the Safety of Life at Sea, 1974, as modified and added to by the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974.

4. With respect to the ballasting of cargo tanks, sufficient cargo tanks shall be crude oil washed prior to each ballast voyage in order that, taking into account the tanker's trading pattern and

expected weather conditions, ballast water is put only into cargo tanks which have been crude oil washed.

5. Every oil tanker operating with crude oil washing systems shall be provided with:

- a) an Operations and Equipment Manual detailing the system and equipment and specifying an operational procedure. Such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (2) of this Regulation. If an alteration affecting the crude oil washing system is made, the Operations and Equipment Manual shall be revised accordingly; and
- b) a Supplement to the Oil Record Book referred to in Regulation 20 of this Annex as set out in Supplement 2 of Appendix III of this Annex. The Supplement shall be permanently attached to the Oil Record Book.

Regulation 13C

EXISTING TANKERS ENGAGED IN SPECIFIC TRADES.

1. Subject to the provisions of paragraphs (2) and (3) of this Regulation, Regulation 13(7) to (10) of this Annex shall not apply to an existing oil tanker solely engaged in specific trades between:

- a) ports or terminals within a State Party to the present Protocols; or
- b) ports or terminals of States Parties to the present Protocol, where:
 - (i) the voyage is entirely within a Special Area as defined in Regulation 10(1) of this Annex; or
 - (ii) the voyage is entirely within other limits designated by the Organization.

2. The provisions of paragraph (1) of this Regulation shall only apply when the ports or terminals where cargo is loaded on such voyages are provided with reception facilities adequate for the reception and treatment of all the ballast and tank washing water from oil tankers using them and all the following conditions are complied with:

- a) subject to the exceptions provided for in Regulation 11 of this Annex, all ballast water, including clean ballast water, and tank washing residues are retained on board and transferred to the reception facilities and the entry in the appropriate Sections of the Supplement to the Oil Record Book referred to in paragraph (3) of this Regulation is endorsed by the competent Port State authority;
- b) agreement has been reached between the Administration and the Governments of the Port States referred to in sub-paragraph (1)(a) or (b) of this Regulation concerning the use of an existing oil tanker for a specific trade;
- c) the adequacy of the reception facilities in accordance with the relevant provisions of this Annex at the ports or terminals referred to above;
- d) The International oil pollution prevention certificate is endorsed to the effect that the oil tanker is solely engaged in such specific trade,

* Reference is made to the Recommendations on International Performance and Test Specifications for Oily-Water separating Equipment and Oil content meters adopted by the organization by Resolution A. 393 (x)

3. Every oil tanker engaged in a specific trade shall be provided with a Supplement to the Oil Record Book referred to in Regulation 20 of this Annex as set out in Supplement 3 to Appendix III of this Annex. The Supplement shall be permanently attached to the Oil Record Book.

Regulation 13D

EXISTING OIL TANKERS HAVING SPECIAL BALLAST ARRANGEMENTS

1. Where an existing oil tanker is so constructed or operates in such a manner that it complies at all times with the draught and trim requirements set out in Regulation 13(2) of this Annex without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast-tank requirements referred to in Regulation 13(7) of this Annex, provided that all of the following conditions are complied with:

a) operational procedures and ballast arrangements are approved by the Administration;

b) agreement is reached between the Administration and the Governments of the Port States Parties to the present Protocol concerned when the draught and trim requirements are achieved through an operational procedure; and

c) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is operating with special ballast arrangements.

2. In no case shall ballast water be carried in oil tanks except on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with Regulation 9 of this Annex and 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 20 of this Annex.

3. An Administration which has endorsed a Certificate in accordance with sub-paragraph (1)(c) of this Regulation shall communicate to the Organization the particulars thereof for circulation to the Parties to the present Protocol.

Regulation 13E

PROTECTIVE LOCATION OF SEGREGATED BALLAST SPACES

1. In every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above, the segregated ballast tanks required to provide the capacity to comply with the requirements of Regulation 13 of this Annex which are located within the cargo tank length, shall be arranged in accordance with the requirements of paragraphs (2), (3) and (4) of this Regulation to provide a measure of protection against oil outflow in the event of grounding or collision.

2. Segregated ballast tanks and spaces other than oil tanks within the cargo tank length (L_T) shall be so arranged as to comply with the following requirement:

$$P_{A_i} + P_{A_s} J(L_T + 2D)$$

where:

P_{A_i} = the side shell area in square metres for each segregated ballast tank or space other than an oil tank based on projected moulded dimensions,

P_{A_s} = the bottom shell area in square metres for each such tank or space based on projected moulded dimensions,

L_T = length in metres between the forward and after extremities of the cargo tanks,

B = maximum breadth of the ship in metres as defined in Regulation 1(21) of this Annex,

D = moulded depth in metres measured vertically from the top of the keel to the top of the freeboard deck beam at side amidships. In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design,

J = 0.45 for oil tankers of 20,000 tons deadweight 0.03 for oil tankers of 200,000 tons deadweight and above, subject to the provisions of paragraph (3) of this Regulation.

For intermediate values of deadweight the value of J shall be determined by linear interpolation.

Whenever symbols given in this paragraph appear in this Regulation, they have the meaning as defined in this paragraph.

3. For tankers of 200,000 tons deadweight and above the value of J may be reduced as follows:

$$J \text{ reduced} = [J - (a - O_c + O_s)] \text{ or } 0.2$$

4 O_A

whichever is greater

where:

a = 0.25 for oil tankers of 200,000 tons deadweight

a = 0.40 for oil tankers of 300,000 tons deadweight

a = 0.50 for oil tankers of 420,000 tons deadweight and above,

For intermediate values of deadweight the a shall be determined by linear interpolation.

O_c = as defined in Regulation 23(1)(a) of this Annex,

O_s = as defined in Regulation 23(1)(b) of this Annex,

O_A = the allowable oil outflow as required by Regulation 24(2) of this Annex.

4. In the determination of P_{A_i} and P_{A_s} for segregated ballast tanks and spaces and other than oil tanks the following shall apply:

a) the minimum width of each wing tank or space either of which extends for the full depth of the ship's side or from the deck to the top of the double bottom shall be not less than 2 metres. The width shall be measured inboard from the ship's

side at right angles to the centre line. Where a lesser width is provided the wing tank or space shall not be taken into account when calculating the protecting area PA_c ; and

b) the minimum vertical depth of each double bottom tank or space shall be $B/15$ or 2 metres, whichever is the lesser. Where a lesser depth is provided the bottom tank or space shall not be taken into account when calculating the protecting area PA_s .

The minimum width and depth of wing tanks and double bottom tanks shall be measured clear of the bilge area and, in the case of minimum width, shall be measured clear of any rounded gunwale area.

Regulation 14 — No change

Regulation 15

In the existing text of this Regulation, delete reference to "(1973)" in relation to the International Oil Pollution Prevention Certificate.

Regulation 16 and 17 — No change

Regulation 18

PUMPING, PIPING AND DISCHARGE ARRANGEMENTS OF OIL TANKERS

Paragraphs (1) to (4) — No change

The following paragraphs are added to the existing text:

5. Every new oil tanker required to be provided with segregated ballast tanks, or fitted with a crude oil washing system shall comply with the following requirements:

a) it shall be equipped with oil piping so designed and installed such that oil retention in the lines is minimized; and

b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connexion to a stripping device. The line and pump drainings shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided for that purpose and connected outboard of the ship's manifold valves.

6. Every existing crude carrier required to be provided with segregated ballast tanks, or fitted with a crude oil washing system or operated with dedicated clean ballast tanks, shall comply with the provisions of paragraph (5)(b) of this Regulation.

Regulation 19 — No change

Regulation 20

In the existing text of this Regulation, delete reference to "(1973)" in relation to the International Oil Pollution Prevention Certificate.

Regulation 21 to 25 — No change

APPENDIX I — List of Oils

No change

(ส่วน)

ระเบียบสำนักนายกรัฐมนตรี

ว่าด้วยการป้องกันและซจักภาวะมลพิษทางทะเลเนื่องจากน้ำมัน

พ.ศ. 2525

โดยที่การประกอบธุรกิจเกี่ยวกับกิจการน้ำมัน เช่น การสำรวจ การขุดเจาะ การผลิต หรือการขนส่ง เป็นต้น โคเคศทำให้น้ำมันรั่วไหลลงสู่ทะเลในบริเวณน่านน้ำไทย อันก่อให้เกิดอันตรายแก่ทรัพยากรธรรมชาติ การประมง และประชาชนผู้โชชายฝั่งทะเล เป็นผลกระทบกระเทือนต่อคุณภาพสิ่งแวดล้อมและเศรษฐกิจของประเทศ จึงจำเป็นต้องมีวิธีการและโษมาตรการป้องกัน และซจักภาวะมลพิษทางทะเลเนื่องจากน้ำมัน

อาศัยอำนาจตามความในข้อ 9 (8) แห่งประกาศของคณะปฏิวัติ ฉบับที่ 218 ลงวันที่ 29 กันยายน พ.ศ. 2515 และมติคณะรัฐมนตรีเมื่อวันที่ 27 เมษายน 2525 นายกรัฐมนตรีจึงออกระเบียบไว้ดังต่อไปนี้

ข้อ 1 ระเบียบนี้เรียกว่า "ระเบียบสำนักนายกรัฐมนตรีว่าด้วยการป้องกันและซจักภาวะมลพิษทางทะเลเนื่องจากน้ำมัน พ.ศ. 2525"

ข้อ 2 ให้ใช้ระเบียบนี้ตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษาเป็นต้นไป

ข้อ 3 ในระเบียบนี้

"น้ำมัน" หมายความว่า น้ำมันดิบ น้ำมันเตา น้ำมันดีเซล น้ำมันหล่อลื่น และน้ำมันอื่น ๆ

ที่ไม่สลายตัวง่าย

"หน่วยงานของรัฐ" หมายความว่า กระทรวง ทบวง กรม ราชการส่วนภูมิภาค ราชการส่วนท้องถิ่น องค์การของรัฐ และรัฐวิสาหกิจ

ข้อ 4 ให้มีคณะกรรมการคณะหนึ่ง เรียกว่า "คณะกรรมการป้องกันและซจักภาวะมลพิษทางทะเลเนื่องจากน้ำมัน" เรียกโดยย่อว่า "กปน." ประกอบด้วยปลัดกระทรวงคมนาคม เป็นประธานกรรมการ เลขาธิการคณะกรรมการสิ่งแวดล้อมแห่งชาติ เป็นรองประธานกรรมการ อธิบดีกรมการbinชาติชายหรือผู้แทน อธิบดีกรมชลประทานหรือผู้แทน อธิบดีกรมตำรวจหรือผู้แทน

/ อธิบดีกรมประมง

- 2 -

อธิบดีกรมประมงหรือผู้แทน อธิบดีกรมอุตุนิยมวิทยาหรือผู้แทน เจ้ากรมยุทธการทหารบก เจ้ากรมยุทธการทหารเรือ เจ้ากรมยุทธการทหารอากาศ เจ้ากรมอุทกศาสตร์ ผู้แทนกระทรวงการต่างประเทศ ผู้แทนกระทรวงมหาดไทย ผู้แทนกรมท่าเรือแห่งประเทศไทย ผู้แทนการวิโครเลียมแห่งประเทศไทย ผู้แทนการสื่อสารแห่งประเทศไทย และกรรมการผู้ทรงคุณวุฒิอีกไม่เกินห้าคน ซึ่งคณะรัฐมนตรีแต่งตั้ง เป็นกรรมการ กงัให้อธิบดีกรมเจ้าท่าเป็นกรรมการและเลขาธิการ และผู้แทนสำนักงานคณะกรรมการสิ่งแวดล้อมแห่งชาติเป็นกรรมการและผู้ช่วยเลขาธิการ

ให้รัฐมนตรีว่าการกระทรวงคมนาคมเสนอชื่อบุคคลเป็นกรรมการผู้ทรงคุณวุฒิต่อคณะรัฐมนตรี เพื่อพิจารณาแต่งตั้งเป็นกรรมการตามวรรคหนึ่ง

ขอ 5 กรรมการซึ่งคณะรัฐมนตรีแต่งตั้ง ตามขอ 4 มีวาระดำรงตำแหน่งคราวละสองปีนับแต่วันที่ได้รับแต่งตั้ง

ในกรณีการกรรมการซึ่งคณะรัฐมนตรีแต่งตั้งพ้นจากตำแหน่งก่อนวาระ หรือในกรณีที่คณะรัฐมนตรีแต่งตั้งกรรมการเพิ่มขึ้นในระหว่างที่กรรมการซึ่งแต่งตั้งไว้แล้วยังมีวาระอยู่ในตำแหน่งให้ผู้ได้รับแต่งตั้งให้ดำรงตำแหน่งแทนหรือ เป็นกรรมการเพิ่มขึ้น อยู่ในตำแหน่งเท่าที่วาระที่เหลืออยู่ของกรรมการซึ่งได้แต่งตั้งไว้แล้ว

กรรมการซึ่งพ้นจากตำแหน่งอาจได้รับแต่งตั้งอีกได้

ขอ 6 นอกจากการพ้นจากตำแหน่งตามวาระตามขอ 5 กรรมการผู้ทรงคุณวุฒิพ้นจากตำแหน่ง เมื่อ

(1) ทาย

(2) ลาออก

(3) ต้องโทษจำคุกตามคำพิพากษาถึงที่สุดหรือคำสั่งที่ชอวยด้วยกฎหมายให้จำคุก เว้นแต่ในความผิดที่กระทำโดยประมาท หรือความผิดลหุโทษ

(4) เป็นคนไร้ความสามารถหรือเสมือนไร้ความสามารถ

(5) เป็นบุคคลล้มละลาย

ขอ 7 องค์ประชุมและระเบียบการประชุมของ กปน. ให้เป็นไปตามที่ กปน. กำหนด

ข้อ 8 ให้ กปน. มีอำนาจและหน้าที่ดังต่อไปนี้

(1) เสนอความเห็นต่อนายกรัฐมนตรี เพื่อพิจารณาสั่งการในเรื่องดังต่อไปนี้

(ก) กำหนดหน่วยงานของรัฐหน่วยใดหน่วยหนึ่งให้เป็นศูนย์สื่อสารเพื่อรับแจ้งและตรวจสอบข่าวในกรณีที่น่ามีน้ำมันขึ้นในทะเลในลักษณะที่อาจจะเกิดภาวะมลพิษ

(ข) กำหนดหน่วยงานของรัฐหน่วยใดหน่วยหนึ่งให้เป็นศูนย์ควบคุมการปฏิบัติการโดยให้มีศูนย์ปฏิบัติการระดับภูมิภาคได้ตามความจำเป็นเพื่อดำเนินการเกี่ยวกับการขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน

(ค) กำหนดหน่วยงานของรัฐที่เกี่ยวข้องให้ทำหน้าที่ในการตรวจสอบการรั่วไหลของน้ำมันในทะเลและการแผ่ขยายของการรั่วไหลดังกล่าว

(ง) สั่งการให้หน่วยงานของรัฐนำเครื่องอุปกรณ์ เครื่องมือ ยานพาหนะ และวัสดุที่มีอยู่มาใช้เพื่อป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมันได้ตามที่เห็นสมควรและจำเป็น

(จ) กำหนดแผนปฏิบัติการเกี่ยวกับการป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน เพื่อให้หน่วยงานของรัฐตาม (ก) (ข) และ (ค) หรือหน่วยงานอื่นที่เกี่ยวข้องปฏิบัติตาม

(2) กำหนดหน้าที่และระเบียบปฏิบัติงานของศูนย์สื่อสารตาม (1) (ก) และกำหนดหน้าที่เขตท้องที่และระเบียบปฏิบัติงานของศูนย์ควบคุมการปฏิบัติการและศูนย์ปฏิบัติการระดับภูมิภาคตาม (1) (ข)

(3) ตรวจสอบและควบคุมดูแลให้หน่วยงานของรัฐตาม (1) (ก) (ข) และ (ค) หรือหน่วยงานอื่นที่เกี่ยวข้องปฏิบัติตามให้เป็นไปตามแผนปฏิบัติการตาม (1) (จ)

(4) ควบคุมการใช้จ่ายเงินของหน่วยงานที่จะกำหนดขึ้นตาม (1) (ก) (ข) และ (ค) ในส่วนที่ได้รับบริจาคจากผู้ประกอบการเกี่ยวกับน้ำมันและบุคคลอื่นเพื่อป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน

(5) เฝ้าระวังและติดตามผลการดำเนินการดำเนินคดีตามกฎหมายเมื่อเกิดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน

/ (6) ขอความร่วมมือ

(6) ขอความร่วมมือจากเอกชนให้นำเครื่องอุปโภค เครื่องมือ ยานพาหนะ หรือวัสดุที่มีอยู่หรือจัดหาสิ่งดังกล่าวมามอบให้ กปน. มาใช้เพื่อป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจากน้ำมัน

(7) แต่งตั้งคณะกรรมการเพื่อปฏิบัติการอย่างใดอย่างหนึ่งตามที่เห็นสมควร

(8) เสนอความเห็นและขอสังเกตต่อนายกรัฐมนตรี เกี่ยวกับการให้กฎหมาย เกี่ยวกับการป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน

ขอ 9 ให้กรมเจ้าท่ารับผิดชอบงานบูรณาการ งานประชุม การศึกษาหาข้อมูลต่าง ๆ ที่เกี่ยวกับงานของ กปน. และมีหน้าที่เกี่ยวกับเรื่องการเงินตามขอ 13 และขอ 14

ขอ 10 การกำหนดหน่วยงานของรัฐให้เป็นศูนย์สื่อสาร ศูนย์ควบคุมการปฏิบัติการ และศูนย์ปฏิบัติการระดับภูมิภาค ตามขอ 6 (1) (ก) และ (ข) พร้อมทั้งการกำหนดหน้าที่ของ ศูนย์สื่อสาร ศูนย์ควบคุมการปฏิบัติการ และศูนย์ปฏิบัติการระดับภูมิภาค ในการดำเนินการป้องกัน และขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน ให้ กปน. ประกาศในราชกิจจานุเบกษา

ให้ กปน. ทำการประชาสัมพันธ์เกี่ยวกับหน้าที่และการปฏิบัติงานของศูนย์สื่อสาร ศูนย์ควบคุมการปฏิบัติการ และศูนย์ปฏิบัติการระดับภูมิภาคตามวรรคหนึ่งในหนังสือพิมพ์หรือทาง สื่อสารมวลชนอย่างอื่น เพื่อให้ประชาชนได้ทราบตามระยะเวลาที่เห็นสมควร

ขอ 11 ในกรณีที่ปรากฏมีน้ำมันขึ้นในแม่น้ำลำคลองในลักษณะที่อาจจะเกิดภาวะมลพิษ ให้น้ำระเบียบนี้มาใช้บังคับโดยอนุโลม

ขอ 12 ในการปฏิบัติการเกี่ยวกับการป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจาก น้ำมันให้หน่วยงานของรัฐดำเนินการโดยเร็ว หากขัดข้องประการใด ให้รีบแจ้งขอจัดของนั้นใช้ กปน. ทราบเพื่อพิจารณาดำเนินการต่อไป

ขอ 13 ให้หน่วยงานของรัฐ ที่เกี่ยวข้องกับระเบียบนี้ให้ความสนับสนุนการดำเนินงาน ของ กปน. ตามระเบียบนี้

ขอ 14 การเบิกจ่ายเงินอุดหนุนจากรัฐมนตรีเจ้าท่าที่ได้รับอนุมัติจากคณะรัฐมนตรี เพื่อให้เป็นงบประมาณสำหรับป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน ให้เป็นไปตาม ระเบียบของกระทรวงการคลัง

- 5 -

ข้อ 15 เงินที่กรมเจ้าท่าได้รับมา เป็นเงินอุดหนุนจากแหล่งอื่นและเงินที่มีผู้ทักให้ เพื่อใช้สำหรับป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจากน้ำมัน ให้ถือว่าเป็นรายได้ของกรมเจ้าท่า ซึ่งต้องนำไปใช้เพื่อกิจการตามระเบียบนี้โดยเฉพาะเท่านั้น

เงินตามวรรคหนึ่งไม่ส่งกระทรวงการคลัง

ข้อ 16 การจัดหาเครื่องอุปโภค เครื่องมือ หรือวัสดุที่จำเป็นในการป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจากน้ำมันในหน่วยงานของรัฐที่ทำหน้าที่เป็นศูนย์สื่อสาร ศูนย์ควบคุม การปฏิบัติการ และศูนย์ปฏิบัติการระดับภูมิภาค ถึงงบประมาณไว้ตามกฎหมายว่าด้วยงบประมาณ รายจ่ายประจำปี ทั้งนี้ ให้คำนึงถึงเครื่องอุปโภค เครื่องมือ และวัสดุที่หน่วยงานของรัฐและ เอกชนมีอยู่แล้ว

ข้อ 17 ให้รัฐมนตรีว่าการกระทรวงคมนาคมเป็นผู้รักษาการตามระเบียบนี้

ประกาศ ณ วันที่ 8 กันยายน พ.ศ. 2525

(ลงชื่อ) พลเอก เปรม ติณสูลานนท์
นายกรัฐมนตรี

สำเนาถูกต้อง

(นางสาววาศนา อึ้งประเสริฐ)
เจ้าหน้าที่กองกรม 4

สำเนา
หลักเกณฑ์และวิธีการ

จ่ายเงินทดรองราชการ เพื่อการป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจากน้ำมัน

พ.ศ. 2527

เมื่อดำเนินการให้เป็นไปตามระเบียบกระทรวงการคลังว่าด้วยการจ่ายเงินทดรองราชการ เพื่อการป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน พ.ศ. 2527 กระทรวงคมนาคม โดยความเห็นชอบของกระทรวงมหาดไทยและกระทรวงการคลัง จึงกำหนดหลักเกณฑ์และวิธีการเบิกจ่ายเงินทดรองราชการ เพื่อการป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน ไว้ดังนี้

1. ในกรณีที่น่าปรากฏหรือตรวจพบว่าน้ำมันอยู่ในทะเลหรือแม่น้ำลำคลอง เป็นเหตุให้เกิดความเสียหายหรือโอกาสจะเกิดความเสียหายต่อทรัพย์สินของประชาชน หรือยากกรรรมชาติที่มีชีวิต การประมงชายฝั่ง การเกิดภาวะมลพิษทางทะเล และการกักขังหรือกักเก็บของเสียอันตราย อันมีผลกระทบต่อความสมดุลของสภาพแวดล้อมทางธรรมชาติ และเศรษฐกิจของประเทศไทย โดยสาเหตุดังต่อไปนี้ คือ

- 1.1 เรือหรือสิ่งก่อสร้างในทะเลประสบอุบัติเหตุ น้ำมันรั่วไหลในทะเล หรือแม่น้ำลำคลองภายในน่านน้ำไทย
- 1.2 การเทหรือทิ้งน้ำมันจากเรือหรือสิ่งก่อสร้างในทะเล หรือบนบกไหลลงในทะเล หรือแม่น้ำลำคลองภายในประเทศ
- 1.3 การรั่วไหลของน้ำมันจากเรือหรือสิ่งก่อสร้างในทะเลหรือบนบกโดยประมาท อันเกิดจากเรือหรือเครื่องมือเครื่องใช้ หรือผู้คนที่ลงในทะเลหรือแม่น้ำลำคลองภายในน่านน้ำไทย
- 1.4 การรั่วไหลของน้ำมันจากเรือ สิ่งก่อสร้างในทะเล หรือบนบกโดยไม่ทราบสาเหตุ หรือโดยบังเอิญลงในทะเลหรือแม่น้ำลำคลองภายในน่านน้ำไทย
- 1.5 การที่น้ำมันโดยไม่อาจตรวจสอบสาเหตุได้ในขณะนั้น ในทะเลหรือแม่น้ำลำคลองภายในน่านน้ำไทย
- 1.6 เนื่องจากเรือหรือสิ่งก่อสร้างในทะเลประสบอุบัติเหตุ น้ำมันรั่วไหล หรือมีการเททิ้งน้ำมันลงในทะเลนอกอาณาเขต แลอาจเกิดผลกระทบกระเทือนมาถึงทะเลภายในน่านน้ำไทย

/ 2. เชื้อปรากฏว่า

2. เมื่อปรากฏว่ามีน้ำขุ่นอยู่ในทะเลหรือแม่น้ำลำคลอง โดยสาเหตุต่าง ๆ ตามข้อ 1 จนเป็นเหตุหรืออาจเป็นเหตุให้เกิดอันตรายหรือความเสียหายแก่ชีวิต หรือทรัพย์สินของประชาชน หรือภัยการธรรมชาติที่มีชีวิต การประมงชายฝั่งและการพักผ่อนหย่อนใจบริเวณชายหาด หรือเกิดผลเสียทางเศรษฐกิจและสภาพแวดล้อมของประเทศ ให้อธิบดีกรมเจ้าท่า เป็นผู้พิจารณาวินิจฉัย และสั่งจ่ายเงินอุดหนุนราชการ เพื่อเป็นการป้องกันและขจัดภาวะมลพิษทางทะเลอันเนื่องมาจากน้ำมัน

ในกรณีที่สงสัยว่าปริมาณน้ำมันในทะเลจะเป็นเหตุหรืออาจเป็นเหตุให้เกิดอันตราย หรือความเสียหายตามความในวรรคแรกหรือไม่ ให้อธิบดีกรมเจ้าท่าหรือกษัตริย์สำนักงานคณะกรรมการสิ่งแวดล้อมแห่งชาติ

3. เงินอุดหนุนราชการเพื่อการป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจากน้ำมันนี้ ให้อธิบดีกรมเจ้าท่า เบิกจ่ายในลักษณะหมวดค่าตอบแทนให้สอบและวัสดุ

4. เงินอุดหนุนราชการนี้อาจใช้ในการขอเช่าเรือใช้จ่าย หรือค่าบริการที่บุคคลอื่นได้จ่ายไปก่อนแล้ว หรือค่าวัสดุที่อธิบดีกรมเจ้าท่าได้สั่งการให้ดำเนินการไปก่อนในกรณีฉุกเฉินได้

5. ให้อธิบดีกรมเจ้าท่าเป็นผู้อำนาจอนุมัติตามข้อ 3 และข้อ 4

6. การป้องกันและขจัดภาวะมลพิษทางทะเล เนื่องจากน้ำมันฉนวน เป็นเรื่องจำเป็นเร่งด่วน ซึ่งกองดำเนินการในพื้นที่ จึงได้ดำเนินการจัดซื้อ จัดจ้าง โดยวิธีพิเศษ อธิบดีกรมเจ้าท่ามีอำนาจสั่งซื้อหรือสั่งจ้าง โดยวิธีพิเศษ ได้ตามความจำเป็นภายในวงเงินตามข้อ 3 แห่งระเบียบกระทรวงการคลังว่าด้วยการจ่ายเงินอุดหนุนราชการเพื่อการป้องกันและขจัดภาวะมลพิษทางทะเลเนื่องจากน้ำมัน พ.ศ. 2527

7. เมื่อได้ดำเนินการไปตามข้อ 3 และข้อ 4 แล้ว ให้อธิบดีกรมเจ้าท่ารับโอนเงินงบประมาณโดยวิธีการตามประเภทของเงินเพื่อรายได้เงินอุดหนุนราชการ โดยให้วางฎีกาเบิกหักยอดส่งใช้เงินอุดหนุนราชการที่ได้เบิกไปเข้าต่อกระทรวงการคลังโดยเร็ว

ประกาศ ณ วันที่ 9 มกราคม พ.ศ. 2528

(จรงชื่อ) บุญเต็ม เชนาภิรัตน์
(นายบุญเต็ม เชนาภิรัตน์)

รัฐมนตรีช่วยว่าการกระทรวงคมนาคม
ปลัดบริหารการแผ่นดิน รัฐมนตรีว่าการกระทรวงคมนาคม

สำเนาถูกต้อง

(นางสาววาสุณา อึ้งประเสริฐ)

**1. INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON
THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES,
BRUSSELS, NOVEMBER 29, 1969**

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

Have agreed as follows:

Article I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

Article II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

2. "ship" means:

(a) any sea-going vessel of any type whatsoever, and

(b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) tourist attractions of the area concerned;

(c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

- (a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;
- (b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;
- (c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;
- (d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;
- (e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;
- (f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

Article IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connection therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

Article V

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

- (a) the extent and probability of imminent damage if those measures are not taken; and
- (b) the likelihood of those measures being effective; and
- (c) the extent of the damage which may be caused by such measures.

Article VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

Article VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

Article VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own courts have not been exhausted.

Article IX

1. The present Convention shall remain open for signature until December 31, 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval;
- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval;

or

- (c) accession.

Article X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article XI

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

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. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

Article XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
 - (a) inform all States which have signed or acceded to the Convention of:
 - (i) each new signature or deposit of instrument together with the date thereof;
 - (ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;
 - (iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;
 - (b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

Article XVI

As soon as the present Convention comes 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.

Article XVII

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.

Done at Brussels this twenty-ninth day of November, 1969.

2. INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, BRUSSELS, NOVEMBER 29, 1969

The States Parties to the present Convention,
 Conscious of the dangers of pollution posed by the worldwide maritime carriage of oil in bulk,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

Desiring to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

Have agreed as follows:

Article I

For the purposes of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.

4. "State of the ship's registry" means in relation to registered ships the State of registration of the ship, and in relation to unregistered ships the State whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

9. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article II

This Convention shall apply exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimize such damage.

Article III

1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he proves that the damage:

- (a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or
- (b) was wholly caused by an act or omission done with intent to cause damage by a third party, or
- (c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

Article IV

When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article V³

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph 1 of this Article.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or another competent authority.

4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial security has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this Article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person would have enjoyed a right of subrogation under paragraphs 5 or 6 of this Article, had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.

9. The franc mentioned in this Article shall be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred. The amount mentioned in paragraph 1 of this Article shall be converted into the national currency of the State in which the fund is being constituted on the basis of the official value of that currency by reference to the unit defined above on the date of the fund.

10. For the purpose of this Article the ship's tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 per cent. of the weight in tons (of 2,240 lbs.) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this Article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of the actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article VI

1. Where the owner, after an incident, has constituted a fund in accordance with Article V, and is entitled to limit his liability,

- (a) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;
- (b) the Court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

Article VII

1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in Article V, paragraph 1 to cover his liability for pollution damage under this Convention.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship. It shall be issued or certified by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 of this Article have been complied with. This certificate shall be in the form of the annexed model and shall contain the following particulars:

- (a) name of ship and port of registration;
- (b) name and principal place of business of owner;
- (c) type of security;
- (d) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;
- (e) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of the issuing State. If the language used is neither English nor French the text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry.

5. An insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this Article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this Article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.

6. The State of registry shall, subject to the provisions of this Article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them. A Contracting State may at any time request consultation with the State of a ship's registry should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in Article V, paragraph 1. He may further avail himself of the defences (other than the bankruptcy or winding-up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this Article shall be available exclusively for the satisfaction of claims under this Convention.

10. A Contracting State shall not permit a ship under its flag to which this Article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this Article.

11. Subject to the provisions of this Article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this Article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

12. If insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this Article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limits prescribed by Article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this Article.

Article VIII

Rights of compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

Article IX

1. Where an incident has caused pollution damage in the territory including the territorial sea of one or more Contracting States, or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

2. Each Contracting State shall ensure that its Courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with Article V the Courts of the State in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article X

1. Any judgment given by a Court with jurisdiction in accordance with Article IX which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any Contracting State, except:

- (a) where the judgment was obtained by fraud; or
- (b) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each Contracting State as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

Article XI

1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

2. With respect to ships owned by a Contracting State and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in Article IX and shall waive all defences based on its status as a sovereign State.

Article XII

This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to the extent that such Conventions would be in conflict with it; however, nothing in this Article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

Article XIII

1. The present Convention shall remain open for signature until December 31, 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval;
- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval;
- or
- (c) accession.

Article XIV

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Contracting States, or after the completion of all measures required for the entry into force of the amendment with respect to those Contracting States shall be deemed to apply to the Convention as modified by the amendment.

Article XV

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XVI

1. The present Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that State.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XVII

1. The United Nations, where it is the administering authority for a territory, or any Contracting State responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territory or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.
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. The United Nations, or any Contracting State which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.
4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XVIII

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.
2. The Organization shall convene a Conference of the Contracting States for revising or amending the present Convention at the request of not less than one-third of the Contracting States.

Article XIX

1. The present Convention shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
 - (a) inform all States which have signed or acceded to the Convention of
 - (i) each new signature or deposit of instrument together with the date thereof;
 - (ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;
 - (iii) the extension of the present Convention to any territory under paragraph 1 of Article XVII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;
 - (b) transmit certified true copies of the present Convention to all Signatory States which accede to the present Convention.

Article XX

As soon as the present Convention comes 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.

Article XXI

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.

Done at Brussels this twenty-ninth day of November, 1969.

PROTOCOL TO THE INTERNATIONAL CONVENTION ON CIVIL
LIABILITY FOR OIL POLLUTION DAMAGE, 1969

The Parties to the present Protocol,
Being Parties to the International Convention on Civil Liability for Oil
Pollution Damage, done at Brussels on November 29, 1969;
Have agreed as follows:

Article I

For the purpose of the present Protocol:

1. "Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969.
2. "Organization" has the same meaning as in the Convention.
3. "Secretary-General" means the Secretary-General of the Organization.

Article II

Article V of the Convention is amended as follows:

(1) Paragraph 1 is replaced by the following text:

"The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 133 units of account for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 14 million units of account."

(2) Paragraph 9 is replaced by the following text:

9(a) The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

9(b) Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) of this Article may, at the time of ratification, acceptance, approval of or accession to the present Convention, or at any time thereafter, declare that the limits of liability provided for in paragraph 1 to be applied in its territory shall, in respect of any one incident, be an aggregate of 2,000 monetary units for each ton of the ship's tonnage provided that this aggregate amount shall not in any event exceed 210 million monetary units. The monetary unit referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of these amounts into the national currency shall be made according to the law of the State concerned.

9(c) The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such a manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as is expressed there in units of account. Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument referred to in Article IV and whenever there is a change in either.

Article III

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions of the Convention on Civil Liability for Oil Pollution Damage, 1969, held in London from November 17 to 19, 1976. The Protocol shall be open for signature from February 1, 1977 to December 31, 1977 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article IV

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties, shall be deemed to apply to the Protocol as modified by the amendment.

Article V

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.

2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

Article VI

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

Article VII

1. A Conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

Article VIII

1. The present Protocol shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument together with the date thereof;
 - (ii) the date of entry into force of the present Protocol;
 - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
 - (iv) any amendments to the present Protocol;
 - (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article IX

As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article X

The present Protocol is established in a single original 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.

Done at London this nineteenth day of November one thousand nine hundred and seventy-six.

In witness whereof the undersigned* being duly authorized for that purpose have signed the present Protocol.

INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN
INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION
DAMAGE

(Supplementary to the International Convention on Civil Liability for Oil
Pollution Damage, 1969)

The States Parties to the present Convention,
Being Parties to the International Convention on Civil Liability for Oil
Pollution Damage, adopted at Brussels on November 29, 1969,

Conscious of the dangers of pollution posed by the world-wide maritime
carriage of oil in bulk,

Convinced of the need to ensure that adequate compensation is available to
persons who suffer damage caused by pollution resulting from the escape or
discharge of oil from ships,

Considering that the International Convention of November 29, 1969, on Civil
Liability for Oil Pollution Damage, by providing a régime for compensation for
pollution damage in Contracting States and for the costs of measures, wherever
taken, to prevent or minimize such damage, represents a considerable progress
towards the achievement of this aim,

Considering however that this régime does not afford full compensation for
victims of oil pollution damage in all cases while it imposes an additional
financial burden on shipowners.

Considering further that the economic consequences of oil pollution damage
resulting from the escape or discharge of oil carried in bulk at sea by ships should
not exclusively be borne by the shipping industry but should in part be borne by
the oil cargo interests,

Convinced of the need to elaborate a compensation and indemnification
system supplementary to the International Convention on Civil Liability for Oil
Pollution Damage with a view to ensuring that full compensation will be
available to victims of oil pollution incidents and that the shipowners are at the
same time given relief in respect of the additional financial burdens imposed on
them by the said Convention.

Taking note of the Resolution on the Establishment of an International
Compensation Fund for Oil Pollution Damage which was adopted on November
29, 1969 by the International Legal Conference on Marine Pollution Damage,

Have agreed as follows:

General Provisions

Article 1

For the purposes of this Convention:

1. "Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on November 29, 1969.

2. "Ship", "Person", "Owner", "Oil", "Pollution Damage", "Preventive Measures", "Incident" and "Organization", have the same meaning as in Article I of the Liability Convention, provided however that, for the purposes of these terms, "oil" shall be confined to persistent hydrocarbon mineral oils.

3. "Contributing Oil" means crude oil and fuel oil as defined in subparagraphs (a) and (b) below:

(a) "Crude Oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "topped crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes).

(b) "Fuel Oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D 396-69)", or heavier.

4. "Franc" means the unit referred to in Article V, paragraph 9 of the Liability Convention³

5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the Liability Convention.

6. "Ton", in relation to oil, means a metric ton.

7. "Guarantor" means any person providing insurance or other financial security to cover an owner's liability in pursuance of Article VII, paragraph 1, of the Liability Convention.

8. "Terminal Installation" means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

9. Where an incident consists of a series of occurrences, it shall be treated as having occurred on the date of the first such occurrence.

Article 2

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund" and hereinafter referred to as "The Fund", is hereby established with the following aims:

(a) to provide compensation for pollution damage to the extent that the protection afforded by the Liability Convention is inadequate;

(b) to give relief to shipowners in respect of the additional financial burden imposed on them by the Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions;

(c) to give effect to the related purposes set out in this Convention.

2. The Fund shall in each Contracting State be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceedings before the courts of that State. Each Contracting State shall recognize the Director of the Fund (hereinafter referred to as "The Director") as the legal representative of the Fund.

³ See the amendments contained in the Protocol to the Convention reproduced later.

This Convention shall apply:

1. With regard to compensation according to Article 4, exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State, and to preventive measures taken to prevent or minimize such damage;

2. With regard to indemnification of shipowners and their guarantors according to Article 5, exclusively in respect of pollution damage caused on the territory, including the territorial sea, of a State Party to the Liability Convention by a ship registered in or flying the flag of a Contracting State and in respect of preventive measures taken to prevent or minimize such damage.

Compensation and indemnification

Article 4⁴

1. For the purpose of fulfilling its function under Article 2, paragraph 1(a), the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the Liability Convention,

- (a) because no liability for the damage arises under the Liability Convention;
- (b) because the owner liable for the damage under the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under Article VII of that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage; an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him;
- (c) because the damage exceeds the owner's liability under the Liability Convention as limited pursuant to Article V, paragraph 1, of that Convention or under the terms of any other international Convention in force or open for signature, ratification or accession at the date of this Convention.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purposes of this Article.

2. The Fund shall incur no obligation under the preceding paragraph if:

- (a) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government non-commercial service; or
- (b) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person provided, however, that there shall be no such exoneration with regard to such preventive measures which are compensated under paragraph 1. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the Liability Convention.

⁴ See the amendments contained in the Protocol to the Convention reproduced later.

- 4.⁵ (a) Except as otherwise provided in sub-paragraph (b) of this paragraph²⁶⁵, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 450 million francs.
- (b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 450 million francs.

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

6. The Assembly of the Fund (hereinafter referred to as "the Assembly") may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 450 million francs referred to in paragraph 4, sub-paragraphs (a) and (b), shall be changed; provided, however, that this amount shall in no case exceed 900 million francs or be lower than 450 million francs. The changed amount shall apply to incidents which occur after the date of the decision effecting the change.

7. The Fund shall, at the request of a Contracting State, use its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate pollution damage arising from an incident in respect of which the Fund may be called upon to pay compensation under this Convention.

8. The Fund may on conditions to be laid down in the Internal Regulations provide credit facilities with a view to the taking of preventive measures against pollution damage arising from a particular incident in respect of which the Fund may be called upon to pay compensation under this Convention.

Article 5⁶

1. For the purpose of fulfilling its function under Article 2, paragraph 1(b), the Fund shall indemnify the owner and his guarantor for that portion of the aggregate amount of liability under the Liability Convention which:

- (a) is in excess of an amount equivalent to 1,500 francs for each ton of the ship's tonnage or of an amount of 125 million francs, whichever is the less, and
- (b) is not in excess of an amount equivalent to 2,000 francs for each ton of the said tonnage or an amount of 210 million francs, whichever is the less.

provided, however, that the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the wilful misconduct of the owner himself.

2. The Assembly may decide that the Fund shall, on conditions to be laid down in the Internal Regulations, assume the obligations of a guarantor in respect of ships referred to in Article 3, paragraph 2, with regard to the portion of liability referred to in paragraph 1 of this Article. However, the Fund shall assume such obligations only if the owner so requests and if he maintains

⁵ On April 20, 1979 the maximum limit of 450 million francs was increased to 675 million francs by the Assembly of the Fund.

⁶ See the amendments contained in the Protocol to the Convention reproduced later.

adequate insurance or other financial security covering the owner's liability under the Liability Convention up to an amount equivalent to 1,500 francs for each ton of the ship's tonnage or an amount of 125 million francs, whichever is the less. If the Fund assumes such obligations, the owner shall in each Contracting State be considered to have complied with Article VII of the Liability Convention in respect of the portion of his liability mentioned above.

3. The Fund may be exonerated wholly or partially from its obligations under paragraph 1 towards the owner and his guarantor if the Fund proves that as a result of the actual fault or privity of the owner:

- (a) the ship from which the oil causing the pollution damage escaped did not comply with the requirements laid down in:
 - (i) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or
 - (ii)⁷ the International Convention for the Safety of Life at Sea, 1960; or
 - (iii) the International Convention on Load Lines, 1966; or
 - (iv) the International Regulations for Preventing Collisions at Sea, 1960; or
 - (v) any amendments to the above-mentioned Conventions which have been determined as being of an important nature in accordance with Article XVI(5) of the Convention mentioned under (i), Article IX(e) of the Convention mentioned under (ii) or Article 29(3)(d) or (4)(d) of the Convention mentioned under (iii), provided, however, that such amendments had been in force for at least twelve months at the time of the incident;

and

- (b) the incident or damage was caused wholly or partially by such non-compliance.

The provisions of this paragraph shall apply irrespective of whether the Contracting State in which the ship was registered or whose flag it was flying is a Party to the relevant Instrument.

4. Upon the entry into force of a new Convention designed to replace, in whole or in part, any of the Instruments specified in paragraph 3, the Assembly may decide at least six months in advance a date on which the new Convention will replace such Instrument or part thereof for the purpose of paragraph 3. However, any State Party to this Convention may declare to the Director before that date that it does not accept such replacement; in which case the decision of the Assembly shall have no effect in respect of a ship registered in, or flying the flag of, that State at the time of the incident. Such a declaration may be withdrawn at any later date and shall in any event cease to have effect when the State in question becomes a Party to such new Convention.

5. A ship complying with the requirements in an amendment to an Instrument specified in paragraph 3 or with requirements in a new Convention, where the amendment or Convention is designed to replace in whole or in part such Instrument, shall be considered as complying with the requirements in the said Instrument for the purposes of paragraph 3.

6. Where the Fund, acting as a guarantor by virtue of paragraph 2, has paid compensation for pollution damage in accordance with the Liability Convention, it shall have a right of recovery from the owner if and to the extent that the Fund would have been exonerated pursuant to paragraph 3 from its obligations under paragraph 1 to indemnify the owner.

7. Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Article.

⁷ At its 4th session held from September 29 to October 2, 1981, the Assembly of the Fund decided to replace with effect from May 1, 1982 this Convention by the "International Convention for the Safety of Life at Sea 1974, as modified by the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974".

1. Rights to compensation under Article 4 or indemnification under Article 5 shall be extinguished unless an action is brought thereunder or a notification has been made pursuant to Article 7, paragraph 6, within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage.

2. Notwithstanding paragraph 1, the right of the owner or his guarantor to seek indemnification from the Fund pursuant to Article 5, paragraph 1, shall in no case be extinguished before the expiry of a period of six months as from the date on which the owner or his guarantor acquired knowledge of the bringing of an action against him under the Liability Convention.

Article 7

1. Subject to the subsequent provisions of this Article, any action against the Fund for compensation under Article 4 or indemnification under Article 5 of this Convention shall be brought only before a court competent under Article IX of the Liability Convention in respect of actions against the owner who is or who would, but for the provisions of Article III, paragraph 2, of that Convention, have been liable for pollution damage caused by the relevant incident.

2. Each Contracting State shall ensure that its courts possess the necessary jurisdiction to entertain such actions against the Fund as are referred to in paragraph 1.

3. Where an action for compensation for pollution damage has been brought before a court competent under Article IX of the Liability Convention against the owner of a ship or his guarantor, such court shall have exclusive jurisdictional competence over any action against the Fund for compensation or indemnification under the provisions of Article 4 or 5 of this Convention in respect of the same damage. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court in a State Party to the Liability Convention but not to this Convention, any action against the Fund under Article 4 or under Article 5, paragraph 1, of this Convention shall at the option of the claimant be brought either before a court of the State where the Fund has its headquarters or before any court of a State Party to this Convention competent under Article IX of the Liability Convention.

4. Each Contracting State shall ensure that the Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with Article IX of the Liability Convention before a competent court of that State against the owner of a ship or his guarantor.

5. Except as otherwise provided in paragraph 6, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

6. Without prejudice to the provisions of paragraph 4, where an action under the Liability Convention for compensation for pollution damage has been brought against an owner or his guarantor before a competent court in a Contracting State, each party to the proceedings shall be entitled under the national law of that State to notify the Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the Fund has in fact been in a position effectively to intervene as a party to the proceedings, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgment was given, become binding upon the Fund in the sense that the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

Subject to any decision concerning the distribution referred to in Article 4, paragraph 5, any judgment given against the Fund by a court having jurisdiction in accordance with Article 7, paragraphs 1 and 3, shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each Contracting State on the same conditions as are prescribed in Article X of the Liability Convention.

Article 9

1. Subject to the provisions of Article 5, the Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the Liability Convention against the owner or his guarantor.

2. Nothing in this Convention shall prejudice any right of recourse or subrogation of the Fund against persons other than those referred to in the preceding paragraph. In any event the right of the Fund to subrogation against such person shall not be less favourable than that of an insurer of the person to whom compensation or indemnification has been paid.

3. Without prejudice to any other rights of subrogation or recourse against the Fund which may exist, a Contracting State or agency thereof which has paid compensation for pollution damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

Article 10

1. Contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 11, paragraph 1, as regards initial contributions and in Article 12, paragraphs 2 (a) or (b), as regards annual contributions, has received in total quantities exceeding 150,000 tons:

- (a) in the ports or terminal installations in the territory of that State contributing oil carried by sea to such ports or terminal installations; and
 - (b) in any installations situated in the territory of that Contracting State contributing oil which has been carried by sea and discharged in a port or terminal installation of a non-Contracting State, provided that contributing oil shall only be taken into account by virtue of this sub-paragraph on first receipt in a Contracting State after its discharge in that non-Contracting State.
2. (a) For the purposes of paragraph 1, where the quantity of contributing oil received in the territory of a Contracting State by any person in a calendar year when aggregated with the quantity of contributing oil received in the same Contracting State in that year by any associated person or persons exceeds 150,000 tons, such person shall pay contributions in respect of the actual quantity received by him notwithstanding that that quantity did not exceed 150,000 tons.
- (b) "Associated person" means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

Article 11⁸

1. In respect of each Contracting State initial contributions shall be made of

⁸ See the amendments contained in the Protocol to the Convention reproduced later.

an amount which shall for each person referred to in Article 10 be calculated on the basis of a fixed sum for each ton of contributing oil received by him during the calendar year preceding that in which this Convention entered into force for that State.

2. The sum referred to in paragraph 1 shall be determined by the Assembly within two months after the entry into force of this Convention. In performing this function the Assembly shall, to the extent possible, fix the sum in such a way that the total amount of initial contributions would, if contributions were to be made in respect of 90 per cent of the quantities of contributing oil carried by sea in the world, equal 75 million francs.

3. The initial contributions shall in respect of each Contracting State be paid within three months following the date at which the Convention entered into force for that State.

Article 12⁸

1. With a view to assessing for each person referred to in Article 10 the amount of annual contributions due, if any, and taking account of the necessity to maintain sufficient liquid funds, the Assembly shall for each calendar year make an estimate in the form of a budget of:

(i) *Expenditure*

- (a) costs and expenses of the administration of the Fund in the relevant year and any deficit from operations in preceding years;
- (b) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayment on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident does not exceed 15 million francs;
- (c) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayments on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident is in excess of 15 millions francs;

(ii) *Income*

- (a) surplus funds from operations in preceding years, including any interest;
- (b) initial contributions to be paid in the course of the year;
- (c) annual contributions, if required to balance the budget;
- (d) any other income.

2. For each person referred to in Article 10 the amount of his annual contribution shall be determined by the Assembly and shall be calculated in respect of each Contracting State:

- (a) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i)(a) and (b) on the basis of a fixed sum for each ton of contributing oil received in the relevant State by such persons during the preceding calendar year; and
- (b) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i)(c) of this Article on the basis of a fixed sum for each ton of contributing oil received by such person during the calendar year preceding that in which the incident in question occurred, provided that State was a Party to this Convention at the date of the incident.

3. The sums referred to in paragraph 2 above shall be arrived at by dividing the relevant total amount of contributions required by the total amount of contributing oil received in all Contracting States in the relevant year.

4. The Assembly shall decide the portion of the annual contribution which shall be immediately paid in cash and decide on the date of payment. The

remaining part of each annual contribution shall be paid upon notification by the Director.

5. The Director may, in cases and in accordance with conditions to be laid down in the Internal Regulations of the Fund, require a contributor to provide financial security for the sums due from him.

6. Any demand for payments made under paragraph 4 shall be called rateably from all individual contributors.

Article 13

1. The amount of any contribution due under Article 12 and which is in arrear shall bear interest at a rate which shall be determined by the Assembly for each calendar year provided that different rates may be fixed for different circumstances.

2. Each Contracting State shall ensure that any obligation to contribute to the Fund arising under this Convention in respect of oil received within the territory of that State is fulfilled and shall take any appropriate measures under its law, including the imposing of such sanctions as it may deem necessary, with a view to the effective execution of any such obligation; provided, however, that such measures shall only be directed against those persons who are under an obligation to contribute to the Fund.

3. Where a person who is liable in accordance with the provisions of Articles 10 and 11 to make contributions to the Fund does not fulfil his obligations in respect of any such contribution or any part thereof and is in arrear for a period exceeding three months, the Director shall take all appropriate action against such person on behalf of the Fund with a view to the recovery of the amount due. However, where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of the Director, decide that no action shall be taken or continued against the contributor.

Article 14

1. Each Contracting State may at the time when it deposits its instrument of ratification or accession or at any time thereafter declare that it assumes itself obligations that are incumbent under this Convention on any person who is liable to contribute to the Fund in accordance with Article 10, paragraph 1, in respect of oil received within the territory of that State. Such declaration shall be made in writing and shall specify which obligations are assumed.

2. Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with Article 40, it shall be deposited with the Secretary-General of the Organization who shall after the entry into force of the Convention communicate the declaration to the Director.

3. A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.

4. A declaration made in accordance with this Article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such notification shall take effect three months after the Director's receipt thereof.

5. Any State which is bound by a declaration made under this Article shall, in any proceedings brought against it before a competent court in respect of any obligation specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.

Article 15

1. Each Contracting State shall ensure that any person who receives contributing oil within its territory in such quantities that he is liable to contribute to the Fund appears on a list to be established and kept up to date by the Director in accordance with the subsequent provisions of this Article.

2. For the purposes set out in paragraph 1, each Contracting State shall

communicate, at a time and in the manner to be prescribed in the Internal Regulations, to the Director the name and address of any person who in respect of that State is liable to contribute to the Fund pursuant to Article 10, as well as data on the relevant quantities of contributing oil received by any such person during the preceding calendar year.

3. For the purposes of ascertaining who are, at any given time, the persons liable to contribute to the Fund in accordance with Article 10, paragraph 1, and of establishing, where applicable, the quantities of oil to be taken into account for any such person when determining the amount of his contribution, the list shall be *prima facie* evidence of the facts stated therein.

Organization and Administration

Article 16

The Fund shall have an Assembly, a Secretariat headed by a Director and, in accordance with the provisions of Article 21, an Executive Committee.

Assembly

Article 17

The Assembly shall consist of all Contracting States to this Convention.

Article 18

The functions of the Assembly shall, subject to the provisions of Article 26, be:

1. to elect at each regular session its Chairman and two Vice-Chairmen who shall hold office until the next regular session;
2. to determine its own rules of procedure, subject to the provisions of this Convention;
3. to adopt International Regulations necessary for the proper functioning of the Fund;
4. to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;
5. to adopt the annual budget and fix the annual contributions;
6. to appoint auditors and approve the accounts of the Fund;
7. to approve settlements of claims against the Fund, to take decisions in respect of the distribution among claimants of the available amount of compensation in accordance with Article 4, paragraph 5, and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of pollution damage are compensated as promptly as possible;
8. to elect the members of the Assembly to be represented on the Executive Committee, as provided in Articles 21, 22 and 23;
9. to establish any temporary or permanent subsidiary body it may consider to be necessary;
10. to determine which non-Contracting States and which inter-governmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly, the Executive Committee, and subsidiary bodies;
11. to give instructions concerning the administration of the Fund to the Director, the Executive Committee and subsidiary bodies;
12. to review and approve the reports and activities of the executive Committee;
13. to supervise the proper execution of the Convention and of its own decisions;
14. to perform such other functions as are allocated to it under the Convention or are otherwise necessary for the proper operation of the Fund.

Article 19

1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director; provided, however, that if the Assembly allocates to the Executive Committee the functions specified in Article 18, paragraph 5, regular sessions of the Assembly shall be held once every two years.

2. Extraordinary sessions of the Assembly shall be convened by the Director at the request of the Executive Committee or of at least one-third of the members of the Assembly and may be convened on the Director's own initiative after consultation with the Chairman of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

Article 20

A majority of the members of the Assembly shall constitute a quorum for its meetings.

Executive Committee

Article 21

The Executive Committee shall be established at the first regular session of the Assembly after the date on which the number of Contracting States reaches fifteen.

Article 22

1. The Executive Committee shall consist of one-third of the members of the Assembly but of not less than seven or more than fifteen members. Where the number of members of the Assembly is not divisible by three, the one-third referred to shall be calculated on the next higher number which is divisible by three.

2. When electing the members of the Executive Committee the Assembly shall:

- (a) secure an equitable geographical distribution of the seats on the Committee on the basis of an adequate representation of Contracting States particularly exposed to the risks of oil pollution and of Contracting States having large tanker fleets; and
- (b) elect one half of the members of the Committee, or in case the total number of members to be elected is uneven, such number of the members as is equivalent to one half of the total number less one, among those Contracting States in the territory of which the largest quantities of oil to be taken into account under Article 10 were received during the preceding calendar year, provided that the number of States eligible under this sub-paragraph shall be limited as shown in the table below:

Total number of Members on the Committee	Number of States eligible under sub-paragraph (b)	Number of States to be elected under sub-paragraph (b)
7	5	3
8	6	4
9	6	4
10	8	5
11	8	5
12	9	6
13	9	6
14	11	7
15	11	7

3. A member of the Assembly which was eligible but was not elected under sub-paragraph (b) shall not be eligible to be elected for any remaining seat on the Executive Committee.

Article 23

1. Members of the Executive Committee shall hold office until the end of the next regular session of the Assembly.

2. Except to the extent that may be necessary for complying with the requirements of Article 22, no State Member of the Assembly may serve on the Executive Committee for more than two consecutive terms.

Article 24

The Executive Committee shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either on his own initiative or at the request of its Chairman or of at least one-third of its members. It shall meet at such places as may be convenient.

Article 25

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings.

Article 26

1. The functions of the Executive Committee shall be:

- (a) to elect its Chairman and adopt its own rules of procedure, except as otherwise provided in this Convention;
- (b) to assume and exercise in place of the Assembly the following functions:
 - (i) making provision for the appointment of such personnel, other than the Director, as may be necessary and determining the terms and conditions of service of such personnel;
 - (ii) approving settlements of claims against the Fund and taking all other steps envisaged in relation to such claims in Article 18, paragraph 7;
 - (iii) giving instructions to the Director concerning the administration of the Fund and supervising the proper execution by him of the Convention, of the decisions of the Assembly and of the Committee's own decisions; and
- (c) to perform such other functions as are allocated to it by the Assembly.

2. The Executive Committee shall each year prepare and publish a report of the activities of the Fund during the previous calendar year.

Article 27

Members of the Assembly who are not members of the Executive Committee shall have the right to attend its meetings as observers.

Secretariat

Article 28

1. The Secretariat shall comprise the Director and such staff as the administration of the Fund may require.

2. The Director shall be the legal representative of the Fund.

Article 29

1. The Director shall be the chief administrative officer of the Fund and shall, subject to the instructions given to him by the Assembly and by the Executive Committee, perform those functions which are assigned to him by this

Convention, the Internal Regulations, the Assembly and the Executive Committee.

2. The Director shall in particular:

- (a) appoint the personnel required for the administration of the Fund;
- (b) take all the appropriate measures with a view to the proper administration of the Fund's assets;
- (c) collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;
- (d) to the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;
- (e) take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the Internal Regulations, including the final settlement of claims without the prior approval of the Assembly or the Executive Committee where these Regulations so provide;
- (f) Prepare and submit to the Assembly or to the Executive Committee, as the case may be, the financial statements and budget estimates for each calendar year;
- (g) assist the Executive Committee in the preparation of the report referred to in Article 26, paragraph 2;
- (h) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Executive Committee and subsidiary bodies.

Article 30

In the performance of their duties the Director and the staff and experts appointed by him shall not seek or receive instructions from any Government or from any authority external to the Fund. They shall refrain from any action which might reflect on their position as international officials. Each Contracting State on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by him, and not to seek to influence them in the discharge of their duties.

Finances

Article 31

1. Each Contracting State shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Executive Committee and on subsidiary bodies.

2. Any other expenses incurred in the operation of the Fund shall be borne by the Fund.

Voting

Article 32

The following provisions shall apply to voting in the Assembly and the Executive Committee:

- (a) each member shall have one vote;
- (b) except as otherwise provided in Article 33, decisions of the Assembly and the Executive Committee shall be by a majority vote of the members present and voting;
- (c) decisions where a three-fourths or a two-thirds majority is required shall be by a three-fourths or two-thirds majority vote, as the case may be, of those present;
- (d) for the purpose of this Article the phrase "members present" means "members present at the meeting at the time of the vote", and the phrase

“members present and voting” means “members present and casting an affirmative or negative vote”. Members who abstain from voting shall be considered as not voting.

Article 33

1. The following decisions of the Assembly shall require a three-fourths majority:

- (a) an increase in accordance with Article 4, paragraph 6, in the maximum amount of compensation payable by the Fund;
- (b) a determination, under Article 5, paragraph 4, relating to the replacement of the Instruments referred to in that paragraph;
- (c) the allocation to the Executive Committee of the functions specified in Article 18, paragraph 5.

2. The following decisions of the Assembly shall require a two-thirds majority:

- (a) a decision under Article 13, paragraph 3, not to take or continue action against a contributor;
- (b) the appointment of the Director under Article 18, paragraph 4;
- (c) the establishment of subsidiary bodies, under Article 18, paragraph 9.

Article 34

1. The Fund, its assets, income, including contributions, and other property shall enjoy in all Contracting States exemption from all direct taxation.

2. When the Fund makes substantial purchases of movable or immovable property, or has important work carried out which is necessary for the exercise of its official activities and the cost of which includes indirect taxes or sales taxes, the Governments of Member States shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes.

3. No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.

4. The Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported except on conditions agreed by the Government of that country.

5. Persons contributing to the Fund and victims and owners of ships receiving compensation from the Fund shall be subject to the fiscal legislation of the State where they are taxable, no special exemption or other benefit being conferred on them in this respect.

6. Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the Fund except in so far as it may be strictly necessary to enable the Fund to carry out its functions including the bringing and defending of legal proceedings.

7. Independently of existing or future regulations concerning currency or transfers, Contracting States shall authorize the transfer and payment of any contribution to the Fund and of any compensation paid by the Fund without any restriction.

Transitional Provisions

Article 35

1. The Fund shall incur no obligation whatsoever under Article 4 or 5 in respect of incidents occurring within a period of one hundred and twenty days after the entry into force of this Convention.

2. Claims for compensation under Article 4 and claims for indemnification under Article 5, arising from incidents occurring later than one hundred and twenty days but not later than two hundred and forty days after the entry into

force of this Convention may not be brought against the Fund prior to the elapse of the two hundred and fortieth day after the entry into force of this Convention.

Article 36

The Secretary-General of the Organization shall convene the first session of the Assembly. This session shall take place as soon as possible after entry into force of this Convention, and, in any case, not more than thirty days after such entry into force.

Final Clauses

Article 37

1. This Convention shall be open for signature by the States which have signed or which accede to the Liability Convention, and by any State represented at the Conference on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. The Convention shall remain open for signature until December 31, 1972.

2. Subject to paragraph 4, this Convention shall be ratified, accepted or approved by the States which have signed it.

3. Subject to paragraph 4, this Convention is open for accession by States which did not sign it.

4. This Convention may be ratified, accepted, approved or acceded to, only by States which have ratified, accepted, approved or acceded to the Liability Convention.

Article 38

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention with respect to all existing Contracting States or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article 39

Before this Convention comes into force a State shall, when depositing an instrument referred to in Article 38, paragraph 1, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

Article 40

1. This Convention shall enter into force on the ninetieth day following the date on which the following requirements are fulfilled:

(a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, and

(b) the Secretary-General of the Organization has received information in accordance with Article 39 that those persons in such States who would be liable to contribute pursuant to Article 10 have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, this Convention shall not enter into force before the Liability Convention has entered into force.

3. For each State which subsequently ratifies, accepts, approves or accedes to it, this Convention shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article 41

1. This Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Liability Convention shall be deemed to be a denunciation of this Convention. Such denunciation shall take effect on the same date as the denunciation of the Liability Convention takes effect according to paragraph 3 of Article XVI of that Convention.

5. Notwithstanding a denunciation by a Contracting State pursuant to this Article, any provisions of this Convention relating to the obligations to make contributions under Article 10 with respect to an incident referred to in Article 12, paragraph 2(b), and occurring before the denunciation takes effect shall continue to apply.

Article 42

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.

2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions for the remaining Contracting States.

3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which that denunciation takes effect, denounce this Convention with effect from the same date.

Article 43

1. This Convention shall cease to be in force on the date when the number of Contracting States falls below three.

2. Contracting States which are bound by this Convention on the date before the day it ceases to be in force shall enable the Fund to exercise its functions as described under Article 44 and shall, for that purpose only, remain bound by this Convention.

Article 44

1. If this Convention ceases to be in force, the Fund shall nevertheless

(a) meet its obligations in respect of any incident occurring before the Convention ceased to be in force;

(b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under sub-paragraph

- (a), including expenses for the administration of the Fund necessary for this purpose.
- 2. The Assembly shall take all appropriate measures to complete the winding up on the Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.
- 3. For the purposes of this Article the Fund shall remain a legal person.

Article 45

- 1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.
- 2. The Organization shall convene a Conference of the Contracting States for the purpose of revising or amending this Convention at the request of not less than one-third of all Contracting States.

Article 46

- 1. This Convention shall be deposited with the Secretary-General of the Organization.
- 2. The Secretary-General of the Organization shall:
 - (a) inform all States which have signed or acceded to this Convention of:
 - (i) each new signature or deposit of instrument and the date thereof;
 - (ii) the date of entry into force of the Convention;
 - (iii) any denunciation of the Convention and the date on which it takes effect;
 - (b) transmit certified true copies of this Convention to all Signatory States and to all States which accede to the Convention.

Article 47

As soon as this Convention enters into force, a certified true copy thereof 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.

Article 48

This Convention is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

In witness whereof the undersigned plenipotentiaries⁹ being duly authorized for that purpose have signed the present Convention.

Done at Brussels this eighteenth day of December one thousand nine hundred and seventy-one.

PROTOCOL TO THE INTERNATIONAL CONVENTION ON THE
ESTABLISHMENT OF AN INTERNATIONAL FUND FOR
COMPENSATION FOR OIL POLLUTION DAMAGE, 1971

The Parties to the present Protocol,

Having considered the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on December 18, 1971;

Have agreed as follows:

Article I

For the purpose of the present Protocol:

1. "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.
2. "Liability Convention" has the same meaning as in the Convention.
3. "Organization" has the same meaning as in the Convention.
4. "Secretary-General" means the Secretary-General of the Organization.

Article II

Article 1, paragraph 4 of the Convention is replaced by the following text:

"Unit of Account" or "Monetary Unit" means the unit of account or monetary unit as the case may be, referred to in Article V of the Liability Convention, as amended by the Protocol thereto adopted on November 19, 1976.

Article III

The amounts referred to in the Convention shall wherever they appear be amended as follows:

(a) Article 4:

- (i) "450 million francs" is replaced by "30 million units of account or 450 million monetary units";
- (ii) "900 million francs" is replaced by "60 million units of account or 900 million monetary units".

(b) In Article 5:

- (i) "1,500 francs" is replaced by "100 units of account or 1,500 monetary units";
- (ii) "125 million francs" is replaced by "8,333,000 units of account or 125 million monetary units";
- (iii) "2,000 francs" is replaced by "133 units of account or 2,000 monetary units";
- (iv) "210 million francs" is replaced by "14 million units of account or 210 million monetary units".

(c) In Article 11, "75 million francs" is replaced by "5 million units of account or 75 million monetary units".

(d) In Article 12, "15 million francs" is replaced by "1 million units of account or 15 million monetary units".

Article IV

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions in the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, held in London from November 17 to 19, 1976. The Protocol shall be open for signature from February 1, 1977 to December 31, 1977 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article V

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

Article VI

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which the following requirements are fulfilled:

- (a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General, and
- (b) the Secretary-General has received information in accordance with Article 39 of the Convention that those persons in such States who would be liable to contribute pursuant to Article 10 of the Convention have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, the present Protocol shall not enter into force before the Convention has entered into force.

3. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article VII

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

Article VIII

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

Article IX

1. The present Protocol shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument together with the date thereof;
 - (ii) the date of entry into force of the present Protocol;
 - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
 - (iv) any amendments to the present Protocol;
 - (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article X

As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XI

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

Done at London this nineteenth day of November one thousand nine hundred and seventy-six.

In witness whereof the undersigned* being duly authorized for that purpose have signed the present Protocol.

ประวัติผู้เขียน

นางสาวสมพรพรรณ พุทธิพงษ์ธนกุล เกิดวันที่ 10 กุมภาพันธ์ 2507 จบการศึกษา
ชั้นมัธยมศึกษาปีที่ 4 จากโรงเรียนเขมะสิริอนุสสรณ์ สอบเทียบเข้ามัธยมศึกษาปีที่ 5 ได้ สำเร็จ
การศึกษานิติศาสตรบัณฑิต (เกียรตินิยมอันดับสอง) จากคณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์
ปีการศึกษา 2527 เคยทำงานเป็นผู้ช่วยผู้บริหาร บริษัท ธนสถาปนา จำกัด

