CONTRIBUTION OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) TO THE SECRETARY-GENERAL'S REPORT ON OCEANS AND THE LAW OF THE SEA

(Assembly resolution A/RES/58/240)

PRELIMINARY CONSIDERATIONS

In accordance with the request made by the Legal Counsel, Under-Secretary-General for Legal Affairs of the United Nations in his letter to the Secretary-General of IMO dated 30 December 2003, this contribution focus on major developments on ocean issues within the areas of competence of IMO during the year 2003.

Issues have been selected bearing in mind the outcome of the 5th. meeting of the United Nations Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS).

The 1982 Convention on the Law of the Sea is referred throughout this contribution as "UNCLOS" or "the Convention".

I

THE GLOBAL MANDATE OF IMO IN THE FIELD OF SAFETY OF NAVIGATION AND PREVENTION OF MARINE POLLUTION FROM VESSELS' SOURCE

During the year 2003 IMO continued focusing its activities on the adoption and implementation of international rules and standards for the safety of navigation, prevention of the pollution of the marine environment from vessels' source, and maritime security. It also intensified its treaty making activity aimed at ensuring that prompt and adequate compensation is paid to victims of maritime accidents.

Although IMO is explicitly mentioned in only one of the articles of UNCLOS (article 2 of Annex VIII), several provisions in the Convention refer to the "competent international organization" to adopt international shipping rules and standards in matters concerning maritime safety, efficiency of navigation and the prevention and control of marine pollution from vessels and by dumping.

In such cases the expression "competent international organization", when used in the singular in UNCLOS, applies exclusively to IMO, bearing in mind the global mandate of the Organization as a specialized agency within the United Nations system established by the Convention on the International Maritime Organization (the "IMO Convention").

The wide acceptance and uncontested legitimacy of IMO's universal mandate

II

SAFETY OF NAVIGATION

MARITIME SECURITY

In paragraph 34 of resolution 58/240, the General Assembly invites the International Maritime Organization to strengthen its functions with regard to port State control in relation to safety and pollution standards as well as maritime security regulations.

A new, comprehensive security regime for international shipping is set to enter into force in July 2004 following the adoption by the Conference of a series of measures to strengthen maritime security and prevent and suppress acts of terrorism against shipping. The Conference adopted a number of amendments to the 1974 Safety of Life at Sea Convention (SOLAS), the most far-reaching of which enshrines the new International Ship and Port Facility Security Code (ISPS Code). The Code contains detailed security-related requirements for Governments, port authorities and shipping companies in a mandatory section (Part A), together with a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B). The Conference also adopted a series of resolutions designed to add weight to the amendments, encourage the application of the measures to ships and port facilities not covered by the Code and pave the way for future work on the subject.

The ISPS Code takes the approach that ensuring the security of ships and port facilities is basically a risk management activity and that to determine what security measures are appropriate, an assessment of the risks must be made in each particular case.

The purpose of the Code is to provide a standardized, consistent framework for evaluating risk, enabling governments to offset changes in threat with changes in vulnerability for ships and port facilities.

To begin the process, each Contracting Government will conduct port facility security assessments. Security assessments will have three essential components. First, they must identify and evaluate important assets and infrastructures that are critical to the port facility as well as those areas or structures that, if damaged, could cause significant loss of life or damage to the port facility's economy or environment. Then, the assessment must identify the actual threats to those critical assets and infrastructure in order to prioritise security measures. Finally, the assessment must address vulnerability of the port facility by identifying its weaknesses in physical security, structural integrity, protection systems, procedural policies, communications systems, transportation infrastructure, utilities, and other areas within a port facility that may be a likely target. Once this assessment has been completed, Contracting Government can accurately evaluate risk.

This risk management concept will be embodied in the Code through a number of minimum functional security requirements for ships and port facilities. For ships, these requirements will include:

ship security plans
ship security officers
company security officers
certain onboard equipment

For port facilities, the requirements will include:
port facility security plans
port facility security officers
certain security equipment

In addition the requirements for ships and for port facilities include:
monitoring and controlling access
monitoring the activities of people and cargo
ensuring security communications are readily available

Because each ship (or class of ship) and each port facility present different risks, the method in which they will meet the specific requirements of this Code will be determined and eventually be approved by the Administration or Contracting Government, as the case may be.

In order to communicate the threat at a port facility or for a ship, the Contracting Government will set the appropriate security level. Security levels 1, 2, and 3 correspond to normal, medium, and high threat situations, respectively. The security level creates a link between the ship and the port facility, since it triggers the implementation of appropriate security measures for the ship and for the port facility.

The preamble to the Code states that, as threat increases, the only logical counteraction is to reduce vulnerability. The Code provides several ways to reduce vulnerabilities. Ships will be subject to a system of survey, verification, certification, and control to ensure that their security measures are implemented. This system will be based on a considerably expanded control system as stipulated in the 1974 Convention for Safety of Life at Sea (SOLAS). Port facilities will also be required to report certain security related information to the Contracting Government concerned, which in turn will submit a list of approved port facility security plans, including location and contact details to IMO.

Under the terms of the Code, shipping companies will be required to designate a Company Security Officer for the Company and a Ship Security Officer for each of its ships. The Company Security Officer's responsibilities include ensuring that a Ship Security Assessment is properly carried out, that Ship Security Plans are prepared and submitted for approval by (or on behalf of) the Administration and thereafter is placed on board each ship.

The Ship Security Plan should indicate the operational and physical security measures the ship itself should take to ensure it always operates at security level 1. The plan should also indicate the additional, or intensified, security measures the ship itself can take to move to and operate at security level 2 when instructed to do so. Furthermore, the plan should indicate the possible preparatory actions the ship could

take to allow prompt response to instructions that may be issued to the ship at security level 3.

Ships will have to carry an International Ship Security Certificate indicating that they comply with the requirements of SOLAS chapter XI-2 and part A of the ISPS Code. When a ship is at a port or is proceeding to a port of Contracting Government, the Contracting Government has the right, under the provisions of regulation XI-2/9, to exercise various cont

compliance measures. It is also responsible for communicating information to the International Maritime Organization and to the shipping and port industries.

Contracting Governments can designate, or establish, Designated Authorities within Government to undertake their security duties and allow Recognised Security Organisations to carry out certain work with respect to port facilities, but the final decision on the acceptance and approval

The regulation requires Administrations to set security levels and ensure the provision of security level information to ships entitled to fly their flag. Prior to entering a port, or whilst in a port, within the territory of a Contracting Government, a ship shall comply with the requirements for the security level set by that Contracting Government, if that security level is higher than the security level set by the Administration for that ship.

Regulation XI-2/4 confirms the role of the Master in exercising his professional judgement over decisions necessary to maintain the security of the ship. It says he shall not be constrained by the Company, the charterer or any other person in this respect.

Regulation XI-2/5 requires all ships to be provided with a ship security alert system, according to a strict timetable that will see most vessels fitted by 2004 and the remainder by 2006. When activated the ship security alert system shall initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised. The system will not raise any alarm on-board the ship. The ship security alert system shall be capable of being activated from the navigation bridge and in at least one other location.

Regulation XI-2/6 covers requirements for port facilities, providing among other things for Contracting Governments to ensure that port facility security assessments are carc1

text. In particular, a decision was needed on whether a tacit amendment process was appropriate for amending the Annex in the draft protocol, and secondly on whether, if such a process was introduced, the process should be along the lines set out in the current draft or follow the formula used in other IMO Conventions. The Committee noted that the tacit amendment process had been employed in IMO instruments for some time for amending technical matters, and, more recently, for amending limitation amounts in liability and compensation conventions.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

General

During the period under review, the Committee continued monitoring developments concerning piracy and armed robbery against ships on the basis of statistical information, progress in the implementation of the anti-piracy projects run by the Organization and devised plans for future action, as outlined in the following paragraphs.

Statistical information

Based on statistical information provided by the Secretariat at MSC 77, the Committee noted that the number of acts of piracy and armed robbery against ships, which had occurred during the calendar year of 2002, as reported to the Organization, amounted to 383 representing an increase of nearly 4% over the annual figure for 2001. This brought the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of March 2003, to 3,041.

In further considering the statistical information for the period between 1 January and 31 December 2002, MSC 77 noted with deep concern that twelve ships had been hijacked and eight ships had gone missing. From the reports received, it had also emerged that the areas most affected in 2002 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean and West and East Africa. Over the same year, the number of acts reported to have occurred or to have been attempted had increased from 2 to 3 in the Mediterranean Sea, from 120 to 140 in the South China Sea, from 23 to 67 in South America and the Caribbean and from 22 to 24 in East Africa. However, it had decreased from 58 to 47 in West Africa, from 58 to 34 in the Malacca Strait and from 86 to 66 in the Indian Ocean, over the 2001 figures. Most of the attacks worldwide were reported to have occurred or to have beenCe o Am

with responsibility for identified high risk areas, to promulgate appropriate security advice to port facilities within their territory, as well as to ships prior to entering a port or whilst in a port within their territory (as required by the new SOLAS regulation XI-2/3).

The Committee, having observed that, although after the 11 September 2001 attacks emphasis had been placed on security, the issue of piracy and armed robbery against ships continued to cast a black spot on the image of the shipping industry as a whole, urged, once again, all Governments and the industry to intensify their efforts to eradicate these unlawful acts.

Implementation of the anti-piracy project and co-ordinated plan of action for future activities

At MSC 76, the delegation of the United Kingdom, supported by other delegations, outlined the need for the Organization to assess the progress made so far in the implementation of the 1998 anti-piracy project following the conclusion of the assessment and evaluation mission phase to Singapore, Guayaquil (Ecuador) and

assessment and advisory services as well as in the form of national seminars and workshops for training purposes.

At MSC 77, the Committee also endorsed, in addition to the sub-regional/regional meetings referred to above

.1 approved the proposed draft amendments to the SOLAS and SAR Conventions and associated draft MSC resolutions, with a view to adoption at MSC 78;

.2 established a correspondence group co-ordinated by the United States to prepare draft guidelines based on a proposed outline and report to COMSAR 8; and

.3 instructed COMSAR 8 to finalize the draft guidelines referred to in the proposed draft amendments to the SOLAS and SAR Conventions and submit them to MSC 78 for appropriate action.

The ninetieth session of the Council congratulated the Maritime Safety, Legal and Facilitation Committees on the significant progress made in their consideration of a complex, complicated and sensitive issue with humanitarian connotations and also congratulated the Secretary-General for progress made in his initiative to seek co-ordination in the response of United Nations specialized agencies and programmes

At MSC 76, the Committee noted the progress the NAV Sub-Committee had made in the preparation of draft Guidelines and authorized that Sub-Committee to submit the final text of the two draft resolutions directly to the 23rd session for the Assembly after it had taken into account any proposals and comments by MSC 77, COMSAR 7, MEPC and the Legal Committee.

MSC 76 also invited the Legal Committee to consider the work in progress from the point of view of issues within its competence and, in particular, with respect to the provision of financial security to cover either expenses which the coastal State might have incurred or to provide adequate compensation to meet any liabilities of the shipowner which might arise. At MSC 77, the Committee noted that, at LEG 86, there had been wide agreement that ships in distress situations were covered by the

publication, dissemination and keeping up to date of all nautical information necessary for safe navigation. In particular Governments are requested to prepare and issue nautical charts, sailing directions, lists of lights, tide tables and other nautical publications, where applicable, satisfying the need of safe navigation. , They should also promulgate notice to mariners in order that nautical charts and publications are kept, as far as possible up to date. Regulation 9 also requires that Governments provide data management arrangement to support these services. Contracting Governments should in accordance to paragraph 2 of new regulation 9 undertake to ensure the greatest possible uniformity in charts and nautical publications and to take into account , whenever possible, relevant international resolutions and recommendations.

In order to help full implementation of new SOLAS regulation V (9) the International Hydrographic Organization (IHO) in liaison with the IMO Secretariat, prepared a revised resolution A.958 (23) on provision of hydrographic services which was adopted by the IMO Assembly.

The resolution recommends that Governments take all necessary measures to arrange for or encourage the prompt transmission of new hydrographic information to the International Hydrographic Bureau or to the hydrographic authorities in those countries which issue charts covering waters off their shores and otherwise ensure the earliest and widest dissemination of hydrographic information. It also invites Governments ensure that hydrographic surveying is carried out, as far as possible, adequate to the requirements of safe navigation and according to the hydrographic survey standards established by the IHO. Governments are also invited to:

prepare and issue nautical charts, sailing directions, lists of lights, tide tables and other nautical publications, where applicable, satisfying the needs of safe navigation taking into account the appropriate resolutions and recommendations adopted by the IHO;

promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date;

provide data management arrangements to support these services;

establish Hydrographic Offices, where they do not exist, in consultation with the IHO.

PROPOSED IMO MODEL AUDIT SCHEME

In paragraph 30 of resolution A/58/240, the General Assembly *Encourages* the acceleration of the work of the International Maritime Organization in developing a voluntary model audit scheme and urges the Organization to strengthen its draft implementation code.

At its 23rd

The supplementary fund will apply to damage in the territory, including the territorial sea, of a Contracting State and in the exclusive economic zone of a Contracting State.

Annual contributions to the Fund will be made in respect of each Contracting State by any person who, in any calendar year, has received total quantities of oil exceeding 150,000 tons. However, for the purposes of the Protocol, there is a minimum aggregate receipt of 1,000,000 tons

and requests IMO to take action as necessary based on the outcome of the deliberations of the 1992 Fund Assembly.

DRAFT CONVENTION ON WRECK REMOVAL

At its eighty-sixth session, the Legal Committee continued with its consideration of the development of the draft wreck removal convention (WRC). The Committee based its consideration on submissions concerning the results of intersessional consultations which highlighted two major issues which required resolution by the Committee, namely, jurisdiction in respect of the removal of wrecks and compulsory insurance or evidence of financial security. The Committee also took into consideration a submission by the Secretariat which noted that IMO's competence to consider and adopt a treaty regulating coastal State intervention in the EEZ for the purposes of wreck removal coincides with IMO's universal mandate to adopt global regulations for the safety of navigation and the prevention of marine pollution; and the United Nations Convention on the Law of the Sea (UNCLOS) does not inhibit the development of new treaty instruments, which IMO may develop even if the UNCLOS is silent on this matter, provided only that any such instruments are not inconsistent with the provisions of UNCLOS.

In the course of its discussion on Jurisdiction, the Committee overwhelmingly endorsed the views stated by the Secretariat on the mandate of IMO to adopt rules concerning coastal State intervention powers to regulate wreck removal in the EEZ, provided that any such rules did not conflict with the principles contained in UNCLOS.

Broad support was expressed in general for article 10 of the draft WRC and, in particular, there was general agreement that paragraph 9 of this article, which obliges States parties to ensure that their registered owners comply with obligations to

Working Group at its eighty-seventh session, together with the revised draft WRC articles, and to allocate sufficient time for this discussion.

At its eighty-seventh session, the Legal Committee continued with its consideration of the development of the draft wreck removal convention (DWRC). The Committee based its consideration on a submission by the Netherlands, as lead country for the intersessional consultations, which highlighted the major issues that required resolution by the Committee, namely: reporting requirements; exclusion of acts of terrorism; relationship to other liability instruments; and safeguarding sovereign rights on the high seas. The Committee also considered a submission on the need to reconcile the DWRC with the United Nations Convention on the Law of the Sea, 1982 (UNCLOS), particularly on the issue of flag State consent. In this connection, the co-sponsors proposed the addition of a new paragraph in article 10 to provide for flag State consent to the exercise of jurisdiction by a coastal State, where such jurisdiction is not provided for under other existing treaties.

With regard to reporting requirements, the Committee requested the Working Group to examine whether the obligation to report should be placed on the registered owner or whether it might be better for other parties, such as the operator or the manager of the ship, to assume this obligation. The Working Group was also directed to discuss whether to insert a time limit for reporting.

Concerning the exclusion of acts of terrorism, the Committee, after an initial consideration, decided that this issue required further consideration by the Working Group.

With regard to the relationship to other liability instruments, the Committee agreed in principle on the need to avoid double compensation for the location, marking and removal of wrecks and requested the Working Group to examine this further, taking into account that there may also be situations in which, although the matter might be within the scope of another liability convention, that convention might exclude the award of compensation.

Concerning safeguarding sovereign rights on the high seas, the Committee considered a proposal developed during the intersessional consultations. The Committee agreed that the proposed text reflected a general principle of treaty law, to the effect that States Parties under the draft convention were not entitled to claim sovereign rights over any part of the high seas. However, given the diverse views expressed on the necessity to restate that principle in the DWRC, the Committee requested the Working Group to consider the matter further. oer convention67al4Ea,4nd.40 TD0 495.3(th0.125

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by the Committee. The Committee reached agreement on some of that text, while it deferred consideration of several issues

After extensive discussions, MEPC 49 gave in-principle endorsement to the proposal for the Western European waters PSSA, which will be further considered for designation at MEPC 52 in October 2004.

At its 87th session, the Legal Committee considered ta submission on legal implications of the proposal to designate a Western European PSSA and its associated protective measure. The Committee also noted the comments made by the Division for Ocean Affairs and the Law of the Sea of the United Nations (DOALOS) on the relationship of the PSSA designation and the United Nations Convention on the Law of the Sea (UNCLOS) in particular, article 211(6). At the request of the Committee these comments were reproduced as a Working Paper. The Committee noted that these comments were intended as a contribution to the debate and did not represent a conclusive opinion, as it was a matter for States to interpret the Convention.

Diverging views were expressed as to the validity of the WE PSSA, some agreeing that it exceeded the restrictive framework regulated by article 211(6) of UNCLOS, while others reaffirmed

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requirements and ballast water treatment standards, and developed a revised draft text of the Convention.

MEPC 48 recognised that substantial progress had been made by the Ballast Water Working Group in formulating the revised draft Convention which provides a sound framework for discussion at the Diplomatic Conference; however MEPC 48 considered that the draft Convention should be further reviewed by MEPC 49 in July 2003 and the draft text of the Convention should be circulated six months before the Diplomatic Conference.

As approved by the Council at its eighty-ninth session, a second intersessional meeting of the Ballast Water Working Group was held from 3 to 7 March 2003 to refine the draft Convention. The outcome of the intersessional meeting of the Working Group was presented to MEPC 49 for consideration.

MEPC 49 conducted an article-by-article review of the draft Convention, taking into account the report of the second intersessional meeting of the Ballast Water Working Group.

After an extensive discussion both in the plenary and in the Working Group on Ballast Water, MEPC 49 agreed with the draft Convention and decided to hold the diplomatic conference in February 2004 with a view to adopting the Convention in accordance with the timetable already approved by the Council.

SHIP RECYCLING

The Marine Environment Protection Committee has continued to consider matters relating to ship recycling and confirmed IMO's overall responsibility associated with ship recycling. It agreed at its 47th session that IMO, for the time being, should develop guidelines to be adopted by an Assembly resolution, while recognizing the need for continued co-opera

contribution is relatively small, ships nevertheless do emit greenhouse gases and, because they operate worldwide, IMO has been specifically requested to deal with

HARMFUL EFFECTS OF THE USE OF ANTI-FOULING PAINTS FOR SHIPS

At its 48th and 49th sessions the MEPC considered follow-up action to the adoption in October 2001 of the International Convention on the control of harmful anti-fouling systems on ships. Under the terms of the new Convention, Parties to the Convention are required to prohibit and/or restrict the use of harmful anti-fouling systems on ships flying their flag, as well as ships not entitled to fly their flag but which operate under their authority and all ships that enter a port, shipyard or offshore terminal of a Party.

The following three sets of guidelines were considered and adopted by MEPC 48 and MEPC 49 respectively:

.1 Guidelines for Survey and Certification of Anti-fouling Systems on Ships by resolution MEPC.102(48);

.2 Guidelines for brief sampling of anti-fouling systems by resolution MEPC.104(49); and

.3 Guidelines for inspections of ships anti-fouling systems by resolution MEPC.105(49).

The harmful environmental effects of organotin compounds were recognized by IMO in 1989. In 1990 IMO's Marine Environment Protection Committee (MEPC) adopted a resolution which recommended that Governments adopt measures to eliminate the use of anti-fouling paint containing TBT on non-aluminium hulled vessels of less than 25 metres in length and eliminate the use of anti-fouling paints with a leaching rate of more than four microgrammes of TBT per day.

In November 1999, IMO adopted an Assembly resolution that called on the MEPC to develop an instrument, legally binding throughout the world, to address the harmful effects of anti-fouling systems used on ships. The resolution called for a global prohibition on the application of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2003, and a complete prohibition by 1 January 2008.

The new convention will enter into force 12 months after 25 States representing 25% of the world's merchant shipping tonnage have ratified it.

Annex I attached to the Convention and adopted by the Conference states that by an effective date of 1 January 2003, all ships shall not apply or re-apply organotins compounds which act as biocides in anti-fouling systems.

By 1 January 2008 (effective date), ships either:

(a) shall not bear such compounds on their hulls or external parts or surfaces; or

(b) shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems.

This applies to all ships (excluding fixed and floating platforms, floating storage units (FSUs), and Floating Production Storage and Offtake units (FPSOs).

SINGLE-HULL TANKER PHASE-OUT

IMO has adopted a revised, accelerated phase-out scheme for single hull tankers, along with other measures including an extended application of the Condition Assessment Scheme (CAS) for tankers and a new regulation banning the carriage of Heavy Grade Oil (HGO) in single-hull tankers.

The amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) were adopted at the 50th session of IMO's Marine Environment

In the case of certain Category 2 or 3 oil tankers fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces, not meeting the minimum distance protection requirements, which are not used for the carriage of oil and extend to the entire cargo tank length, the Administration may allow continued operation beyond 2010, provided that the ship was in service on 1 July 2001, the Administration is satisfied by verification of the official records that the ship complied with the conditions specified and that those conditions remain unchanged. Again, such continued operation must not go beyond the date on which the ship reaches 25 years of age after the date of its delivery.

A new MARPOL regulation 13H on the prevention of oil pollution from oil tankers when carrying heavy grade oil (HGO) bans the carriage of HGO in single-hull tankers of 5,000 tons dwt and above after the date of entry into force of the regulation (5 April 2005), and in single-hull oil tankers of 600 tons dwt and above but less than 5,000 tons dwt, not later than the anniversary of their delivery date in 2008.

Under the new regulation, HGO means any of the following:
a) crude oils having a density at 15ºC higher than 900 kg/m3;
b) fuel oils having either a density at 15ºC higher than 900 kg/ m3 or a kinematic viscosity at 50ºC higher than 180 mm2/s;
c) bitumen, tar and their emulsions.

In the case of certain Category 2 or 3 tankers carrying heavy grade oil as cargo, fitted only with double bottoms or double sides, not used for the carriage of oil and extending to the entire cargo tank length, or double hull spaces not meeting the minimum distance protection requirements which are not used for the carriage of oil and extend to the entire cargo tank length, the Administration may allow continued operation of such ships beyond 5 April 2005 until the date on which the ship reaches 25 years of age after the date of its delivery.

Regulation 13(H) also allows for continued operation of oil tankers of 5,000 tons dwt and above, carrying crude oil with a density at 15ºC higher than 900 kg/ m3 but lower than 945 kg/ m3, if satisfactory results of the Condition Assessment Scheme warrant that, in the opinion of the Administration, the ship is fit to continue such operation, having regard to the size, age, operational area and structural conditions of the ship and provided that the continued operation shall not go beyond the date on which the ship reaches 25 years after the date of its delivery.

The Administration may allow continued operation of a single hull oil tanker of 600 tons deadweight and above but less than 5,000 tons deadweight, carrying heavy grade oil as cargo, if, in the opinion of the Administration, the ship is fit to continue such operation, having regard to the size, age, operational area and structural conditions of the ship, provided that the operation shall not go beyond the date on which the ship reaches 25 years after the date of its delivery.

The Administration of a Party to the present Convention may exempt an oil tanker of 600 tons deadweight and above carrying heavy grade oil as cargo if the ship is either engaged in voyages exclusively within an area under the Party's jurisdiction, or is engaged in voyages exclusively within an area under the jurisdiction of another

Party, provided the Party within whose jurisdiction the ship will be operating agrees. The same applies to vessels operating as floating storage units of heavy grade oil.

A Party to MARPOL 73/78 shall be entitled to deny entry of single hull tankers carrying heavy grade oil which have been allowed to continue operation under the exemptions mentioned above, into the ports or offshore terminals under its jurisdiction, or deny ship-to-ship transfer of heavy grade oil in areas under its jurisdiction except when this is necessary for the purpose of securing the safety of a ship or saving life at sea.

Resolutions adopted

The amendments to MARPOL regulation 13G, the addition of a new regulation 13H, consequential amendments to the IOPP Certificate and the amendments to the Condition Assessment Scheme were adopted by the Committee as MEPC Resolutions

Among other resolutions adopted by the Committee, another on early implementation urged Parties to MARPOL 73/78 seriously to consider the application of the amendments as soon as possible to ships entitled to fly their flag, without waiting for the amendments to enter into force and to communicate this action to the Organization. It also invited the maritime industry to implement the aforesaid amendments to Annex I of MARPOL 73/78 effectively as soon as possible.

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