

RESOLUTION MEPC.238(65)

Adopted on 17 May 2013

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

(Amendments to MARPOL Annexes I and II to make the RO Code mandatory)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International

Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL),

HAVING CONSIDERED the draft amendments to Annexes I and II of MARPOL to make the RO Code mandatory,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annexes I and II of MARPOL, the text of which is set out in the annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2014 unless, prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2015 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL certified copies of the present resolution and the text of the amendments contained in the annex;
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL copies of the present resolution and its annex.

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ANNEX

AMENDMENTS TO MARPOL ANNEXES I AND II

Amendments to MARPOL Annex I

Regulation 6

The existing text of the last sentence of paragraph 3.1 is replaced by the following:

"Such organizations, including classification societies, shall be authorized by the Administration in accordance with the provisions of the present Convention and with the Code for Recognized Organizations (RO Code), consisting of part 1 and part 2 (the provisions of which shall be treated as mandatory) and part 3 (the provisions of which shall be treated as recommendatory), as adopted by the Organization by [resolution MEPC.237\(65\)](#), as may be amended by the Organization, provided that:

.1 amendments to part 1 and part 2 of the RO Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to this annex;

.2 amendments to part 3 of the RO Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure; and

.3 any amendments referred to in .1 and .2 adopted by the Maritime Safety Committee and the Marine Environment

Protection Committee are identical and come into force or take effect at the same time, as appropriate."

Amendments to MARPOL Annex II

Regulation 8

The existing text of paragraph 2.2 is replaced by the following:

"Such organizations, including classification societies, shall be authorized by the Administration in accordance with the provisions of the present Convention and with the Code for Recognized Organizations (RO Code), consisting of part 1 and part 2 (the provisions of which shall be treated as mandatory) and part 3 (the provisions of which shall be treated as recommendatory), as adopted by the Organization by [resolution MEPC.237\(65\)](#), as may be amended by the Organization, provided that:

.1 amendments to part 1 and part 2 of the RO Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to this annex;

.2 amendments to part 3 of the RO Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure; and

.3 any amendments referred to in .1 and .2 adopted by the Maritime Safety Committee and the Marine Environment Protection Committee are identical and come into force or take effect at the same time, as appropriate."
