

RESOLUTION MEPC.36(28)

adopted by the Marine Environment Protection Committee on 17 October 1989

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

(Amendments to Annex V of MARPOL 73/78)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the committee,

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 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 73/78),

HAVING CONSIDERED, at its twenty-eighth session, amendments to the 1978 Protocol proposed and circulated in accordance with article 16(2)(a) of the 1973 convention,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 convention, amendments to the Annex of the 1978 Protocol, 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 17 August 1990, unless prior to this date one third or more of the parties, or the Parties the combined merchant fleets of which constitute fifty per cent or more of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the amendments shall enter into force on 18 February 1991 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 Annex V of the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the Annex;
5. FURTHER REQUESTS the Secretary-General to transmit to the members of the Organization which are not Parties to Annex V of the 1978 Protocol copies of the resolution and its annex.

ANNEX

TEXT OF AMENDMENTS TO REGULATIONS OF ANNEX V OF MARPOL 73/78

(Regulation 5 - Designation of the North Sea as a Special Area and Regulation 6 - Exemptions)

Regulation 5 - Discharge of Garbage within Special Areas

The introductory sentence was amended to read as follows:

"(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, the 'Gulfs area' and the North Sea area which are defined as follows:

New subparagraph (f) was added as follows:

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

- (i) the North Sea southwards of latitude 62° N and eastwards of longitude 40° W;
- (ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N; and
- (iii) the English Channel and its approaches eastwards of longitude 5° W" and northward of latitude 48°30'N.

Regulation 6 - Exemptions

Paragraph (c) was amended to read as follows:

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

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