

RESOLUTION MEPC.216(63)

Adopted on 2 March 2012

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

(Regional arrangements for port reception facilities under MARPOL Annexes I, II, IV and V)

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 73/78),

HAVING CONSIDERED draft amendments to Annexes I, II, IV and V of MARPOL 73/78,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annexes I, II, IV and V of MARPOL 73/78, 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 February 2013 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 August 2013 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 73/78 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 73/78 copies of the present resolution and its annex.

ANNEX

AMENDMENTS TO MARPOL ANNEXES I, II, IV AND V

1 New paragraphs 3bis and 4bis are added to regulation 38 of Annex I:

3bis Small Island Developing States may satisfy the requirements in paragraphs 1 to 3 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the arrangement shall consult with the Organization, for circulation to the Parties of the present Convention:

- .1 how the Regional Reception Facilities Plan takes into account the Guidelines;
- .2 particulars of the identified Regional Ships Waste Reception Centres; and
- .3 particulars of those ports with only limited facilities.

4bis Small Island Developing States may satisfy the requirements in paragraph 4 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the arrangement shall consult with the Organization for circulation to the Parties of the present Convention:

- .1 how the Regional Reception Facilities Plan takes into account the Guidelines;
- .2 particulars of the identified Regional Ships Waste Reception Centres; and
- .3 particulars of those ports with only limited facilities.

2 New paragraphs 2bis and 2ter are added to regulation 18 of Annex II:

2bis Small Island Developing States may satisfy the requirements in paragraphs 1, 2 and 4 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the arrangement shall consult with the Organization for circulation to the Parties of the present Convention:

- .1 how the Regional Reception Facilities Plan takes into account the Guidelines;
- .2 particulars of the identified Regional Ships Waste Reception Centres; and
- .3 particulars of those ports with only limited facilities.

2ter Where regulation 13 of this annex requires a prewash and the Regional Reception Facility Plan is applicable to the port of unloading, the prewash and subsequent discharge to a reception facility shall be carried out as prescribed in regulation 13 of this annex or at a Regional Ship Waste Reception Centre specified in the applicable Regional Reception Facility Plan.

3 New paragraph 1bis is added to regulation 12 of Annex IV:

1bis Small Island Developing States may satisfy the requirements in paragraph 1 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the arrangement shall consult with the Organization for circulation to the Parties of the present Convention:

- .1 how the Regional Reception Facilities Plan takes into account the Guidelines;
- .2 particulars of the identified Regional Ships Waste Reception Centres; and
- .3 particulars of those ports with only limited facilities.

4 New paragraph 2bis is added to regulation 8 of Annex V¹:

¹ Text of revised Annex V, adopted by resolution MEPC.201(62).

2bis Small Island Developing States may satisfy the requirements in paragraphs 1 and 2.1 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the Arrangement shall consult with the Organization for circulation to the Parties of the present Convention:

- .1 how the Regional Reception Facilities Plan takes into account the Guidelines;
- .2 particulars of the identified Regional Ships Waste Reception Centres; and
- .3 particulars of those ports with only limited facilities.
