

RESOLUTION MEPC.42(30)

adopted on 16 November 1990

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

(Designation of Antarctic area as a Special Area under Annexes I and 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 thirtieth session, amendments to the 1978 Protocol proposed and circulated in accordance with article 16(2)(a) of the 1973 Convention,

HAVING CONSIDERED ALSO the objective that all wastes are to be removed from the Antarctic area due to the ecological importance of the fragile ecosystems of the area,

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 16 September 1991, 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 17 March 1992 upon their acceptance in accordance with paragraph 2 above;

4. DECIDES that the requirements of regulation 10 of Annex I and regulation 5 of Annex V of MARPOL 73/78 in respect of the Antarctic area shall take effect on the day the amendments thereto, adopted under this resolution, enter into force, which is expected to be 17 March 1992;

5. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to Annexes I and V of MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in Annexes 1 and 2, respectively;

6. FURTHER REQUESTS the Secretary-General to transmit copies of the resolution and its Annexes to the Members of the Organization which are not Parties to Annexes I or V of MARPOL 73/78.

ANNEX 1

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

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 10 is amended to read as follows:

Regulation 10

Methods for 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, the "Gulfs area", the Gulf of Aden and the Antarctic area, which are defined as follows:

(a) - (f) No change.

(g) "The Antarctic area means the sea area south of 60° south latitude".

(2) Subject to the provisions of regulation 11 of this Annex:

(a) Any discharge into the sea of oil or oily mixture from any oil tanker and ship of 400 gross tonnage and above other than an oil tanker shall be prohibited, while in a special area. In respect of the Antarctic area, any discharge into the sea of oil or oily mixture from any ship shall be prohibited.

(b) Except as provided for in respect of the Antarctic area under subparagraph 2(a) of this regulation, any discharge into the sea of oil or oily mixture from a ship of less than 400 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:

(2)(b)(i), (ii), (iii) No change.

(3) - (7) No change.

(8) Notwithstanding paragraph (7) of this regulation, the following rules apply to the Antarctic area:

(a) The Government of each Party to the Convention at whose ports ships depart en route to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all sludge, dirty ballast, tank washing water, and other oily residues and mixtures from all ships, without causing undue delay, and according to the needs of the ships using them.

(b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, are fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area and have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

ANNEX 2

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

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 5 is amended to read as follows:

Regulation 5

Disposal of Garbage within 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, the "Gulfs area", the North Sea area and the Antarctic area, which are defined as follows:

(a) - (f) No change.

(g) The Antarctic area means the sea area south of 60° south latitude.

(2) - (4) No change.

(5) Notwithstanding paragraph 4 of this regulation, the following rules apply to the Antarctic area:

(a) The Government of each Party to the Convention at whose ports ships depart en route to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.

(b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.
