



MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
50th session  
Agenda item 3

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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS FIFTIETH SESSION**

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AND POLAND AFTER ADOPTION OF THE AMENDMENTS TO ANNEX I  
OF MARPOL 73/78

## 1 INTRODUCTION

1.1 The fiftieth session of the Marine Environment Protection Committee was held at IMO Headquarters on 1 and 4 December 2003 under the chairmanship of Mr. A. Chrysostomou (Cyprus).

1.2 The session was attended by delegations from:

ALBANIA	GHANA
ALGERIA	GREECE
ANGOLA	GUATEMALA
ANTIGUA AND BARBUDA	GUINEA
ARGENTINA	GUYANA
AUSTRALIA	HONDURAS
AUSTRIA	ICELAND
BAHAMAS	INDIA
BAHRAIN	IRAN (ISLAMIC REPUBLIC OF)
BANGLADESH	IRELAND
BARBADOS	ISRAEL
BELGIUM	ITALY
BENIN	JAMAICA
BOLIVIA	JAPAN
BRAZIL	JORDAN
BRUNEI DARUSSALAM	KENYA
BULGARIA	KUWAIT
CAMBODIA	LATVIA
CANADA	LEBANON
CAPE VERDE	LIBERIA
CHILE	LITHUANIA
CHINA	LUXEMBURG
COLOMBIA	MALAYSIA
CONGO	MALTA
COSTA RICA	MARSHALL ISLANDS
CROATIA	MAURITANIA
CUBA	MAURITIUS
CYPRUS	MEXICO
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	MOROCCO
DEMOCRATIC REPUBLIC OF CONGO	MOZAMBIQUE
DENMARK	NAMIBIA
DOMINICA	NETHERLANDS
ECUADOR	NEW ZEALAND
EGYPT	NICARAGUA
ESTONIA	NIGERIA
ETHIOPA	NORWAY
FINLAND	OMAN
FRANCE	PAKISTAN
GABON	PANAMA
GEORGIA	PERU
GERMANY	PHILIPPINES
	POLAND
	PORTUGAL

QATAR	SWEDEN
REPUBLIC OF KOREA	SWITZERLAND
ROMANIA	SYRIAN ARAB REPUBLIC
RUSSIAN FEDERATION	THAILAND
SAINT VINCENT AND THE GRENADINES	TUNISIA
SAUDI ARABIA	TURKEY
SENEGAL	UKRAINE
SERBIA AND MONTENEGRO	UNITED KINGDOM
SIERRA LEONE	UNITED REPUBLIC OF TANZANIA
SINGAPORE	UNITED STATES
SOUTH AFRICA	URUGUAY
SPAIN	VANUATU
SRI LANKA	VENEZUELA
SUDAN	VIETNAM
SURINAME	YEMEN

by representatives from the following Associate Members of IMO:

HONG KONG, CHINA  
MACAO, CHINA

by representatives from the following United Nations and Specialized Agencies:

UNITED NATIONS (UN)  
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)

by observers from the following intergovernmental organizations:

WORLD CUSTOMS ORGANIZATION (WCO)  
INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)  
EUROPEAN COMMISSION (EC)  
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT (ROPME)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)  
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND  
LIGHTHOUSE AUTHORITIES (IALA)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL MARITIME PILOTS ASSOCIATION (IMPA)  
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)  
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)

ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED  
(ITOPF)  
INTERNATIONAL ROAD TRANSPORT UNION (IRU)  
GREENPEACE INTERNATIONAL  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
(INTERCARGO)  
INTERNATIONAL MARITIME LECTURERS ASSOCIATION (IMLA)  
WORLD WIDE FUND FOR NATURE (WWF)  
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY  
(IMarEST)  
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
INTERNATIONAL SAILING FEDERATION (ISAF)  
INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)  
ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)

1.3 The Chairman of the Maritime Safety Committee (MSC), Mr. T. Allan (United Kingdom); the Chairman of the Legal Committee (LEG), Mr. A. H. E. Popp (Canada); the Chairman of the Technical Co-operation Committee (TCC), Captain M.U. Ahmed (Bangladesh); the Chairman of the Facilitation Committee (FAL), Mr. C. Abela (Malta); the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Z. Alam (Singapore); the Chairman of the Sub-Committee on Ship Design and Equipment (DE), Mr. I.M. Ponomarev (Russian Federation) and the Chairman of the Sub-Committee on Fire Protection (FP), Mr. K. Yoshida (Japan) were also present.

#### **The Secretary-General's opening remarks**

1.4 The Secretary-General welcomed participants and stated that MEPC 50 had been arranged at the earliest possible time allowed under the procedural requirements of the MARPOL Convention with a view to consideration for adoption of new amendments to MARPOL Annex I under the provisions of Article 16 of the Convention.

1.5 The Secretary-General referred to the swift actions he took in the aftermath of the **Prestige** incident to ensure that IMO could respond promptly to any measures that might be needed, including visits to the then President of the EU Transport Ministers' Council and the EU Transport Commissioner and communications with the flag State, coastal States and the classification society concerned. He also reactivated the Group of Experts to investigate the impact of the proposed measures, taking into account all aspects such as capacities of the shipbuilding and ship recycling industries, the economy of the tanker industry, commercial interests and the effects on the supply of oil by sea transportation.

1.6 The Secretary-General urged all delegations to work together so as to provide global solutions to the problems and encouraged them to search for realistic, pragmatic and well-balanced answers to the questions raised, so that any decisions they might take would not create adverse repercussions.

1.7 The Secretary-General stressed that shipping is an international industry serving the overwhelming percentage of global trade and the world economy and it is vital that any safety, security and pollution prevention and control standards affecting the industry must be developed and adopted by the international community through IMO.

1.8 The Secretary-General called on all delegations to work together to ensure the success of this extra session of the Committee so that the global regulatory framework established under the MARPOL Convention would not be violated.

## **Credentials**

1.9 The Committee noted the report of the Secretary-General that credentials of the delegations were in due and proper order.

## **2 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MARPOL 73/78**

2.1 The Committee recalled that, in the wake of **Prestige** incident, the 15 Member States of the European Union and the European Commission submitted to MEPC 49 (14 to 18 July 2003) proposed amendments to MARPOL Annex I calling for further acceleration of the phase-out schedule for single-hull tankers, a ban on the carriage of heavy grades of oil by single-hull tankers and an extended application of the Condition Assessment Scheme.

2.2 The Committee further recalled that the proposed amendments had been circulated by the Secretary-General of the Organization, in accordance with article 16(2)(a) of the MARPOL Convention, under cover of Circular letter No. 2458 of 10 April 2003.

2.3 The Committee noted that MEPC 49 considered the proposed amendments (MEPC 49/16/1) and, after extensive discussion, it developed a revised draft text of amendments to regulation 13G and a draft new regulation 13H of MARPOL Annex I, which deal with the phase-out of existing single-hull tankers and requirements for tankers when carrying heavy grades of oil. The Committee also developed a draft text of consequential amendments to the Condition Assessment Scheme. The basic texts of the proposed amendments for consideration by MEPC 50 are reproduced in document MEPC 50/2.

2.4 The Committee had before it 14 documents: MEPC 50/2 (Secretariat), MEPC 50/2/1 (Japan et al.), MEPC 50/2/2 (India), MEPC 50/2/3 (Russian Federation), MEPC 50/2/4 (United Kingdom), MEPC 50/2/5 (Japan), MEPC 50/2/6 (Japan), MEPC 50/2/7 (Japan), MEPC 50/2/8 (Japan), MEPC 50/2/9 (IACS), MEPC 50/2/10 (Brazil), MEPC 50/2/11 (INTERTANKO), MEPC 50/INF.2 (Secretariat), MEPC 50/INF.3 (Brazil) and MEPC 50/INF.4 (Secretariat).

2.5 In accordance with the decision by MEPC 49, the Committee, while using document MEPC 50/2 as the basis of its consideration, took into account all the submissions and the second and third reports of the Expert Group on Impact Assessment of the Proposed Amendments.

2.6 The Committee, recognizing the short time available for discussions in plenary and the importance of the proposed amendments, agreed to focus its consideration on a number of key issues in the proposed amendments to MARPOL Annex I and the Condition Assessment Scheme as identified by the Chairman of the Committee (MEPC 50/WP.1), so that the Committee could take decisions on these key issues within the short time available and to provide clear guidance to the Drafting Group to finalize the text of amendments.

2.7 The Committee also agreed to take into account a compromise proposal submitted by Japan (MEPC 50/WP.2) providing an alternative text for the proposed amendments to regulation 13G and the new regulation 13H.

2.8 The delegation of Japan stated that: (a) it in principle supports the proposals on the further acceleration of the phase-out of single hull tankers, a ban on the carriage of heavy grade oil by single hull tankers and an extended application of the Condition Assessment Scheme; (b) considers it necessary to take into account that an immediate ban on the carriage of heavy grade oil gives serious problems to the trade of heavy grade oil in some countries; and (c) strongly desires that all efforts should be made at IMO to achieve the solutions which are agreeable for all Member States.

2.9 The Committee decided to deal first with proposed amendments to regulation 13G, followed by the proposed new regulation 13H, and then consequential amendments to the Condition Assessment Scheme (CAS).

### **3 DISCUSSIONS ON MONDAY, 1 DECEMBER 2003**

#### **Proposed amendments to regulation 13G - Phase-out for Category 2 and Category 3 oil tankers**

3.1 The Committee focused its debate on the following issues as identified in document MEPC 50/WP.1 (with reference to document MEPC 50/2, annex 1):

- .1 square brackets in paragraph (5)(iv); should 25 years of age be set up as the deadline for double-bottomed or double-sided vessels phase-out, **or** 2015 or 25 years of age, whichever is the earlier date?
- .2 paragraph [(7)]: should the square brackets be lifted and, if so, which of the three alternatives of 20, 23 or 25 years of age does the Committee prefer?
- .3 paragraph (8)(b) on provisions for denial of port entry: should the square brackets be lifted? and
- .4 IACS proposal to add two short sentences to proposed amended regulations 13G(3)(b) and 13G(1)(c) should the Committee take them on board?

3.2 Following debate, the Committee:

- .1 recognizing that the existing regulation 13G(5)(a)(iv) that entered into force on 1 September 2002, already granted a Category 2 or 3 oil tanker continued operation until 25 years of age without any other deadline, agreed to delete the text in square brackets in paragraph (5)(iv) to the effect that the Administration may allow continued operation to an oil tanker that fulfils the conditions set out in regulation 13G(5)(i), (ii) and (iii) until 25 years after the date of its delivery;
- .2 agreed to delete the square brackets in paragraph (7) and decided to delete the option of [20] years of age. However it was unable to reach a decision as regards the two remaining options of [23] or [25] years after the date of delivery, or 2015 whichever is the earlier date, for the continued operation of Category 2 or Category 3 beyond the date specified in paragraph (4) of regulation 13G;

- .3 agreed to lift the square brackets in paragraph (8)(b) relating to denial of entry into ports or offshore terminals under the jurisdiction of a Party of those oil tankers operating in accordance with the provisions of paragraph (7) and agreed to include a mention to oil tankers operating under paragraph (5)(iv) as well. However, in the latter case, this entitlement will take effect from the anniversary of the date of delivery of the ship in 2015 only;
- .4 agreed to the proposals submitted in document MEPC 50/2/9 (IACS) by developing a Unified Interpretation to regulation 13G(3)(b); and  
  
secondly, the Committee further agreed on the inclusion of the expression “*at centreline*” in regulation 13G(1)(c) relating to the measurement of the vertical protection distance of double bottom tanks or spaces.

### **Proposed new regulation 13H – Carriage of Heavy Grade Oil (HGO) in single-hull tankers**

3.3 The Committee focused its consideration on the following key issues as identified in document MEPC 50/WP.1 (with reference to MEPC 50/2, annex 1):

- .1 whether square brackets in proposed regulation 13H(1)[(a)] providing a definition for “heavy crude oil” should be lifted;
- .2 definition of HGO;
- .3 implementation date for the ban to carry HGO in single hulls; and
- .4 exemption and relaxation provisions relating to the ban to carry HGO in single hulls.

#### **Definition of “heavy crude oil”**

3.4 Several delegations expressed the view that a definition in terms of density for crude oils that qualify as HGO was not necessary unless the threshold value for that parameter be raised to 945 kg/m<sup>3</sup>, otherwise the setting up of a lower value would jeopardize their crude oil trades.

3.5 A number of delegations expressed the opinion that the matter could be dealt with by means of specific exemptions for specific trades, while others pointed out to the fact that the existing fleet of double-hull tankers could cope with the demand for those crude oils.

3.6 Some delegations stated that the issue could be solved by a single definition for HGO in terms of density **and/or** kinematic viscosity that would encompass both crude and fuel oils.

3.7 The Committee could not resolve this issue on Monday, 1 December 2003, and agreed to refer this issue to the working group convened by the Chairman of the Committee.

#### **Definition of “heavy fuel oil”**

3.8 In the discussion of this issue, a number of delegations stressed that whatever definition was agreed it should cover the cargoes carried by the tankers **Nakhokda**, **Erika** and **Prestige** as it had been proved that these incidents had been most damaging to the marine environment. In this respect it was noted that the **Nakhokda** fuel oil cargo had a density of 959 kg/m<sup>3</sup> and a



viscosity of 137 mm<sup>2</sup>/s, and it would not be included in the definition of HGO if the conjunction “**and**” was used.

3.9 The majority of delegations supported a definition of heavy fuel oil as that having a density higher than 900 kg/m<sup>3</sup> at 15°C **or** a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s.

3.10 Some delegations could also accept these same values for a single definition on HGO in case the Committee should decide that a definition of heavy crude oil was not necessary, while others could support a definition on these same terms for fuel oil only, even if heavy crude oil was deleted.

3.11 The Committee could not resolve this issue on Monday, 1 December 2003 and agreed to refer this matter to the working group.

### **Implementation date for the ban to carry HGO in single-hull oil tankers**

3.12 In the course of its deliberations, the Committee followed mainly document MEPC 50/WP.2 (Japan).

3.13 The Committee agreed on the implementation date in 2005 for oil tankers of 5,000 DWT and above, and 2008 for oil tankers of 600 tons DWT and above, but less than 5,000 DWT.

### **Exemption and relaxation provisions relating to the ban to carry HGO in single-hull oil tankers**

3.14 The Committee was unable to reach agreement on paragraph [(5)] of proposed new regulation 13H (MEPC 50/WP.2) proposing continued operation for ships fitted with double bottoms or double sides, or double hulls that do not comply in full with the provisions of regulation 13F.

3.15 After an extensive debate, the Committee could not reach agreement regarding the proposed continued operation for oil tankers of 5,000 DWT and above until 2015 or 25 years of age, whichever is the earlier date, subject to compliance with the Condition Assessment Scheme under paragraph (6)(a) of the proposed new regulation 13H in document MEPC 50/WP.2.

3.16 In the discussion of these issues a number of delegations stressed that the objective was to reach an agreement providing a global solution to a global problem and this could not be achieved by granting regional or domestic exemptions to a general regulation that would see its effective implementation limited to certain parts of the world only. In the same way, the right of denial of entry into ports or terminals for oil tankers that had been allowed continued operation under other provisions of regulation 13H was not seen as a proper solution for the problem.

3.17 The Committee considered the proposal by the Russian Federation in document MEPC 50/2/3 to include oil tankers of 600 DWT and above, but less than 5,000 DWT, engaged on domestic voyages, in the proposed exemption for vessels carrying HGO in port traffic. A number of issues relating to the definition of domestic voyages and status of flag, port and coastal States were discussed, including the need of seeking the consent of the port or coastal State for those cases where a foreign flag oil tanker is operating in the waters of another State.

### **A statement by the delegation of the United States**

3.18 The delegation of the United States informed the Committee that a preliminary legal determination indicated that the proposed new regulation 13H was not inconsistent with US domestic law. In view of this determination, the United States would be able to consider becoming a Party to that regulation provided the following procedural concerns were addressed:

- .1 the regulation on HGO should be completely separated from amended regulation 13G;
- .2 no reference should be made to regulations 13F and 13G; and
- .3 an appropriate arrangement be made in the covering MEPC resolution for adoption of amendments which would allow States to consider each regulation separately.

3.19 The delegation of the United States stressed, however, that the removal of these procedural obstacles would not guarantee ratification *per se*, however it would ease the way for that eventuality.

### **Consequential amendments to the IOPP Certificate**

3.20 The Committee noted document MEPC 50/2/6 (Japan) providing a draft text of consequential amendments to the IOPP Certificate Supplement (Form B) in the light of the proposed amendments to regulation 13G and new regulation 13H, and agreed to refer them to the Drafting Group.

### **MEPC resolution on ship recycling**

3.21 The Committee also noted document MEPC 50/2/5 (Japan) proposing an MEPC resolution on smooth implementation of the proposed amendments to MARPOL Annex I with regard to ship recycling, given the fact that the accelerated phase-out of single-hull tankers would entail an appreciable increase in the number of tankers to be sent to the recycling yard. The Committee agreed to request the Drafting Group to finalize the text of the proposed MEPC resolution.

### **Early implementation of the amendments to MARPOL Annex I**

3.22 The Committee noted document MEPC 50/WP.6 (Canada, Cyprus and Denmark) proposing the adoption of an MEPC resolution requesting early and effective implementation of the proposed amendments to MARPOL Annex I prior to their entry into force on 5 April 2005.

3.23 The Committee agreed to refer the text of the draft MEPC resolution to the Drafting Group on the understanding that the decision on its eventual adoption would be taken in plenary on Thursday, 4 December 2003.

## CONSEQUENTIAL AMENDMENTS TO CAS

### **Informal contact group on CAS**

3.24 The Committee recalled that MEPC 49 accepted an offer by the United Kingdom to host an informal contact group in the intersessional period in order to progress the work in the limited time available before MEPC 50. The main issues identified in the report of the informal contact group (MEPC 50/2/4) are listed in document MEPC 50/WP.1, paragraphs 3.1 to 3.5.

3.25 The Committee noted that, since the submission of document MEPC 50/2/4, a number of comments and proposals on the draft CAS amendments had been raised and that in order to resolve these outstanding issues a drafting group was convened, under the auspices of the informal contact group, on 27 and 28 November 2003.

3.26 The Committee considered the report of the drafting group of the informal contact group, as contained in document MEPC 50/WP.3, and generally endorsed the revised text of amendments for further review by the drafting group.

### **Draft text of regulation 13G(6)**

3.27 The Committee, taking into account that in accordance with the proposed CAS amendments the CAS under regulation 13G(6) should be regarded as a normal survey requirement, similar to Enhanced Survey Programme (ESP) under SOLAS, rather than conditions for the life extension, agreed with the recommendation of the group that the text of regulation 13G(6) should be amended as proposed in paragraph 6 of document MEPC 50/WP.3.

### **Harmonization of the survey regime**

3.28 The delegation of the Bahamas stated that in accordance with the present proposal for the extension of the application of CAS requirements, CAS could, in effect, amount to a repeated periodic survey, in contrast with the original CAS concept, which was originally developed as a “once in a lifetime” exercise. The Bahamas expressed the opinion that this extension introduces a change in the survey philosophy and that the CAS amendments proposed on this occasion were, in effect, a switch to a survey regime as a part of SOLAS. Therefore, it was proposed that the Committee should refer the proposed amendments to CAS to the Maritime Safety Committee for more detailed consideration, taking into account the need to avoid unnecessary duplication and inconsistencies in the survey regime.

3.29 The delegation of Panama, in supporting the views expressed by the Bahamas, was of the opinion that the proposed new CAS scheme could, in imposing heavy survey and administrative burdens, face difficulties due to shortage of human resources and related expertise. The delegation stressed the need to avoid the situation where requirements for the survey of the structural condition of the ship exist in two separate conventions and discussions for the same issue were held under two separate committees.

3.30 The Committee, having noted the above-mentioned concerns, recalled that the proposed amendments to CAS were consequential to the proposed amendments to regulation 13G and agreed that, in order to enable the CAS extended application from 2005 to Category 2 and Category 3 tankers of 15 years of age and above, the proposed amendments should be considered for adoption at this session.

3.31 Regarding the repercussions that the CAS amendments may have on the ESP, the Committee agreed that further work should be carried out aiming at the harmonization of the survey regime and, in that respect, the Committee recalled operative paragraph 5 of resolution MEPC.94(46) urging the Maritime Safety Committee to consider introducing and incorporating relevant elements and provisions of the Condition Assessment Scheme in the Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, adopted by resolution A.744(18), as amended, when reviewing the Guidelines.

### **Future work on CAS**

3.32 With regard to future work on CAS, the delegation of Japan stated that there was a need to further improve the provisions of the CAS in order to minimize or eliminate major hull failures of oil tankers due to poor maintenance and, to that effect, Japan informed the Committee of its intention to submit to MEPC 51 appropriate proposals, as outlined in document MEPC 50/2/8.

### **Establishment of the Drafting Group**

3.33 The Committee, having considered all the above issues, established a drafting group with the following terms of reference:

Taking into account all relevant documents, comments, proposals, the decisions made at plenary and the outcome of the working group convened by the Chairman of the Committee,

- .1 to finalize the proposed amendments to regulation 13G, new regulation 13H and consequential amendments to Form B of the Supplement to the IOPP Certificate of MARPOL Annex I and to prepare a draft MEPC resolution on their adoption;
- .2 to review the draft text of the CAS amendments as contained in the annex to MEPC 50/WP.3, in order to incorporate any necessary consequential changes after the finalization of revised regulation 13G and new regulation 13H;
- .3 to finalize the text of the MEPC resolution on ship recycling;
- .4 to review the draft MEPC resolution on early implementation of amendments to MARPOL Annex I; and
- .5 to provide a written report to the plenary on Thursday, 4 December 2003.

## **4 DECISIONS ON THURSDAY, 4 DECEMBER 2003**

4.1 The Committee noted that the working group convened by the Chairman of the Committee, which met on 2 and 3 December 2003, was successful and managed to reach a compromise solution for measures on prohibition of the carriage of heavy grade of oil by single hull tankers, which was subsequently passed to the drafting group for incorporation into the text of new regulation 13H.

- 4.2 Having received the report of the drafting group (MEPC 50/WP.4) the Committee,
- .1 considered the original and alternative texts for paragraph 13H(4)(b) and agreed to delete the square brackets and keep the text of the alternative text; and
  - .2 considered the text in square brackets in regulation 13H(8)(b) and agreed to delete the square brackets and keep the text.
- 4.3 With regard to the decision by the Committee referred to in 4.2.2 above, the Committee agreed with the view of the United States, supported by Singapore and Panama, that the provisions in paragraph (8)(b) of new regulation 13H of MARPOL Annex I should not be construed to limit the rights of Parties to take other measures or impose additional conditions of entry into ports and offshore terminals under their jurisdiction, consistent with international law.
- 4.4 With regard to the draft MEPC resolution on adoption of amendments to CAS, the Committee noted the view that operative paragraph 6 which invites the Maritime Safety Committee to note the amendments to CAS should be supplemented with additional wording so that the MSC be urged to consider introducing and incorporating relevant provisions of CAS into ESP under SOLAS. The Committee agreed to request interested delegations to meet and prepare a suitable text for consideration by the Committee.
- 4.5 Having reviewed the additional text for the MEPC resolution on adoption of amendments to CAS, the Committee agreed to add new operative paragraphs 7 and 8 as follows in the text of the said resolution:

*“7. URGES the Maritime Safety Committee to undertake, as a matter of priority, a review of the Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers (the Guidelines), adopted by resolution A.744(18) as amended, for the purpose of introducing and incorporating relevant elements and provisions of the Condition Assessment Scheme in the Guidelines, so as to ensure that oil tankers required to comply with the provisions of the Condition Assessment Scheme will be subject to a single and harmonized survey and inspection regime; and*

*8. AGREES that the Committee will undertake, as soon as the Maritime Safety Committee has incorporated relevant elements and provisions of the Condition Assessment Scheme into the Guidelines, to carry out the necessary review of the Condition Assessment Scheme and, if needed, of the provisions of regulations 13G and 13H of Annex I of MARPOL 73/78 related thereto with a view to ensuring that oil tankers required to comply with the provisions of the Condition Assessment Scheme will be subject to a single and harmonized survey and inspection regime as adopted by the Maritime Safety Committee.”*

- 4.6 In considering paragraph 5.1.3 of the amendments to CAS, the Committee agreed to amend that paragraph as follows:

*“oil tankers of 5,000 tons deadweight and above, and of 15 years of age and over after the date of delivery of the ship, carrying crude oil as cargo having a density at 15°C higher than 900 kg/m<sup>3</sup> but lower than 945 kg/m<sup>3</sup> in accordance with regulation 13H(6)(a)”*

4.7 With regard to the draft MEPC resolution on early and effective application of the amendments to Annex I of MARPOL 73/73 (MEPC 50/WP.4, annex 4), the Committee, after an extensive exchange of views, decided to delete the last preambular paragraph and redraft the three operative paragraphs as follows:

*“1. INVITES Parties to MARPOL 73/78 to consider the application of the aforesaid amendments to Annex I of MARPOL 73/78 as soon as practically possible to ships entitled to fly their flag;*

*2. INVITES ALSO the maritime industry to implement the aforesaid amendments to Annex I of MARPOL 73/78 as soon as possible; and*

*3. INVITES FURTHER Parties to MARPOL 73/78 who implement the aforesaid amendments to Annex I of MARPOL 73/78 with respect to ships entitled to fly their flag before the expected entry into force date of the amendments to communicate their action to the Organization.”*

4.8 Having resolved the above issues, the Committee, by consensus,

.1 adopted the amendments to regulation 13G, new regulation 13H and consequential amendments to the IOPP Certificate of MARPOL Annex I by resolution MEPC.111(50), as set out in annex 1;

.2 adopted the amendments to the Condition Assessment Scheme by resolution MEPC.112(50), as set out in annex 2;

.3 adopted resolution MEPC.113(50) on ship recycling for the smooth implementation of the amendments to Annex I of MARPOL 73/78, as set out in annex 3;

.4 adopted resolution MEPC.114(50) on early and effective application of the amendments to Annex I of MARPOL 73/78, as set out in annex 4; and

.5 approved a new Unified Interpretation 4.12A for regulation 13G(3)(b) of Annex I of MARPOL 73/78, as set out in annex 5.

4.9 The United States reserved its position with regard to the amendments adopted by resolutions MEPC.111(50) and MEPC.112(50).

4.10 The delegation of Japan stated that Japan could accept new regulation 13H in the spirit of compromise, but has concern about the inclusion of exemption provisions on oil tankers engaged in domestic trades. Such exemption provisions would have such effect that while oil tankers in domestic trade may be of single hull construction, those engaged in trades to neighbouring countries must be of double hull construction. These provisions would not be in line with the policy of Japan that small oil tankers carrying heavy grade oil as cargo should gradually be phased out and replaced with double hull tankers.

4.11 The delegation of the Russian Federation, *inter alia*, invited the attention of the Committee to the fact that, before the entry into force on 5 April 2005 of the adopted amendments to MARPOL 73/78, all MARPOL Parties will continue being bound by the existing

MARPOL provisions and therefore, no Party to MARPOL 73/78 will be entitled to deny entry into its ports for reasons other than those stipulated by the MARPOL 73/78 provisions in force.

4.12 The Committee authorized the Secretariat to effect appropriate correction in the text of the adopted amendments if any inadvertent errors are identified during the preparation of the authentic text of the amendments.

4.13 As requested, the statements by the delegations of Italy, Cyprus, Malta and Poland after adoption of the amendments to MARPOL Annex I are attached at annex 6.

## **5 COMMEMORATIVE SESSION**

5.1 On Thursday morning, 4 December 2003, the Committee held a Commemorative Session to mark its fiftieth session and celebrate the successful operation of the MEPC over the last three decades under the theme “**MEPC – Past, Present and Future**”.

5.2 Previous Chairmen of the Committee were invited to the Commemorative Session. Mr. Per Eriksson, Dr. Jim Cowley and Mr. Pieter Bergmeijer participated and addressed the Committee. Mr. Sid Wallace and Mr. Michael Julian sent messages.

5.3 Mr. Yoshio Sasamura spoke on behalf of previous Secretaries of the Committee and Mr. Chris Horrocks delivered a speech on behalf of the shipping industry.

5.4 In his concluding remarks, the Secretary-General stated that the MEPC has been successful in many ways in taking responsibilities for preventing and controlling ship-generated pollution and identified the following three reasons for the success:

Firstly, IMO and the MEPC have managed to keep all environmental issues surrounding ships within the authority of IMO;

Secondly, the MEPC has provided practical solutions to environmental issues and this has only been possible because the Committee has enjoyed good co-operation and strong support from the shipping industry; and

Thirdly, the MEPC has managed to establish a single global regulatory framework. MARPOL has been ratified by a vast number of countries, covering 96% of the world fleet by tonnage, and the MEPC is truly acting as a single international forum ensuring global control over aspects of the design, construction, equipment and operation of ships, where they relate to environmental protection.

He finally stated that the MEPC was established on the basis of the idea that comprehensive authority for regulating pollution from vessels under international conventions must be vested in a single international organization, and the MEPC has progressed well in performing its expected function in the international community.

He congratulated the Committee and all who have been involved in the activities of the MEPC and wished all a successful continuation of the work of the Committee in fulfilling the role expected by the international community in its future endeavours.

## **6 ANY OTHER BUSINESS**

### **Interpretation of regulation 13G of MARPOL Annex I concerning conversion**

6.1 During the course of discussion on the proposed amendments to regulation 13G of MARPOL Annex I, the Committee considered a question raised by the delegation of the United States concerning interpretation of the regulation as follows:

"If a single-hull oil tanker is built before the dates specified in regulation 13F(1)(a), (b) or (c) of Annex I of MARPOL 73/78 and undergoes a major conversion before the dates specified in 13F(1)(d) of that Annex, would the date upon which this single-hull tanker must have a double hull under regulation 13G be based upon the original date of build or the date of the major conversion?"

6.2 The Committee, after a brief exchange of views, decided to consider the matter further at MEPC 51. The delegation of the Marshall Islands offered to submit a document to MEPC 51 for consideration.

### **Expected date of entry into force of the revised MARPOL Annex II**

6.3 The Committee noted that the report of MEPC 49 indicated that, since MARPOL Annex I and Annex II relate to each other, the revised Annex II should be circulated together with the revised Annex I after MEPC 51 with a view to simultaneous adoption at MEPC 52 in October 2004, so that both new Annexes could enter into force in February 2006.

6.4 The Committee considered the matter and agreed that expected entry into force date of the revised MARPOL Annex II should be set on 1 January 2007.

### **Expression of appreciation**

6.5 The Committee expressed deep appreciation to the Secretary-General for his consistent strong support for the work of the Committee. The Secretary-General's guidance helped the Committee to deal with successfully some of the most difficult issues in the history of IMO, including amendments to MARPOL Annex I in the wake of **Erika** and **Prestige**. The Committee wished the Secretary-General a long and happy retirement.

6.6 The Committee also expressed deep appreciation to Mr. A. Chrysostomou (Chairman of the Committee), to Mr. G. Mapplebeck (Chairman of the Drafting Group), to Mr. D. Rowe (Chairman of the informal contact group on CAS), to Mr. Y. Sasamura and Mr. N. Charalambous who chaired various drafting sessions, and to all delegates who worked hard and co-operatively to bring MEPC 50 to a successful conclusion.

6.7 The Committee further expressed deep appreciation to Captain (H.C.G.) D. Fokas (Greece) for his valuable contribution to the work of the Committee as a delegate to the Committee over many years and wished him well in his new post with the European Maritime Safety Agency.

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## ANNEX 1

**RESOLUTION MEPC.111(50)  
adopted on 4 December 2003****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO  
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF  
POLLUTION FROM SHIPS, 1973****(Amendments to regulation 13G, addition of new regulation 13H and consequential  
amendments to the IOPP Certificate of Annex I 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 Marine Environment Protection Committee (the 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 the proposed amendments to regulation 13G and consequential amendments to the Supplement (Form B) of the IOPP Certificate of Annex I to MARPOL 73/38,

HAVING ALSO CONSIDERED the proposed new regulation 13H of Annex I to MARPOL 73/78,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex I of MARPOL 73/78, the text of which is set out at annexes 1, 2, 3 and 4 to the present resolution, each of which being subject to separate consideration by the Parties pursuant to Article 16(2)(f)(ii) of the 1973 Convention;
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 4 October 2004, 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 5 April 2005 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 annexes; and

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 annexes.

ANNEX 1

**AMENDMENTS TO ANNEX 1 OF MARPOL 73/78**

The existing regulation 13G is replaced by the following:

**“Regulation 13G**

**Prevention of accidental oil pollution - Measures for existing oil tankers**

- (1) Unless expressly provided otherwise this regulation shall:
  - (a) apply to oil tankers of 5,000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in regulation 13F(1) of this Annex; and
  - (b) not apply to oil tankers complying with regulation 13F of this Annex, which are contracted, the keels of which are laid, or are delivered before the dates specified in regulation 13F(1) of this Annex; and
  - (c) not apply to oil tankers covered by subparagraph (a) above which comply with regulation 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances at centreline shall comply with regulation 13E(4)(b) of this Annex.
- (2) For the purpose of this regulation:
  - (a) “Heavy diesel oil” means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organization<sup>1</sup>.
  - (b) “Fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the Organization<sup>2</sup>.
- (3) For the purpose of this regulation, oil tankers are divided into the following categories:
  - (a) “Category 1 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;
  - (b) “Category 2 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which

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1 Refer to the American Society for Testing and Material’s Standard Test Method (Designation D86).

2 Refer to the American Society for Testing and Material’s Specification for Number Four Fuel Oil (Designation D396) or heavier.

complies with the requirements for new oil tankers as defined in regulation 1(26) of this Annex; and

- (c) “Category 3 oil tanker” means an oil tanker of 5,000 tons deadweight and above but less than that specified in subparagraph (a) or (b) of this paragraph.

(4) An oil tanker to which this regulation applies shall comply with the requirements of regulation 13F of this Annex not later than 5 April 2005 or the anniversary of the date of delivery of the ship on the date or in the year specified in the following table:

<b>Category of oil tanker</b>	<b>Date or year</b>
Category 1	5 April 2005 for ships delivered on 5 April 1982 or earlier 2005 for ships delivered after 5 April 1982
Category 2 and Category 3	5 April 2005 for ships delivered on 5 April 1977 or earlier 2005 for ships delivered after 5 April 1977 but before 1 January 1978 2006 for ships delivered in 1978 and 1979 2007 for ships delivered in 1980 and 1981 2008 for ships delivered in 1982 2009 for ships delivered in 1983 2010 for ships delivered in 1984 or later

(5) Notwithstanding the provisions of paragraph (4) of this regulation, in the case of a Category 2 or 3 oil tanker 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 which are not used for the carriage of oil and extend to the entire cargo tank length, but does not fulfill conditions for being exempted from the provisions of paragraph (1)(c) of this regulation, the Administration may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that:

- (a) the ship was in service on 1 July 2001;
- (b) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;
- (c) the conditions of the ship specified above remain unchanged; and
- (d) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery.

(6) A Category 2 or 3 oil tanker of 15 years and over after the date of its delivery shall comply with the Condition Assessment Scheme adopted by the Marine Environment Protection Committee by resolution MEPC.94 (46), as may be amended, provided that such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention relating to amendment procedures applicable to an appendix to an Annex.

(7) The Administration may allow continued operation of a Category 2 or 3 oil tanker beyond the date specified in paragraph (4) of this regulation, if satisfactory results of the Condition Assessment Scheme warrant that, in the opinion of the Administration, the ship is fit to continue such operation, provided that the operation shall not go beyond the anniversary of the date of delivery of the ship in 2015 or the date on which the ship reaches 25 years after the date of its delivery, whichever is the earlier date.

- (8) (a) The Administration of a Party to the present Convention which allows the application of paragraph (5) of this regulation, or allows, suspends, withdraws or declines the application of paragraph (7) of this regulation, to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.
- (b) A Party to the present Convention shall be entitled to deny entry into the ports or offshore terminals under its jurisdiction of oil tankers operating in accordance with the provisions of :
- (i) paragraph (5) of this regulation beyond the anniversary of the date of delivery of the ship in 2015; or
  - (ii) paragraph (7) of this regulation.

In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information.”

ANNEX 2

**AMENDMENTS TO ANNEX I OF MARPOL 73/78**

The following new regulation is added after regulation 13G:

**“Regulation 13H**

**Prevention of oil pollution from oil tankers carrying heavy grade oil as cargo**

- (1) This regulation shall:
  - (a) apply to oil tankers of 600 tons deadweight and above carrying heavy grade oil as cargo regardless of the date of delivery; and
  - (b) not apply to oil tankers covered by subparagraph (a) above which comply with regulation 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances at centreline shall comply with regulation 13E(4)(b) of this Annex.
- (2) For the purpose of this regulation “heavy grade oil” means any of the following:
  - (a) crude oils having a density at 15°C higher than 900 kg/m<sup>3</sup>;
  - (b) fuel oils having either a density at 15° C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50° C higher than 180 mm<sup>2</sup>/s;
  - (c) bitumen, tar and their emulsions.
- (3) An oil tanker to which this regulation applies shall comply with the provisions of paragraphs (4) to (8) of this regulation in addition to complying with the applicable provisions of regulation 13G.
- (4) Subject to the provisions of paragraphs (5), (6) and (7) of this regulation, an oil tanker to which this regulation applies shall:
  - (a) if 5,000 tons deadweight and above, comply with the requirements of regulation 13F of this Annex not later than 5 April 2005; or
  - (b) if 600 tons deadweight and above but less than 5,000 tons deadweight, be fitted with both double bottom tanks or spaces complying with the provisions of regulation 13F(7)(a) of this Annex, and wing tanks or spaces arranged in accordance with regulation 13F(3)(a) and complying with the requirement for distance *w* as referred to in regulation 13F(7)(b), not later than the anniversary of the date of delivery of the ship in the year 2008.
- (5) In the case of an oil tanker of 5,000 tons deadweight and above, carrying heavy grade oil as cargo 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 which are not used for the carriage

of oil and extend to the entire cargo tank length, but does not fulfil conditions for being exempted from the provisions of paragraph (1)(b) of this regulation, the Administration may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that:

- (a) the ship was in service on 4 December 2003;
  - (b) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;
  - (c) the conditions of the ship specified above remain unchanged; and
  - (d) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery.
- (6) (a) The Administration may allow continued operation of an oil tanker of 5,000 tons deadweight and above, carrying crude oil having a density at 15°C higher than 900 kg/m<sup>3</sup> but lower than 945 kg/m<sup>3</sup>, beyond the date specified in paragraph (4)(a) of this regulation, if satisfactory results of the Condition Assessment Scheme referred to in regulation 13G(6) 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 operation shall not go beyond the date on which the ship reaches 25 years after the date of its delivery.
- (b) The Administration may allow continued operation of an oil tanker of 600 tons deadweight and above but less than 5,000 tons deadweight, carrying heavy grade oil as cargo, beyond the date specified in paragraph (4)(b) of this regulation, 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.
- (7) 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 from the provisions of this regulation if the oil tanker:
- (a) either is engaged in voyages exclusively within an area under its jurisdiction, or operates as a floating storage unit of heavy grade oil located within an area under its jurisdiction; or
  - (b) either is engaged in voyages exclusively within an area under the jurisdiction of another Party, or operates as a floating storage unit of heavy grade oil located within an area under the jurisdiction of another Party, provided that the Party within whose jurisdiction the oil tanker will be operating agrees to the operation of the oil tanker within an area under its jurisdiction.
- (8) (a) The Administration of a Party to the present Convention which allows, suspends, withdraws or declines the application of paragraphs (5), (6) or (7) of this regulation to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.

- (b) Subject to the provisions of international law, a Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of paragraph (5) or (6) of this regulation 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. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information.



ANNEX 3

**AMENDMENTS TO FORM B OF THE SUPPLEMENT TO THE IOPP CERTIFICATE  
RELATING TO REVISED REGULATION 13G OF ANNEX I OF MARPOL 73/78**

The existing paragraph 5.8.4 in Form B of the Supplement to the IOPP Certificate is replaced by the following:

“5.8.4 The ship is subject to regulation 13G and:

- .1 is required to comply with regulation 13F not later than .....
- .2 is so arranged that the following tanks or spaces are not used for  
the carriage of oil .....
- .3 is allowed to continue operation in accordance with regulation 13G(5)  
until .....
- .4 is allowed to continue operation in accordance with regulation 13G(7)  
until ..... ”

ANNEX 4

**AMENDMENTS TO FORM B OF THE SUPPLEMENT TO THE IOPP CERTIFICATE  
RELATING TO NEW REGULATION 13H OF ANNEX I OF MARPOL 73/78**

The following new paragraphs are added after paragraph 5.8.5 in the Form B of the Supplement to the IOPP Certificate:

“5.8.6 The ship is subject to regulation 13H and:

- .1 is required to comply with regulation 13H(4) not later than .....
- .2 is allowed to continue operation in accordance with regulation 13H(5)  
until .....
- .3 is allowed to continue operation in accordance with regulation 13H(6)(a)  
until .....
- .4 is allowed to continue operation in accordance with regulation 13H(6)(b)  
until .....
- .5 is exempted from the provisions of regulation 13H in accordance with  
regulation 13H(7)(b)

5.8.7 The ship is not subject to regulation 13H ”

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**ANNEX 2****RESOLUTION MEPC.112(50)****Adopted on 4 December 2003****AMENDMENTS TO THE CONDITION ASSESSMENT SCHEME**

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 (the 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),

NOTING ALSO that regulation 13G of Annex I of MARPOL 73/78 specifies that the Condition Assessment Scheme, adopted by resolution MEPC.94(46), may be amended provided such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the 1973 Convention relating to amendment procedures applicable to an appendix to an Annex,

RECALLING ALSO resolution MEPC.99(48), by which the Committee adopted amendments to the Condition Assessment Scheme, in accordance with the provisions of article 16 of the 1973 Convention relating to amendment procedures applicable to an appendix to an Annex,

HAVING ADOPTED, at its fiftieth session, amendments to regulation 13G of Annex I to MARPOL 73/78 by resolution MEPC.111(50) to further accelerate the phase-out of single-hull tankers in an effort to further enhance the protection of the marine environment,

RECOGNIZING the need to amend the Condition Assessment Scheme for the purposes of application of the amendments to regulation 13G and the new regulation 13H of Annex I to MARPOL 73/78, as adopted by resolution MEPC.111(50),

HAVING CONSIDERED, at its fiftieth session, the proposed amendments to the Condition Assessment Scheme,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to the Condition Assessment Scheme, the text of which is set out at 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 4 October 2004, unless, prior to that date, not less than one third of the Parties to MARPOL 73/78 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 notified to the Organization their objections to the amendments;

3. INVITES Parties to MARPOL 73/78 to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 5 April 2005 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 copies of this resolution and its Annex to Members of the Organization which are not Parties to MARPOL 73/78;
6. INVITES the Maritime Safety Committee to note the amendments to the Condition Assessment Scheme;
7. URGES the Maritime Safety Committee to undertake, as a matter of priority, a review of the Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers (the Guidelines), adopted by resolution A.744(18) as amended, for the purpose of introducing and incorporating relevant elements and provisions of the Condition Assessment Scheme in the Guidelines, so as to ensure that oil tankers required to comply with the provisions of the Condition Assessment Scheme will be subject to a single and harmonized survey and inspection regime; and
8. AGREES that the Committee will undertake, as soon as the Maritime Safety Committee has incorporated relevant elements and provisions of the Condition Assessment Scheme into the Guidelines, to carry out the necessary review of the Condition Assessment Scheme and, if needed, of the provisions of regulations 13G and 13H of Annex I of MARPOL 73/78 related thereto with a view to ensuring that oil tankers required to comply with the provisions of the Condition Assessment Scheme will be subject to a single and harmonized survey and inspection regime as adopted by the Maritime Safety Committee.

ANNEX

**AMENDMENTS TO THE CONDITION ASSESSMENT SCHEME**

- 1 In the last sentence of paragraph 1.1, the following words are added at the end of the sentence:

" , or Interim Statement of Compliance, as applicable."

- 2 In paragraph 2, the words "regulation 13G(7)" are replaced by "regulations 13G(6) and (7) and 13H(6)(a)", and the words "resolution MEPC.95(46)" are deleted.

- 3 Paragraph 3.3 is deleted and the existing paragraphs 3.4 and 3.5 are renumbered as paragraphs 3.3. and 3.4 respectively.

- 4 Paragraph 3.6 is deleted and the existing paragraph 3.7 is renumbered as paragraph 3.5.

- 5 The following new paragraph 3.6 is added, and the existing paragraphs 3.8 through 3.14 are renumbered as paragraphs 3.7 through 3.13.

"3.6 "Category 3 oil tanker" means an oil tanker of 5,000 tons deadweight and above but less than that specified in regulation 13G(3)(a) or (b) of Annex I of MARPOL 73/78."

- 6 Paragraph 4.3 is replaced by the following:

"4.3 The Administration shall require Category 2 and Category 3 oil tankers flying its flag which are subject to the provisions of regulation 13G(7) to remain out of service during the periods referred to in paragraph 5.1.2, until these oil tankers are issued with a valid Statement of Compliance."

- 7 Paragraph 5.1 is replaced by the following:

"5.1 Application

The requirements of the CAS apply to:

- .1 oil tankers of 5,000 tons deadweight and above and of 15 years and over after date of delivery of the ship, in accordance with regulation 13G(6);
- .2 oil tankers subject to the provisions of regulation 13G(7), where authorization is requested for continued service beyond the anniversary of the date of delivery of the ship in 2010; and
- .3 oil tankers of 5,000 tons deadweight and above and of 15 years and over after date of delivery of the ship, carrying crude oil as cargo having a density at 15°C higher than 900 kg/m<sup>3</sup> but lower than 945 kg/m<sup>3</sup>, in accordance with regulation 13H(6)(a)."

- 8 Paragraph 5.3 is replaced by the following:

"5.3.1 The CAS survey shall be aligned to the Enhanced Programme of Inspection.

- 5.3.2 The first CAS survey in accordance with regulation 13G(6) shall be carried out concurrent with the first scheduled intermediate or renewal survey after 5 April 2005, or when the ship reaches the 15 years of age, whichever occurs later.
- 5.3.3 The first CAS survey in accordance with regulation 13G(7) shall be carried out concurrent with the scheduled intermediate or renewal survey due prior to the anniversary of the date of delivery of the ship in 2010.
- 5.3.4 The first CAS survey in accordance with regulation 13H(6)(a) shall be carried out concurrent with the first scheduled intermediate or renewal survey after 5 April 2005.
- 5.3.5 In the case where the Statement of Compliance issued following the first CAS survey under 5.3.2 is valid beyond the anniversary of the date of delivery of the ship in 2010, that CAS may be treated as the first CAS carried out in compliance with regulation 13G(7).
- 5.3.6 Any subsequent CAS survey, required for the renewal of the Statement of Compliance, shall be carried out at intervals not exceeding 5 years and 6 months.
- 5.3.7 Notwithstanding the above, the Company may, with the agreement of the Administration, opt to carry out the CAS survey at a date earlier than the due date of the survey referred to above, provided that all the requirements of the CAS are complied with.”

- 9 Paragraph 6.1.1.7 is replaced by the following:

"6.1.1.7 Such relaxation shall, at all times, be subject to the RO having sufficient time to complete the CAS survey and issue the Interim Statement of Compliance under regulation 13G(6) or 13H(6)(a), or the Administration to review the CAS Final Report and issue the Statement of Compliance under regulation 13G(7), as applicable, prior to re-entry of the ship to service."

- 10 Paragraph 10.2.2 is replaced by the following:

“10.2.2 The CAS Final Report shall be submitted by the RO to the Administration without delay and:

- .1 in the case of the CAS survey in accordance with regulation 13G(6) or 13H(6)(a), not later than 3 months after the completion of the CAS survey; or
- .2 in the case of the CAS survey in accordance with regulation 13G(7), not later than 3 months after the completion of the CAS survey, or 2 months prior to the date the ship is required to be issued with a Statement of Compliance, whichever occurs earlier.”

- 11 In paragraph 11.1, the words “Category 1 and Category 2” are replaced by the words “Category 2 and Category 3”.

12 Paragraph 13.1 is replaced by the following:

“13.1 The Administration shall, in accordance with its procedures, issue to each ship which completes the CAS to the satisfaction of the Administration, the Statement of Compliance.

Such Statement shall be issued:

- .1 in the case of the CAS in accordance with regulation 13G(6) or 13H(6)(a), not later than 5 months after the completion of the CAS survey; or
- .2 in the case of the CAS in accordance with regulation 13G(7), not later than 5 months after the completion of the CAS survey, or the anniversary of the date of delivery of the ship in 2010, whichever occurs earlier, for the first CAS survey, and not later than the expiry date of the Statement of Compliance for any subsequent CAS survey.”

13 Paragraph 13.6 is replaced by the following:

“13.6 The validity of the Statement of Compliance shall not exceed 5 years and 6 months from the date of completion of the CAS survey.”

14 Paragraph 13.7 is replaced by the following:

“13.7 The RO which has carried out the CAS survey in accordance with regulation 13G(6) or 13H(6)(a), upon satisfactory completion of the survey, shall issue an Interim Statement of Compliance in a form corresponding the model given in appendix 1, for a period not exceeding 5 months. It shall remain valid until its expiry date or the date of issue of a Statement of Compliance, whichever is the earlier date, and shall be accepted by other Parties to MARPOL 73/78.”

15 In appendix 1, the words “, as amended” are inserted after “MEPC.94(46)” (in two places).

16 In appendix 1, the following words are added after point 2:

“Date of completion of the CAS survey: dd/mm/yyyy.”

17 In appendix 1, the Form of the Interim Statement of Compliance, which is attached to this document, is added after the Form of Statement of Compliance.

18 In appendix 3, in paragraph 1.1.1, the words “by resolution MEPC.99(48)” are deleted.

**FORM OF INTERIM STATEMENT OF COMPLIANCE**

**INTERIM STATEMENT OF COMPLIANCE**

Issued under the provisions of the Condition Assessment Scheme (resolution MEPC.94(46), as amended) by:

.....  
*(full name of the Recognized Organization)*

Particular of ship

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross tonnage .....

Deadweight of ship (metric tons) .....

IMO number .....

Category of tanker .....

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of the Condition Assessment Scheme (CAS) (resolution MEPC.94(46), as amended);
- 2 That the survey showed that the structural conditions of the ship covered by CAS are in all respects satisfactory and the ship complies with the survey requirements of CAS.

Date of completion of the CAS survey: dd/mm/yyyy.

This Statement is valid until ....., or the date of issue of the Statement of Compliance, whichever is the earlier date.

Issued at .....  
*(Place of issue of the Statement)*

.....  
*(Date of issue)*

.....  
*(Signature of duly authorized official  
issuing the Statement)*

*(Seal or stamp of the Recognized Organization, as appropriate)*

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## ANNEX 3

**RESOLUTION MEPC.113(50)****Adopted on 4 December 2003****SHIP RECYCLING FOR THE SMOOTH IMPLEMENTATION  
OF THE AMENDMENTS TO ANNEX I OF MARPOL 73/78**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 of the Convention of the International Maritime Organization concerning the function of the MEPC,

HAVING adopted the amendments to Annex I of MARPOL 73/78 which would accelerate the phase-out of single-hull oil tankers, prohibit the carriage of heavy grade oil in single-hull oil tankers, and extend the Condition Assessment Scheme,

REALIZING that these new requirements would increase the number of the vessels to be recycled within a specific period of time, which implies an increased need for ship recycling facilities and capabilities,

NOTING the growing concerns about environment, safety, health, and welfare matters in ship recycling industry, and the need to reduce the environmental, occupational health and safety risks related to ship recycling at the same time securing the smooth withdrawal of ships that have reached the end of their operating lives,

NOTING ALSO the role of the International Labour Organisation (ILO), the Basel Convention and other stakeholders in ship recycling and on-going co-operation by these organizations and the IMO,

RECOGNIZING that in order to contribute towards improvements in ship recycling, it is necessary to consider the full life cycle of the ship, and that the adoption of the IMO Guidelines on Ship Recycling by the twenty-third Assembly makes a first step for the IMO to this direction,

1. RECOMMENDS that Member Governments, especially the Governments of countries with shipbuilding, ship recycling and other shipping interests:
  - (a) take initiatives to maintain adequate ship recycling facilities at world-wide level, based on the evaluation of the impact of the amendments to Annex I of MARPOL 73/78 on the demand for ships to be recycled; and
  - (b) endeavour to promote research and development programmes to improve environment and safety level in ship recycling operation,
2. REQUESTS the Secretary-General:
  - (a) to consider any further action which may be taken to assist Member Governments and particularly developing countries in facilitating ship recycling and reducing environmental and safety risks involved in recycling operations; and

- (b) to continue and strengthen co-operation with ILO and the appropriate bodies of the Basel Convention, and take initiatives as a co-ordinating body among related agencies in addressing problems within the respective competence of these organizations, bearing in mind the potential impact which various guidelines and regulations would have on ship recycling.

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## ANNEX 4

**RESOLUTION MEPC.114 (50)**  
**Adopted on 4 December 2003****EARLY AND EFFECTIVE APPLICATION OF THE AMENDMENTS  
TO ANNEX I OF MARPOL 73/78  
(Revised regulation 13G and new regulation 13H)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

HAVING ADOPTED, by resolution MEPC.111(50), the amendments to Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), which, *inter alia*, include a revised regulation 13G and a new regulation 13H of Annex I of MARPOL 73/78,

NOTING that article 16(2)(f)(iii) of the International Convention for the Prevention of Pollution from Ships, 1973 (the 1973 Convention) provides that the aforesaid amendments to Annex I of MARPOL 73/78 shall be deemed to have been accepted on 4 October 2004, unless, prior to that date, not less than one third of the Parties to MARPOL 73/78 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 objections to the amendments,

NOTING ALSO that in accordance with article 16(2)(g)(ii) of the 1973 Convention, the aforesaid amendments to Annex I of MARPOL 73/78 shall enter into force on 5 April 2005 upon their acceptance in accordance with article 16(2)(f)(iii) of the 1973 Convention,

NOTING IN PARTICULAR that the new regulation 13H of Annex I of MARPOL 73/78 aims in enhancing the protection of the marine environment by reducing the risks and the extent of any eventual oil pollution when carrying heavy grade oil as cargo,

1. INVITES Parties to MARPOL 73/78 to consider the application of the aforesaid amendments to Annex I of MARPOL 73/78 as soon as practically possible to ships entitled to fly their flag;
2. INVITES ALSO the maritime industry to implement the aforesaid amendments to Annex I of MARPOL 73/78 as soon as possible; and
3. INVITES FURTHER Parties to MARPOL 73/78 who implement the aforesaid amendments to Annex I of MARPOL 73/78 with respect to ships entitled to fly their flag before the expected entry into force date of the amendments to communicate their action to the Organization.

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**ANNEX 5**

**UNIFIED INTERPRETATION FOR REGULATION 13G(3)(b) OF ANNEX 1 OF  
MARPOL 73/78**

*A new Unified Interpretation 4.12A is added as follows:*

**“Reg. 13G(3)(b)**      4.12A Any Category 2 oil tanker must be provided with segregated ballast tanks protectively located (SBT/PL)”

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## ANNEX 6

**STATEMENTS BY THE DELEGATIONS OF ITALY, CYPRUS, MALTA AND  
POLAND AFTER ADOPTION OF THE AMENDMENTS TO ANNEX I  
OF MARPOL 73/78****1 Statement by the delegation of Italy on behalf of the 15 Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden and the United Kingdom) and the European Commission**

Italy, and for institutional reasons, this time speaking on behalf of the 15 Member States of the European Union, all of whom are Parties to MARPOL, and on behalf of the European Commission, would like to congratulate IMO, the MEPC and in particular the MARPOL Parties for the achieved results. With the adoption of today's amendments of regulation 13G and the new regulation 13H of Annex I of MARPOL 73/78, IMO once again demonstrated that it is the appropriate forum to agree upon world-wide solutions for Parties to MARPOL and to adopt proactive solutions for a better protection of the marine and coastal environment, especially in order to avoid accidents such as those which occurred with single-hull tankers in the recent past.

Today's decisions for a world-wide banning, at the earliest opportunity, of the carriage of heavy grade oil in single-hull tankers, as well as the accelerated phasing out of single-hull tankers in general, will certainly be welcomed in Europe. Also the new CAS provisions are an example of good technical co-operation and of joined expertise to address a highly sensitive issue.

We accept and we are satisfied with the final solution as it provides an answer to our concerns, while giving appropriate response to the needs of other parts of the world. As a result of the efforts of all the MARPOL Parties and key players of the industry, we achieved a global solution that will result in a better protection of all our coasts, making the best use of the flag State responsibility.

We welcome the agreement at international level of appropriate definitions for heavy grade oil. At the same time we understand also the need in view of a global compromise to foresee some possibilities for proportionate exemptions for the transport of heavy crude oil in order not to disturb the energy supply in specific parts of the world. At the same time we are confident that wherever possible and, as far as double-hull tankers will be available, these tankers will be used to carry crude oil with a density of more than 900 kg/m<sup>3</sup>.

In connection with the achieved results, on behalf of the 15 EU Member States, all being Parties to MARPOL, Italy announces, and this will not surprise you, that all these 15 States will refrain from making use of the provisions of paragraph 7 of the amended regulation 13G and of paragraphs 5, 6 and 7 of the new regulation 13H. Thus we will not allow tankers entitled to fly our flags to make use of one of these provisions. The 15 Member States intend to make use of the provisions of paragraph 8(b) of both regulations 13G and 13H in order to deny entry into their ports or offshore terminals of tankers which have been temporarily allowed to derogate from the world-wide standard.

Further we hope that other Parties to MARPOL will as much as possible refrain to make use of exemptions and in case such possibility for exemptions would be used, that they shall take due account of the high environmental threat that those ships may pose to international waters.

Mr. Chairman, dear colleagues, thank you again for your efforts to compromise and for what we, together, achieved today, guided by the good old IMO spirit. This is really the best birthday present that we could all offer to the IMO, and to the MEPC at the occasion of its fiftieth session.

Finally, sir, and on behalf of many more than 15 European States, I would like to take this opportunity to thank a number of people, individually and collectively, for their endeavours this week.

First, the Secretary General for his patience and availability, then the interpreters and translators who once again have provided a first class service and all members of the Conference Division of the Secretariat who have played an important role in this week's proceedings.

We are very grateful for the long hours and hard work of Mr. Koji Sekimizu and his colleagues in the Marine Environment Division.

We would like to thank very much indeed Mr. Nicholas Charalambous, Counsellor of the roman centuriae.

The last word, procedurally and rightfully, should go to the Chairman. Andreas, your Committee is very grateful for the skill, patience and leadership you have so ably demonstrated this week.

## **2 Statement by the delegation of Cyprus**

Cyprus will like first to complement and congratulate the Parties to MARPOL 73/78 and the International Maritime Organization for the speedy and efficient manner in which the proposals to revise regulation 13G and to adopt a new regulation 13H of Annex I of MARPOL 73/78 have been dealt with.

Cyprus is, once more, thankful and grateful to the Parties to MARPOL 73/78 for the spirit and willingness exhibited during the consideration of the matter and for the responsible manner the issues under discussion were approached and dealt with.

The Committee may recall that Cyprus, mindful of its obligations towards its own citizens, the citizens of other States visiting Cyprus every year, its marine environment, the wildlife along its shores and the resource living in the sea surrounding Cyprus, made, on the occasion of the adoption of regulation 13G which is currently in force, a statement before this Committee on its approach to the existing regulation 13G.

In view of the revised regulation 13G and the new regulation 13H, which the Committee has now adopted, and in the light of the obligation of Cyprus, as from 1 May 2004, under the provisions of Regulation (EC) No. 1726/2003, Cyprus wishes to advise the Parties to MARPOL 73/78 and the Members of the International Maritime Organization the following:



1. As from the beginning of this year, all importers of crude or fuel oils in Cyprus engage, for the purpose of transporting and unloading crude or fuel oils in Cyprus, only oil tankers which have been built or have been modified to comply with the requirements of regulation 13F;
2. Cyprus will be implementing and enforcing the provisions of regulations 13G and 13H in a manner which is consistent with the provisions of Regulation (EC) No. 1726/2003;
3. Cyprus will, once more, revise the conditions under which ships are permitted to fly its flag so as not to allow the registration, in Cyprus, of ships which may not comply with the requirements of regulation 13F, 13G or 13H in manner which is consistent with the provisions of Regulation (EC) No. 1726/2003; and
4. Cyprus will make use of the provisions of resolution MEPC.114(50), as well as, of the provisions of regulations 13G(8)(b) and 13H(8)(b) for the purpose of denying entry into its jurisdiction of ships which have been permitted on the basis of either the provisions of regulations 13G(5) or 13G(7), or of the provisions of regulations 13H(5) or 13H(6), to continue operating except when such ships are in search of a safe haven or of a place of refuge.

Cyprus believes that the aforesaid contribute towards the efforts of the International Maritime Organization to enhance the protection of the marine environment. This approach has been designed to indicate to the shipping industry that Cyprus considers that Category 2 and Category 3 oil tankers and oil tankers carrying heavy grade oil must comply with the requirements of regulation 13F as set out in regulations 13G(4) or 13H(4) or, if they fail to do so, they must be taken out of service.

### **3 Statement by the delegation of Malta**

Malta compliments the Parties to MARPOL 73/78 and the International Maritime Organization for the efficient manner in dealing with the revision of regulation 13G and the adoption of new regulation 13H of Annex I of MARPOL 73/78. The spirit of cooperation demonstrated is indeed commendable. Our congratulation goes also to you, Mr. Chairman, for your excellent leadership and, through you, we would also like to express our appreciation to the number of delegates who have worked so hard together with the Director of the Marine Environment Division, to whom, on behalf of all the Secretariat we are also grateful.

Distinguished delegates are aware of the great importance Malta attaches to the protection of the marine environment. The sea is our survival. We are also proud to form part of a community, that of the Mediterranean States, that gives prime importance to the protection of their sea, our sea, over and above their political beliefs and alliances. It is within this spirit and with this responsibility that Malta had made a statement to this Committee on its approach to the existing regulation 13G.

Now, that regulation 13G has again been revised and new regulation 13H adopted, and again, primarily and above anything else, in the interest of safeguarding the marine environment in the most possible but practical way, but also in the light of Malta's political obligations, Malta wishes to advise the Parties to MARPOL 73/78 and the Members of the International Maritime Organization, the following:

1. fuel oil will be imported into Malta on tankers modified to comply with the requirements of regulation 13F; it is to be noted that Malta does not import any crude oil;
2. Malta will implement and enforce the provisions of regulation 13G and 13H in a manner consistent with its legislation which in turn is in line with the European legislation;
3. Malta will, once more, revise the conditions under which ships are permitted to fly its flag in a manner that will ensure that Maltese ships comply with the requirements of regulations 13F, 13G and 13H as adopted into Maltese law; and
4. In line with the provisions of paragraph (8)(b) of both regulations 13G and 13H Malta cannot welcome to its ports ships undergoing commercial operations permitted to derogate from the worldwide standard, of course, save when ships are in difficulty and in search of safe haven.

Of course, Mr. Chairman, adoption in this manner of the amended and new regulations will not be without pain for Malta. However, we sincerely feel that this is the way forward. We also sincerely hope that this policy will be adopted universally, in relation to all issues and in all fora. Or work should be driven not by political, commercial and personal gain but by a sincere interest in the protection of the environment that encompasses a much broader spectrum than the marine environment and ship source pollution. Moreover, our work is not a public relations exercise. The public at large and the shipping industry whom we serve demands and deserves full honesty and transparency and professionalism.

#### **4 Statement by the delegation of Poland**

On behalf of the Polish delegation, I would like to say that Poland is fully in line with the joint statement presented by the delegation of Italy on behalf of the 15 Member States of the European Union and the European Commission after the adoption of the revised regulation 13G and the new regulation 13H of MARPOL 73/78. I would like also to add that we strongly support the statement by Italy as well as the statement by the distinguished delegate of Cyprus.

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