

Selected International Conventions

International Safety Management Code (ISM Code)—Ch. IX to the International Convention for the Safety of Life at Sea (SOLAS) 1974

Intervention Convention—International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969)

MARPOL 73/78—International Convention for the Prevention of Pollution from Ships, 1973 and Protocol of 1978, **SELECTED PORTIONS**

OPRC—International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990

STCW Code—Attachment 2 to the Final Act of the International Convention on Standards of Training, Certification and watchkeeping for Seafarers (STCW), 1995 (**SELECTED SECTIONS OF PART A**)

INTERNATIONAL SAFETY MANAGEMENT CODE (ISM CODE)

AND

GUIDELINES ON THE IMPLEMENTATION
OF THE ISM CODE

1997 EDITION



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Foreword

With the entry into force, on 1 July 1998, of the 1994 amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, which introduced a new chapter IX into the Convention, the International Safety Management (ISM) Code has been made mandatory.

The Code's origins go back to the late 1980s, when there was mounting concern about poor management standards in shipping. Investigations into accidents revealed major errors on the part of management and in 1987 the IMO Assembly adopted resolution A.596(15), which called upon the Maritime Safety Committee to develop guidelines concerning shipboard and shore-based management to ensure the safe operation of ro-ro passenger ferries.

The ISM Code evolved through the development of the Guidelines on Management for the Safe Operation of Ships and for Pollution Prevention, adopted in 1989 by the IMO Assembly as resolution A.647(16), and the revised Guidelines, adopted two years later as resolution A.680(17), to its current form, the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), which was adopted in 1993 as resolution A.741(18).

In 1995, the IMO Assembly, recognizing the need for uniform implementation of the ISM Code and that there might be a need for Administrations to enter into agreements in respect of the issuance of certificates by other Administrations in accordance with SOLAS chapter IX and the ISM Code, adopted the Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations by resolution A.788(19).

This publication includes the texts of SOLAS chapter IX, the ISM Code and the Guidelines referred to in the previous paragraphs.

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Management for the Safe Operation of Ships

Chapter IX* of the annex to the 1974 SOLAS Convention

Regulation 1

Definitions

For the purpose of this chapter, unless expressly provided otherwise.

1 *International Safety Management (ISM) Code* means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the Organization by resolution A.741(18), as may be amended by the Organization, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I.

2 *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code.

3 *Oil tanker* means an oil tanker as defined in regulation II-1/2.12.**

4 *Chemical tanker* means a chemical tanker as defined in regulation VII/8.2.***

5 *Gas carrier* means a gas carrier as defined in regulation VII/11.2.†

6 *Bulk carrier* means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, and includes such types as ore carriers and combination carriers.

* The new chapter IX of the annex to the 1974 SOLAS Convention was adopted by the 1994 SOLAS Conference. It will be deemed to have been accepted on 1 January 1998, unless requisite objections have been communicated to the Secretary-General of the Organization prior to this date, and will enter into force on 1 July 1998.

** i.e., “the oil tanker defined in regulation 1 of Annex I of the Protocol of 1978 relating to [MARPOL 73]”.

*** i.e., “a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the [IBC Code]”.

† i.e., “a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the [IGC Code]”.

7 *Mobile offshore drilling unit (MODU)* means a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt.

8 *High-speed craft* means a craft as defined in regulation X/1.2.*

Regulation 2

Application

- 1** This chapter applies to ships, regardless of the date of construction, as follows:
 - .1** passenger ships including passenger high-speed craft, not later than 1 July 1998;
 - .2** oil tankers, chemical tankers, gas carriers, bulk carriers, and cargo high-speed craft of 500 gross tonnage and upwards, not later than 1 July 1998; and
 - .3** other cargo ships and mobile offshore drilling units of 500 gross tonnage and upwards, not later than 1 July 2002.
- 2** This chapter does not apply to government-operated ships used for non-commercial purposes.

Regulation 3

Safety management requirements

- 1** The company and the ship shall comply with the requirements of the International Safety Management Code.
- 2** The ship shall be operated by a company holding a Document of Compliance referred to in regulation 4.

Regulation 4

Certification

- 1** A Document of Compliance shall be issued to every company which complies with the requirements of the International Safety Management Code. This document shall be issued by the Administration, by an organization recognized by the Administration, or at the request of the Administration by another Contracting Government.
- 2** A copy of the Document of Compliance shall be kept on board the ship in order that the master can produce it on request for verification.
- 3** A Certificate, called a Safety Management Certificate, shall be issued to every ship by the Administration or an organization recognized by the Administration. The

* i.e., “a craft capable of a maximum speed . . . (m/s) equal to or exceeding: $3.7\nabla^{0.1667}$ where: ∇ = displacement corresponding to the design waterline (m^3)”.

Administration or organization recognized by it shall, before issuing the Safety Management Certificate, verify that the company and its shipboard management operate in accordance with the approved safety-management system.

Regulation 5

Maintenance of conditions

The safety-management system shall be maintained in accordance with the provisions of the International Safety Management Code.

Regulation 6

Verification and control

- 1** The Administration, another Contracting Government at the request of the Administration or an organization recognized by the Administration shall periodically verify the proper functioning of the ship's safety-management system.
- 2** Subject to the provisions of paragraph 31 of this regulation, a ship required to hold a certificate issued pursuant to the provisions of regulation 4.3 shall be subject to control in accordance with the provisions of regulation XI/4. For this purpose such certificate shall be treated as a certificate issued under regulation I/12 or I/13.
- 3** In cases of change of flag State or company, special transitional arrangements shall be made in accordance with the guidelines developed by the Organization.*

* Refer to the Guidelines on implementation of the ISM Code by Administrations adopted by the Organization by resolution A.788(19), reproduced on page 351 of the present publication.

International Safety Management (ISM) Code

PREAMBLE

- 1 The purpose of this Code is to provide an international standard for the safe management and operation of ships and for pollution prevention.
- 2 The Assembly adopted resolution A.443(XI), by which it invited all Governments to take the necessary steps to safeguard the shipmaster in the proper discharge of his responsibilities with regard to maritime safety and the protection of the marine environment.
- 3 The Assembly also adopted resolution A.680(17), by which it further recognized the need for appropriate organization of management to enable it to respond to the need of those on board ships to achieve and maintain high standards of safety and environmental protection.
- 4 Recognizing that no two shipping companies or shipowners are the same, and that ships operate under a wide range of different conditions, the Code is based on general principles and objectives.
- 5 The Code is expressed in broad terms so that it can have a widespread application. Clearly, different levels of management, whether shorebased or at sea, will require varying levels of knowledge and awareness of the items outlined.
- 6 The cornerstone of good safety management is commitment from the top. In matters of safety and pollution prevention it is the commitment, competence, attitudes and motivation of individuals at all levels that determines the end result.

1 GENERAL

1.1 Definitions

1.1.1 *International Safety Management (ISM) Code* means the International Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the Assembly, as may be amended by the Organization.

1.1.2 *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for

operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all duties and responsibility imposed by the Code.

1.1.3 *Administration* means the Government of the State whose flag the ship is entitled to fly.

1.2 Objectives

1.2.1 The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment and to property.

1.2.2 Safety-management objectives of the Company should, *inter alia*:

- .1** provide for safe practices in ship operation and a safe working environment;
- .2** establish safeguards against all identified risks; and
- .3** continuously improve safety-management skills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection.

1.2.3 The safety-management system should ensure:

- .1** compliance with mandatory rules and regulations; and
- .2** that applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and maritime industry organizations are taken into account.

1.3 Application

The requirements of this Code may be applied to all ships.

1.4 Functional requirements for a safety-management system

Every Company should develop, implement and maintain a safety-management system (SMS) which includes the following functional requirements:

- .1** a safety and environmental-protection policy;
- .2** instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation;
- .3** defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
- .4** procedures for reporting accidents and non-conformities with the provisions of this Code;
- .5** procedures to prepare for and respond to emergency situations; and
- .6** procedures for internal audits and management reviews.

2 SAFETY AND ENVIRONMENTAL-PROTECTION POLICY

2.1 The Company should establish a safety and environmental-protection policy which describes how the objectives given in paragraph 1.2 will be achieved.

2.2 The Company should ensure that the policy is implemented and maintained at all levels of the organization both, ship-based and shore-based.

3 COMPANY RESPONSIBILITIES AND AUTHORITY

3.1 If the entity who is responsible for the operation of the ship is other than the owner, the owner must report the full name and details of such entity to the Administration.

3.2 The Company should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

3.3 The Company is responsible for ensuring that adequate resources and shore-based support are provided to enable the designated person or persons to carry out their functions.

4 DESIGNATED PERSON(S)

To ensure the safe operation of each ship and to provide a link between the Company and those on board, every Company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons should include monitoring the safety and pollution-prevention aspects of the operation of each ship and ensuring that adequate resources and shore-based support are applied, as required.

5 MASTER'S RESPONSIBILITY AND AUTHORITY

5.1 The Company should clearly define and document the master's responsibility with regard to:

- .1** implementing the safety and environmental-protection policy of the Company;
- .2** motivating the crew in the observation of that policy;
- .3** issuing appropriate orders and instructions in a clear and simple manner;
- .4** verifying that specified requirements are observed; and
- .5** reviewing the SMS and reporting its deficiencies to the shore-based management.

5.2 The Company should ensure that the SMS operating on board the ship contains a clear statement emphasizing the master's authority. The Company should establish

in the SMS that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the Company's assistance as may be necessary.

6 RESOURCES AND PERSONNEL

6.1 The Company should ensure that the master is:

- .1** properly qualified for command;
- .2** fully conversant with the Company's SMS; and
- .3** given the necessary support so that the master's duties can be safely performed.

6.2 The Company should ensure that each ship is manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements.

6.3 The Company should establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarization with their duties. Instructions which are essential to be provided prior to sailing should be identified, documented and given.

6.4 The Company should ensure that all personnel involved in the Company's SMS have an adequate understanding of relevant rules, regulations, codes and guidelines.

6.5 The Company should establish and maintain procedures for identifying any training which may be required in support of the SMS and ensure that such training is provided for all personnel concerned.

6.6 The Company should establish procedures by which the ship's personnel receive relevant information on the SMS in a working language or languages understood by them.

6.7 The Company should ensure that the ship's personnel are able to communicate effectively in the execution of their duties related to the SMS.

7 DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS

The Company should establish procedures for the preparation of plans and instructions for key shipboard operations concerning the safety of the ship and the prevention of pollution. The various tasks involved should be defined and assigned to qualified personnel.

8 EMERGENCY PREPAREDNESS

8.1 The Company should establish procedures to identify, describe and respond to potential emergency shipboard situations.

8.2 The Company should establish programmes for drills and exercises to prepare for emergency actions.

8.3 The SMS should provide for measures ensuring that the Company's organization can respond at any time to hazards, accidents and emergency situations involving its ships.

9 REPORTS AND ANALYSIS OF NON-CONFORMITIES, ACCIDENTS AND HAZARDOUS OCCURRENCES

9.1 The SMS should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the Company, investigated and analysed with the objective of improving safety and pollution prevention.

9.2 The Company should establish procedures for the implementation of corrective action.

10 MAINTENANCE OF THE SHIP AND EQUIPMENT

10.1 The Company should establish procedures to ensure that the ship is maintained in conformity with the provisions of the relevant roles and regulations and with any additional requirements which may be established by the Company.

10.2 In meeting these requirements the Company should ensure that:

- .1** inspections are held at appropriate intervals;
- .2** any non-conformity is reported, with its possible cause, if known;
- .3** appropriate corrective action is taken; and
- .4** records of these activities are maintained.

10.3 The Company should establish procedures in its SMS to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The SMS should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.

10.4 The inspections mentioned in 10.2 as well as the measures referred to in 10.3 should be integrated in to the ship's operational maintenance routine.

11 DOCUMENTATION

11.1 The Company should establish and maintain procedures to control all documents and data which are relevant to the SMS.

11.2 The Company should ensure that:

- .1** valid documents are available at all relevant locations;

- .2 changes to documents are reviewed and approved by authorized personnel; and
- .3 obsolete documents are promptly removed.

11.3 The documents used to describe and implement the SMS may be referred to as the Safety Management Manual. Documentation should be kept in a form that the Company considers most effective. Each ship should carry on board all documentation relevant to that ship.

12 COMPANY VERIFICATION, REVIEW AND EVALUATION

12.1 The Company should carry out internal safety audits to verify whether safety and pollution-prevention activities comply with the SMS.

12.2 The Company should periodically evaluate the efficiency of and, when needed, review the SMS in accordance with procedures established by the Company.

12.3 The audits and possible corrective actions should be carried out in accordance with documented procedures.

12.4 Personnel carrying out audits should be independent of the areas being audited unless this is impracticable due to the size and the nature of the Company.

12.5 The results of the audits and reviews should be brought to the attention of all personnel having responsibility in the area involved.

12.6 The management personnel responsible for the area involved should take timely corrective action on deficiencies found.

13 CERTIFICATION, VERIFICATION AND CONTROL

13.1 The ship should be operated by a Company which is issued a document of compliance relevant to that ship.

13.2 A document of compliance should be issued for every Company complying with the requirements of the ISM Code by the Administration, by an organization recognized by the Administration or by the Government of the country, acting on behalf of the Administration in which the Company has chosen to conduct its business. This document should be accepted as evidence that the Company is capable of complying with the requirements of the Code.

13.3 A copy of such a document should be placed on board in order that the master, if so asked, may produce it for the verification of the Administration or organizations recognized by it.

13.4 A certificate, called a Safety Management Certificate, should be issued to a ship by the Administration or organization recognized by the Administration. The

Administration should, when issuing the certificate, verify that the Company and its shipboard management operate in accordance with the approved SMS.

13.5 The Administration or an organization recognized by the Administration should periodically verify the proper functioning of the ship's SMS as approved.

Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations

Resolution A.788(19)

INTRODUCTION

The ISM Code

The International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code) was adopted by the Organization by resolution A.741(18) and will be made mandatory by virtue of the entry into force on 1 July 1998 of SOLAS chapter IX on Management for the Safe Operation of Ships. The ISM Code provides an international standard for the safe management and operation of ships and for pollution prevention.

The ISM Code requires that Companies establish safety objectives as described in section 1.2 of the ISM Code, and in addition that the Companies develop, implement and maintain a safety management system (SMS) which includes functional requirements as listed in section 1.4 of the ISM Code

The application of the ISM Code should *support and encourage* the development of a safety culture in shipping. Success factors for the development of a safety culture are, *inter alia*, commitment, values and beliefs.

Mandatory application of the ISM Code

The appropriate organization of management, ashore and on board, is needed to ensure adequate standards of safety. A systematic approach to management by those responsible for management of ships is therefore required. The objectives of the mandatory application of the ISM Code are to ensure:

- .1 compliance with mandatory rules and regulations related to the safe operation of ships and protection of the environment; and
- .2 the effective implementation and enforcement thereof by Administrations.

Effective enforcement by Administrations must include verification that the SMS complies with the requirements as stipulated in the ISM Code, as well as verification of compliance with mandatory rules and regulations

The mandatory application of the ISM Code should ensure, support and encourage that applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and maritime industry organizations are taken into account.

Verification and certification responsibilities

The Administration is responsible for verifying compliance with the requirements of the ISM Code and issuing Documents of Compliance (DOC) to Companies and Safety Management Certificates (SMC) to ships.

Resolution A.739(18), Guidelines for the Authorization of organizations Acting on Behalf of the Administration, which has been made mandatory by virtue of the new SOLAS chapter XI, and resolution A.740(18), Interim Guidelines to Assist Flag States, are applicable when Administrations authorize organizations to issue DOC and SMC on their behalf.

1 SCOPE AND APPLICATION

1.1 Definitions

1.1.1 *International Safety Management (ISM) Code* means the International Management Code for the Safe Operation of Ships and for Pollution Prevention, as adopted by the Organization by resolution A.741(18), as may be amended by the Organization.

1.1.2 *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISM Code.

1.1.3 *Administration* means the Government of the State whose flag the ship is entitled to fly.

1.1.4 *Safety management system (SMS)* means a structured and documented system enabling Company personnel to effectively implement the Company safety and environmental protection policy.

1.1.5 *Document of Compliance (DOC)* means a document issued to a Company which complies with the requirements of the ISM Code.

1.1.6 *Safety Management Certificate (SMC)* means a document issued to a ship which signifies that the Company and its shipboard management operate in accordance with the approved SMS.

1.1.7 *Safety management audit* means a systematic and independent examination to determine whether the SMS activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.

1.1.8 *Observation* means a statement of fact made during a safety management audit and substantiated by objective evidence.

1.1.9 *Objective evidence* means quantitative or qualitative information records or statements of fact pertaining to safety or to the existence and implementation of an SMS element, which is based on observation, measurement or test and which can be verified.

1.1.10 *Non-conformity* means an observed situation where objective evidence indicates the non-fulfilment of a specified requirement.

1.1.11 *Major non-conformity* means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the environment and requires immediate corrective action; in addition, the lack of effective and systematic implementation of a requirement of the SM Code is also considered as a major non-conformity.

1.2 Scope and application

1.2.1 These Guidelines establish basic principles:

- .1** for verifying that the SMS of a Company responsible for the operation of ships or the SMS for the ship or ships controlled by the company complies with the SM Code; and
- .2** for the issue and periodical verification of the DOC and SMC.

1.2.2 These Guidelines are applicable to Administrations.

2 VERIFYING COMPLIANCE WITH THE ISM CODE

2.1 General

2.1.1 To comply with the requirements of the SM Code, Companies should develop, implement and maintain an SMS to ensure that the safety and environmental protec-

tion policy of the Company is implemented. The Company policy should include the objectives defined by the SM Code.*

2.1.2 Administrations should verify compliance with the requirements of the ISM Code by determining:

- .1 the conformity of the Company's SMS with the requirements of the ISM Code; and
- .2 that the SMS ensures that the objectives defined in paragraph 1.2.3 of the ISM Code are met.

2.1.3 Determining conformity or non-conformity of the SMS elements with the requirements specified by the ISM Code may demand that criteria for assessment be developed. Administrations are recommended to limit the development of criteria in the form of prescriptive management system solutions. Criteria for assessment in the form of prescriptive requirements may have the effect that safety management in shipping results in Companies implementing solutions prepared by others, it may then be difficult for a Company to develop the solutions which best suit that particular Company, that particular operation or that specific ship.

2.1.4 Therefore, Administrations are recommended to ensure that these assessments are based on determining the effectiveness of the SMS in meeting specified objectives, rather than conformity with detailed requirements in addition to those contained in the ISM Code, so as to reduce the need for developing criteria to facilitate assessment of the Companies' compliance with the ISM Code.

2.2 The ability of the SMS to meet general safety management objectives

2.2.1 The ISM Code identifies general safety management objectives. These objectives are:

- .1 to provide for safe practices in ship operation and a safe working environment;
- .2 to establish safeguards against all identified risks; and
- .3 to continuously improve the safety-management skills of personnel ashore and aboard, including preparing for emergencies related both to safety and environmental protection.

The verification should support and encourage Companies in achieving these objectives.

2.2.2 These objectives provide clear guidance to Companies for the development of SMS elements in compliance with the ISM Code. Since, however, the ability of the

* The ICS/ISF Guidelines on the Application of the International Safety Management Code (A.18/INF.5) provide useful guidance on important individual elements of an SMS and its development by Companies.

SMS in achieving these objectives cannot be determined beyond whether the SMS complies with the requirements of the ISM Code, they should not form the basis for establishing detailed interpretations to be used for determining conformity or non-conformity with the requirements of the ISM Code.

2.3 The ability of the SMS to meet specific requirements of safety and pollution prevention

2.3.1 The main criteria which should govern the development of interpretations needed for assessing compliance with the requirements of the ISM Code should be the ability of the SMS to meet the specific requirements defined by the ISM Code in terms of specific standards of safety and pollution prevention.

The specific standards of safety and protection of the environment specified by the ISM Code are:

- .1** compliance with mandatory rules and regulations; and
- .2** that applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and other maritime industry organizations are taken into account.

2.3.2 All records having the potential to facilitate verification of compliance with the ISM Code should be open to scrutiny during an examination. For this purpose the Administration should ensure that the Company provide auditors with statutory and classification records relevant to the actions taken by the Company to ensure that compliance with mandatory rules and regulations is maintained. In this regard the records may be examined to substantiate their authenticity and veracity.

2.3.3 Some mandatory requirements may not be subject to statutory or classification surveys, such as:

- .1** maintaining the condition of ship and equipment between surveys; and
- .2** certain operational requirements.

Specific arrangements may be required to ensure compliance and to provide for the objective evidence needed for verification in these cases, such as:

- .1** documented procedures and instructions; and
- .2** documentation of the verification carried out by senior officers of day-to-day operation when relevant to ensure compliance.

2.3.4 The verification of compliance with mandatory rules and regulations, which is part of the ISM Code certification, neither duplicates nor substitutes surveys for other maritime certificates. The verification of compliance with the ISM Code does not relieve the Company, the master or any other entity or person involved in the management or operation of the ship of their responsibilities.

2.3.5 Administrations should ensure that the Company has:

- .1 taken into account the recommendations, as referred to in 1.2.3.2 of the ISM Code, when establishing the SMS; and
- .2 developed procedures to ensure that these recommendations are implemented on shore and on board.

2.3.6 Within an SMS, implementation of codes, guidelines and standards recommended by the Organization, Administrations, classification societies and other maritime industry organizations does not make these recommendations mandatory under the ISM Code. Nevertheless auditors should encourage companies to adopt these recommendations whenever applicable to the Company.

3 ISSUANCE AND VALIDITY OF DOC AND SMC**3.1 Issuance and validity of the DOC**

3.1.1 The DOC should be issued to a Company following an initial verification of compliance with the requirements of the ISM Code.

3.1.2 The DOC should be issued following verification that the SMS of the Company complies with the requirements of the ISM Code and determination of objective evidence proving that it is effectively implemented. The verification should include objective evidence demonstrating that the Company SMS has been in operation for at least three months, and an SMS has been in operation on board at least one ship of each type operated by the Company for at least three months. The objective evidence should, *inter alia*, include records from the internal annual audit performed by the Company, ashore and on board.

3.1.3 The DOC is valid for the types of ships on which the initial verification was based.

3.1.4 The validity of a DOC may be extended to cover additional ship types after verification of the Company's capability to comply with the requirements of the ISM Code for such ship types. In this context, ship types are those referred to SOLAS chapter IX.

3.1.5 The DOC is valid for a period of five years.

3.1.6 The validity of the DOC is subject to annual verification within three months before or after the anniversary date to confirm the effective functioning of the SMS. This should include examining and verifying the correctness of the statutory and classification records presented for at least one ship of each type to which the DOC applies. Corrective actions and modifications to the SMS carried out since the previous verification should be verified.

3.1.7 Renewal of the DOC for a further period of five years should include assessment of all the elements of the SMS regarding its effectiveness in meeting the objectives specified in the ISM Code.

3.1.8 Only the issuing Administration may withdraw the DOC. The issuing Administration should withdraw the DOC if the periodical verification is not requested or if there is evidence of major non-conformity with the ISM Code. The SMCs associated with the DOC should also be invalidated and withdrawn.

3.2 Issuance and validity of the SMC

3.2.1 The SMC should be issued to a ship following an initial verification of compliance with the requirements of the ISM Code. This includes the verification that the DOC for the Company responsible for the operation of the ship is applicable to that particular type of ship, and assessment of the shipboard SMS to verify that it complies with the requirements of the ISM Code, and that it is implemented. Objective evidence demonstrating that the Company's SMS has been functioning effectively for at least three months on board the ship should be available, including, *inter alia*, records from the internal audit performed by the Company.

3.2.2 The SMC is valid for a period of five years.

3.2.3 The validity of the SMC is subject to at least one intermediate verification, confirming the effective functioning of the SMS, and that any modifications carried out since the previous verification comply with the requirements of the ISM Code. In certain cases, particularly during the initial period of operation under the SMS, the Administration may find it necessary to increase the frequency of the intermediate verification. Additionally, the nature of non-conformities may also provide a basis for increasing the frequency of intermediate verifications.

3.2.4 Renewal of the SMC for a further period of five years should include an assessment of all elements of the SMS pertaining to that ship and regarding its effectiveness of the SMS in meeting the objectives specified in the ISM Code.

3.2.5 Only the issuing Administration may withdraw the SMC. The issuing Administration should withdraw the SMC if intermediate verification is not requested or if there is evidence of major non-conformity with the ISM Code.

3.3 Interim DOC and SMC

3.3.1 In cases of change of flag or Company, special transitional arrangements should be made in accordance with these Guidelines.

3.3.2 An Interim DOC may be issued to facilitate initial implementation of the SM Code and implementation where a Company is newly established or where new ship types are added to an existing DOC.

3.3.3 An Administration may issue an Interim DOC, valid for no more than 12 months, to a Company following a demonstration that the Company has an SMS that meets the objectives of paragraph 1.2.3 of the ISM Code. The Administration should require the Company to demonstrate plans to implement an SMS meeting the full requirements of the ISM Code within the period of validity of the Interim DOC.

3.3.4 An Interim SMC, valid for not more than six months, may be issued to new ships on delivery, and when a Company takes on the responsibility for the management of a ship which is new to the Company. In special cases the Administration may extend the validity of the Interim SMC for a further six months.

3.3.5 Before issuing an Interim SMC, the Administration should verify that:

- .1** the DOC, or the Interim DOC, is relevant to that ship;
- .2** the SMS provided by the Company for the ship includes key elements of the ISM Code and has been assessed during the audit for issuance of the DOC or demonstrated for issuance of the Interim DOC (see 3.3.3);
- .3** the master and relevant senior officers are familiar with the SMS and the planned arrangements for its implementation;
- .4** instructions which have been identified as essential to be provided prior to sailing have been given;
- .5** plans for Company audit of the ship within three months exist; and
- .6** the relevant information on the SMS is given in a working language or languages understood by the ship's personnel.

4 THE CERTIFICATION PROCESS

4.1 Certification activities

4.1.1 The certification process relevant for the issuance of a DOC for a Company and an SMC to a ship will normally involve the following steps:

- .1** initial verification;
- .2** periodical or intermediate verification; and
- .3** renewal verification.

These verifications are carried out at the request of the Company to the Administration, or to the organization recognized by the Administration to perform certification functions under the ISM Code.

The verifications will include an audit of the SMS.

4.2 Initial verification

4.2.1 The Company should apply for ISM Code certification to the Administration.

4.2.2 An assessment of the shore side management system undertaken by the Administration would necessitate assessment of the offices where such management is carried out and possibly other locations depending on the Company's organization and functions of the various locations.

4.2.3 On satisfactory completion of the assessment of the shore side SMS, arrangements/planning may commence for the assessment of the Company's ships.

4.2.4 On satisfactory completion of the assessment, a DOC will be issued to the Company, copies of which should be forwarded to each shore side premises and each ship in the Company's fleet. As each ship is assessed and issued with an SMC, a copy of it should also be forwarded to the Company's head office.

4.2.5 In cases where certificates are issued by a recognized organization, copies of all certificates should also be sent to the Administration.

4.2.6 The safety management audit for the Company and for a ship will involve the same basic steps. The purpose is to verify that a Company or a ship comply with the requirements of the ISM Code. The audits include:

- .1 the conformity of the Company's SMS with the requirements of the ISM Code; and
- .2 that the SMS ensures that the objectives defined in paragraph 1.2.3 of the ISM Code are met.

4.3 Periodical verification of DOC

4.3.1 Periodical safety management audits are to be carried out to maintain the validity of the DOC. The purpose of these audits is to verify the effective functioning of the SMS, and that any modifications made to the SMS comply with the requirements of the ISM Code.

4.3.2 Periodical verification is to be carried out within three months before and after each anniversary date of DOC. A schedule not exceeding three months is to be agreed for completion of the necessary corrective actions.

4.3.3 Where the Company has more than one shore side premises, each of which may not have been visited at the initial assessment, the periodical assessments should endeavour to ensure that all sites are visited during the period of validity of the DOC.

4.4 Intermediate verification of SMC

4.4.1 Intermediate safety management audits should be carried out to maintain the validity of the SMC. The purpose of these audits is to verify the effective functioning of the SMS and that any modifications made to the SMS comply with the requirements of the ISM Code.

4.4.2 If only one intermediate verification is to be carried out, it should take place between the second and third anniversary date of the issue of the SMC.

4.5 Renewal verification

Renewal verifications are to be performed before the validity of the DOC or the SMC expires. The renewal verification will address all the elements of the SMS and the activities to which the requirements of the ISM Code apply. Renewal verification may be carried out from six months before the expiry date of the DOC or the SMC and should be completed before their expiry date.

4.6 Safety management audits

The procedure for safety management audits outlined in the following paragraphs includes all steps relevant for initial verification. Safety management audits for periodical verification and renewal verification should be based on the same principles even if their scope may be different.

4.7 Application for audit

4.7.1 The Company should submit a request for audit to the Administration or to the organization recognized by the Administration for issuing DOC or SMC on behalf of the Administration.

4.7.2 The Administration or the recognized organization should then nominate the lead auditor and, if relevant, the audit team.

4.8 Preliminary review

As a basis for planning the audit, the auditor should review the safety management manual to determine the adequacy of the SMS in meeting the requirements of the ISM Code. If this review reveals that the system is not adequate, the audit will have to be delayed until the Company undertakes corrective action.

4.9 Preparing the audit

4.9.1 The nominated lead auditor should liaise with the Company and produce an audit plan.

4.9.2 The auditor should provide the working documents which are to govern the execution of the audit to facilitate the assessments, investigations and examinations in accordance with the standard procedures, instructions and forms which have been established to ensure consistent auditing practices.

4.9.3 The audit team should be able to communicate effectively with auditees.

4.10 Executing the audit

4.10.1 The audit should start with an opening meeting in order to introduce the audit team to the Company's senior management, summarize the methods for conducting the audit, confirm that all agreed facilities are available, confirm time and date for a closing meeting and clarify possible unclear details relevant to the audit.

4.10.2 The audit team should assess the SMS on the basis of the documentation presented by the Company and objective evidence as to its effective implementation.

4.10.3 Evidence should be collected through interviews and examination of documents. Observation of activities and conditions may also be included when necessary to determine the effectiveness of the SMS in meeting the specific standards of safety and protection of the environment required by the ISM Code.

4.10.4 Audit observations should be documented. After activities have been audited, the audit team should review their observations to determine which are to be reported as non-conformities. Non-conformities should be reported in terms of the general and specific provisions of the ISM Code.

4.10.5 At the end of the audit, prior to preparing the audit report, the audit team should hold a meeting with the senior management of the Company and those responsible for the functions concerned. The purpose is to present the observations to ensure that the results of the audit are clearly understood.

4.11 Audit report

4.11.1 The audit report should be prepared under the direction of the lead auditor, who is responsible for its accuracy and completeness.

4.11.2 The audit report should include the audit plan, the identification of audit team members, dates and identification of the Company, observations on any non-conformities and observations on the effectiveness of the SMS in meeting the specified objectives.

4.11.3 The Company should receive a copy of the audit report. The Company should be advised to provide a copy of the shipboard audit reports to the ship.

4.12 Corrective action follow-up

4.12.1 The Company is responsible for determining and initiating the corrective action needed to correct a non-conformity or to correct the cause of the non-conformity. Failure to correct non-conformities with specific requirements of the ISM Code may affect the validity of the DOC and related SMCs.

4.12.2 Corrective actions and possible subsequent follow-up audits should be completed within the time period agreed. The Company should apply for the follow-up audits.

4.13 Company responsibilities pertaining to safety management audits

4.13.1 The verification of compliance with the requirements of the ISM Code does not relieve the Company, management, officers or seafarers of their obligations as to compliance with national and international legislation related to safety and protection of the environment.

4.13.2 The Company is responsible for:

- .1** informing relevant employees about the objectives and scope of the ISM Code certification;
- .2** appointing responsible members of staff to accompany members of the team performing the certification;
- .3** providing the resources needed by those performing the certification to ensure an effective and efficient verification process;
- .4** providing access and evidential material as requested by those performing the certification; and
- .5** co-operating with the verification team to permit the certification objectives to be achieved.

4.14 Responsibilities of the organization performing the ISM Code certification

The organization performing the ISM Code certification is responsible for ensuring that the certification process is performed according to the ISM Code and these Guidelines. This includes management control of all aspects of the certification according to Appendix 1 to these Guidelines.

4.15 Responsibilities of the verification team

4.15.1 Whether the verifications involved with certification are performed by a team or not, one person should be in charge of the verification. The leader should be given the authority to make final decisions regarding the conduct of the verification and any observations. His responsibilities should include:

- .1** preparation of a plan for the verification; and
- .2** submission of the report of the verification.

4.15.2 Personnel participating in the verification are responsible for complying with the requirements governing the verification, ensuring confidentiality of documents pertaining to the certification and treating privileged information with discretion.

4.16 Forms of DOC and SMC

The DOC, SMC and Interim DOC and Interim SMC should be drawn up in the form corresponding to the models given in Appendix 2 to these Guidelines. If the language used is neither English or French, the text should include a translation into one of these languages.

Appendix 1

Standards on ISM Code Certification Arrangements

1 INTRODUCTION

The audit team, and the organization under which it may be managed, involved with ISM Code certification should comply with the specific requirements stated in this annex.

2 STANDARD OF MANAGEMENT

2.1 Organizations managing verification of compliance with the ISM Code should have, in their own organization, competence in relation to:

- .1** ensuring compliance with the rules and regulations including certification of seafarers, for the ships operated by the Company;
- .2** the approval, survey and certification activities relevant for the maritime certificates;
- .3** the terms of reference that must be taken into account under the SMS as required by the ISM Code; and
- .4** practical experience of ship operation.

2.2 The 1974 SOLAS Convention requires that organizations recognized by Administrations for issuing DOC and SMC at their request should comply with resolution A.739(18).

2.3 Any organization performing verification of compliance with the provisions of the ISM Code should ensure that there exists independence between the personnel providing consultancy services and those involved in the certification procedure.

3 STANDARDS OF COMPETENCE

3.1 ISM Code certification scheme management

Management of ISM Code certification schemes should be carried out by those who have practical knowledge of ISM Code certification procedures and practices.

3.2 Basic competence for performing verification

3.2.1 Personnel who are to participate in the verification of compliance with the requirements of the ISM Code should have a minimum of formal education comprising the following:

- .1 qualifications from a tertiary institution recognized by the Administration or by the recognized organization within a relevant field of engineering or physical science (minimum two years programme), or
- .2 qualifications from a marine or nautical institution and relevant sea-going experience as a certified ship officer.

3.2.2 They should have undergone training to ensure adequate competence and skills for performing verification of compliance with the requirements of the ISM Code, particularly with regard to:

- .1 knowledge and understanding of the ISM Code;
- .2 mandatory rules and regulations;
- .3 the terms of reference which the ISM Code requires that Companies should take into account;
- .4 assessment techniques of examining, questioning, evaluating and reporting;
- .5 technical or operational aspects of safety management;
- .6 basic knowledge of shipping and shipboard operations; and
- .7 participation in at least one marine related management system audit.

3.2.3 Such competence should be demonstrated through written or oral examinations, or other acceptable means.

3.3 Competence for initial verification and renewal verification

3.3.1 In order to assess fully whether the Company or the ship complies with the requirements of the ISM Code, in addition to the basic competence stated under section 3.2 above, personnel who are to perform initial verifications or renewal verifications for a DOC or SMC, must possess the competence to:

- .1 determine whether the SMS elements conform or do not conform with the requirements of the ISM Code;
- .2 determine the effectiveness of the Company's SMS, or that of the ship, to ensure compliance with rules and regulations as evidenced by the statutory and classification survey records;
- .3 assess the effectiveness of the SMS in ensuring compliance with other rules and regulations which are not covered by statutory and classification surveys and enabling verification of compliance with these rules and regulations; and
- .4 assess whether the safe practices recommended by the Organization, Administrations, classification societies and maritime industry organizations have been taken into account.

3.3.2 This competence can be accomplished by teams which together possess the total competence required.

3.3.3 Personnel who are to be in charge of initial verification or renewal verification of compliance with the requirements of the ISM Code should have at least five years experience in areas relevant to the technical or operational aspects of safety management; and have participated in at least three initial verifications or renewal verifications. Participation in verification of compliance with other management standards may be considered as equivalent to participation in verification of compliance with the ISM Code.

3.4 Competence for periodical, intermediate and interim verification

Personnel who are to perform periodical, intermediate and interim verifications should satisfy basic requirements for personnel participating in verifications and should have participated in a minimum of two periodical, renewal or initial verifications. They should have received special instructions needed to ensure that they possess the competence required to determine the effectiveness of the Company's SMS.

4 QUALIFICATION ARRANGEMENTS

Organizations performing ISM Code certification should have implemented a documented system for qualification and continuous updating of the knowledge and competence of personnel who are to perform verification of compliance with the ISM Code. This system should comprise theoretical training courses covering all the competence requirements and the appropriate procedures connected to the certification process, as well as practical tutored training, and it should provide documented evidence of satisfactory completion of the training.

5 CERTIFICATION PROCEDURES AND INSTRUCTIONS

Organizations performing ISM Code certification should have implemented a documented system to ensure that the certification process is performed in accordance with this standard. This system should, *inter alia*, include procedures and instructions for the following:

- .1** contract agreements with Companies;
- .2** planning, scheduling and performing verification;
- .3** reporting results from verification;
- .4** issuance of DOC, SMS and Interim DOC and SMC; and
- .5** corrective action and follow-up of verifications, including actions to be taken in cases of major non-conformity.

**International Convention Relating to
Intervention on the High Seas
in Cases of Oil Pollution Casualties
(1969)**

and

Protocol
Relating to Intervention on the High Seas
in Cases of Pollution by Substances
Other Than Oil, 1973



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Foreword

This publication* contains the text of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, done at Brussels on 29 November 1969 and the text of the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil, 1973, done at London on 2 November 1973, including the Annex containing a list of substances established by the Marine Environment Protection Committee of IMCO in accordance with paragraph 2(a) of Article I of the Protocol. The Convention entered into force on 6 May 1975 and the Protocol entered into force on 30 March 1983.

* This edition incorporates a rectification made in the title of the Protocol as a consequence of a Procès-verbal of Rectification dated 14 October 1977.

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**INTERNATIONAL CONVENTION RELATING TO
INTERVENTION ON THE HIGH SEAS IN CASES OF
OIL POLLUTION CASUALTIES***

The States Parties to the present Convention,

CONSCIOUS of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

CONVINCED that under these circumstances measures of an exceptions character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

HAVE AGREED as follows:

Article I

1. Parties to the present Convention may take such measures on the high sea as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty which may reasonably be expected to result in major harmful consequences.
2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

Article II

For the purposes of the present Convention:

1. "Maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;
2. "Ship" means:
 - (a) any sea-going vessel of any type whatsoever, and

* The Convention was done by the International Legal Conference on Marine Pollution Damage in Brussels on 29 November 1969. It entered into force on 6 May 1975.

- (b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea bed and the ocean floor and the subsoil thereof;
3. "Oil" means crude oil, fuel oil, diesel oil and lubricating oil;
 4. "Related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:
 - (a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the person concerned;
 - (b) tourist attractions of the area concerned;
 - (c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;
 5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

- (a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;
- (b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;
- (c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;
- (d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;
- (e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

- (f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

Article IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.
2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

Article V

1. Measures taken by the coastal State in accordance with Article I shall proportionate to the damage actual or threatened to it.
2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests the flag State, third States and of any persons, physical or corporate, concerns.
3. In considering whether the measures are proportionate to the damage account shall be taken of:
 - (a) the extent and probability of imminent damage if those measures are not taken; and
 - (b) the likelihood of those measures being effective; and
 - (c) the extent of the damage which may be caused by such measures.

Article VI

Any Party which has taken measures in contravention of the provision in the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exclude those reasonably necessary to achieve the end mentioned in Article I.

Article VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of

the Parties or any interested physical or corporate person of any remedy otherwise applicable.

Article VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention and whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.
2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own country have not been exhausted.

Article IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.
2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval;
 - (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
 - (c) accession.

Article X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article XI

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.
2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XIII

1. The United Nations where it is the administering authority for a territory or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declaring that the present Convention shall extend to such territory.
2. The present Convention shall, from the date of receipt of the notification from such other date as may be specified in the notification, extend to the territory named therein.
3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.
4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therefore after the date of receipt of the notification by the Secretary-General of the Organization.

Article XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.
2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

Article XV

1. The present Convention shall be deposited with the Secretary-General the Organization.
2. The Secretary-General of the Organization shall:
 - (a) inform all States which have signed or acceded to the Convention or:
 - (i) each new signature or deposit of instrument together with the data thereof;
 - (ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;
 - (iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;
 - (b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

Article XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned* being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

* Signatures omitted.

ANNEX

CHAPTER I. CONCILIATION

Article 1

Provided the Parties concerned do not decide otherwise, the procedure of conciliation shall be in accordance with the rules set out in this Chapter.

Article 2

1. A Conciliation Commission shall be established upon the request of the Party addressed to another in application of Article VIII of the Convention.
2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.
3. If a procedure has been initiated between two Parties, any other Party of nationals or property of which have been affected by the same measures which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joins.

Article 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.
2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.
3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission to be nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of the nomination.

Article 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

Article 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

Article 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

Article 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) provide the Commission with the necessary documents and information;

- (b) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

Article 8

The task of the Conciliation Commission will be to clarify the matter under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. Although examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties will be called upon to state whether or not they accept the recommendation.

Article 9

The recommendation shall be accompanied by a statement of reasons for the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver separate opinion.

Article 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall otherwise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above provided the Parties have not agreed otherwise, if the Commission shall have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

Article 11

1. Each member of the Commission shall receive remuneration for his work such remuneration to be fixed by agreement between the Parties which each contribute an equal proportion.
2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

Article 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure of settlement of disputes.

CHAPTER II. ARBITRATION

Article 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.
2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

Article 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

Article 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex: the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.
2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.
3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination, one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the same Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

Article 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures by which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joindness.

Article 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

Article 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of the members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.
2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:
 - (a) provide the Tribunal with the necessary documents and information;
 - (b) enable the Tribunal to enter their territory, to hear witnesses or expertise and to visit the scene.
3. Absence or default of one Party shall not constitute an impediment to the procedure.

Article 19

1. The award of the Tribunal shall be accompanied by a statement of reason. It shall be final and without appeal. The Parties shall immediately comply with the award.
2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

International Convention for the Prevention of Pollution from Ships, 1973

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

HAVE AGREED as follows:

Article 1

General obligations under the Convention

- (1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.
- (2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

Article 2*Definitions*

For the purposes of the present Convention, unless expressly provided otherwise:

- (1) *Regulation* means the regulations contained in the Annexes to the present Convention.
- (2) *Harmful substance* means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention.
- (3) (a) *Discharge*, in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;
(b) *Discharge* does not include:
 - (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or
 - (ii) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources; or
 - (iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.
- (4) *Ship* means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.
- (5) *Administration* means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.
- (6) *Incident* means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.
- (7) *Organization* means the Inter-Governmental Maritime Consultative Organization.*

* The name of the Organization was changed to "International Maritime Organization" by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

Article 3

Application

- (1) The present Convention shall apply to:
 - (a) ships entitled to fly the flag of a Party to the Convention; and
 - (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.
- (2) Nothing in the present article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.
- (3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

Article 4

Violation

- (1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefore under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.
- (2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefore under the law of that Party. Whenever such a violation occurs, that Party shall either:
 - (a) cause proceedings to be taken in accordance with its law; or
 - (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.
- (3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.
- (4) The penalties specified under the law of a Party pursuant to the present article

shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

Article 5

Certificates and special rules on inspection of ships

(1) Subject to the provisions of paragraph (2) of the present article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

(2) A ship required to hold a certificate in accordance with the provisions of the regulations is subject, while in the ports or offshore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the regulations.

(4) With respect to the ship of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 6

Detection of violations and enforcement of the Convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and

practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or offshore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the regulations. If it is practicable to do so, the competent authority of the former Party shall notify the master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

Article 7

Undue delay to ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under articles 4, 5 or 6 of the present Convention.

(2) When a ship is unduly detained or delayed under articles 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

Article 8

Reports on incidents involving harmful substances

(1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention.

- (2) Each Party to the Convention shall:
 - (a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and
 - (b) notify the Organization with complete details of such arrangements for circulation to other Parties and Member States of the Organization.
- (3) Whenever a Party receives a report under the provisions of the present article, that Party shall relay the report without delay to:
 - (a) the Administration of the ship involved; and
 - (b) any other State which may be affected.
- (4) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol I to the present Convention. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other Party concerned.

Article 9

Other treaties and interpretation

- (1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.
- (2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.
- (3) The term “jurisdiction” in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

Article 10

Settlements of disputes

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

Article 11*Communication of information*

- (1) The Parties to the Convention undertake to communicate to the Organization:
 - (a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;
 - (b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the regulations;*
 - (c) a sufficient number of specimens of their certificates issued under the provisions of the regulations;
 - (d) a list of reception facilities including their location, capacity and available facilities and other characteristics;
 - (e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and
 - (f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.
- (2) The Organization shall notify Parties of the receipt of any communications under the present article and circulate to all Parties any information communicated to it under subparagraphs (1)(b) to (f) of the present article.

Article 12*Casualties to ships*

- (1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the regulations if such casualty has produced a major deleterious effect upon the marine environment.
- (2) Each Party to the Convention undertakes to supply the Organization with information concerning the findings of such investigation, when it judges that such information may assist in determining what changes in the present Convention might be desirable.

Article 13*Signature, ratification, acceptance, approval and accession*

- (1) The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall there-

* The text of this subparagraph is replaced by that contained in article III of the 1978 Protocol (see Page 20).

after remain open for accession. States may become Parties to the present Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

(3) The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article 14

Optional annexes

(1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as "Optional Annexes") of the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.

(2) A State which has declared that it is not bound by an Optional Annex may at any time accept such Annex by depositing with the Organization an instrument of the kind referred to in article 13(2).

(3) A State which makes a declaration under paragraph (1) of the present article in respect of an Optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of the present article shall not be under any obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.

(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under the present article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of the present article.

Article 15

Entry in force

(1) The present Convention shall enter into force 12 months after the date on which

not less than 15 States, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with article 13.

(2) An Optional Annex shall enter into force 12 months after the date on which the conditions stipulated in paragraph (1) of the present article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the present Convention or acceded to it of the date on which it enters into force and of the date on which an Optional Annex enters into force in accordance with paragraph (2) of the present article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any Optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

(6) After the date on which all the conditions required under article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

Article 16

Amendments

(1) The present Convention may be amended by any of the procedures specified in the following paragraphs.

(2) Amendments after consideration by the Organization:

- (a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary General to all Members of the Organization and all Parties at least six months prior to its consideration;
- (b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;

- (d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;
- (e) if adopted in accordance with subparagraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet;
 - (ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in subparagraph (f)(iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;
 - (iii) an amendment to an appendix to an Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one third of the Parties or by the Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled;
 - (iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in subparagraphs (f)(ii) or (f)(iii) above;
 - (v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to an article of the Convention, as provided for in subparagraph (f)(i) above;
- (g) the amendment shall enter into force under the following conditions:
 - (i) in the case of an amendment to an article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under

- the procedure specified in subparagraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;
- (ii) in the case of an amendment to Protocol I, to an appendix to an Annex or to an Annex to the Convention under the procedure specified in subparagraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under subparagraph (f)(ii), that their express approval is necessary.
- (3) Amendment by a Conference:
- (a) Upon the request of a Party, concurred in by at least one third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.
- (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)(f) and (g) above.
- (4) (a) In the case of an amendment to an Optional Annex, a reference in the present article to a "Party to the Convention" shall be deemed to mean a reference to a Party bound by that Annex.
- (b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that amendment.
- (5) The adoption and entry into force of a new annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an article of the Convention.
- (6) Unless expressly provided otherwise, any amendment to the present Convention made under this article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.
- (7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the articles of the present Convention.

(8) The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present article, together with the date on which each such amendment enters into force.

(9) Any declaration of acceptance or of objection to an amendment under the present article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties to the Convention.

Article 17

Promotion of technical co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and coordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for reception and monitoring;
- (c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and
- (d) the encouragement of research; preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

Article 18

Denunciation

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties Of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect 12 months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Article 19

Deposit and registration

(1) The present convention shall be deposited with the Secretary General of the

Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article 20

Languages

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned* being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON this second day of November, one thousand nine hundred and seventy-three.

* Signatures omitted.

Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973

THE PARTIES TO THE PRESENT PROTOCOL,

RECOGNIZING the significant contribution which can be made by the International Convention for the Prevention of Pollution from Ships, 1973, to the protection of the marine environment from pollution from ships,

RECOGNIZING ALSO the need to improve further the prevention and control of marine pollution from ships, particularly oil tankers,

RECOGNIZING FURTHER the need for implementing the Regulations for the Prevention of Pollution by Oil contained in Annex I of that Convention as early and as widely as possible,

ACKNOWLEDGING HOWEVER the need to defer the application of Annex II of that Convention until certain technical problems have been satisfactorily resolved,

CONSIDERING that these objectives may best be achieved by the conclusion of a Protocol relating to the International Convention for the Prevention of Pollution from Ships, 1973,

HAVE AGREED as follows:

Article I

General obligations

- (1) The Parties to the present Protocol undertake to give effect to the provisions of
 - (a) the present Protocol and the Annex hereto which shall constitute an integral part of the present Protocol; and
 - (b) the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as “the Convention”), subject to the modifications and additions set out in the present Protocol.
- 2 The provisions of the Convention and the present Protocol shall be read and interpreted together as one single instrument.

(3) Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

Article II

Implementation of Annex II of the Convention

(1) Notwithstanding the provisions of article 14(1) of the Convention, the Parties to the present Protocol agree that they shall not be bound by the provisions of Annex II of the Convention for a period of three years from the date of entry into force of the present Protocol or for such longer period as may be decided by a two-thirds majority of the Parties to the present Protocol in the Marine Environment Protection Committee (hereinafter referred to as “the Committee”) of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as “the Organization”).*

(2) During the period specified in paragraph 1 of this article, the Parties to the present Protocol shall not be under any obligations nor entitled to claim any privileges under the Convention in respect of matters relating to Annex II of the Convention and all reference to Parties in the Convention shall not include the Parties to the present Protocol in so far as matters relating to that Annex are concerned.

Article III

Communication of information

The text of article 11(1)(b) of the Convention is replaced by the following.

“a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of matters relating to the design, construction, equipment and operation of ships carrying harmful substances in accordance with the provisions of the regulations for circulation to the Parties for information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.”

Article IV

Signature, ratification, acceptance, approval and accession

(1) The present Protocol shall be open for signature at the Headquarters of the Organization from 1 June 1978 to 31 May 1979 and shall thereafter remain open for accession. States may become Parties to the present Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

* The name of the Organization was changed to “International Maritime Organization” by virtue of amendments to the Organization’s Convention which entered into force on 22 May 1982.

- (b) signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
- (2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

Article V*Entry into force*

- (1) The present Protocol shall enter into force 12 months after the date on which not less than IS States, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with article IV of the present Protocol.
- (2) Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.
- (3) After the date on which an amendment to the present Protocol is deemed to have been accepted in accordance with article 16 of the Convention, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

Article VI*Amendments*

The procedures set out in article 16 of the Convention in respect of amendments to the articles, an Annex and an appendix to an Annex of the Convention shall apply respectively to amendments to the articles, the Annex and an appendix to the Annex of the present Protocol.

Article VII*Denunciation*

- (1) The present Protocol may be denounced by any Party to the present Protocol at any time after the expiry of five years from the date on which the Protocol enters into force for that Party.
- (2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.

(3) A denunciation shall take effect 12 months after receipt of the notification by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Article VIII

Depositary

(1) The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as “the Depositary”).

(2) The Depositary shall:

- (a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of the present Protocol;
 - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;
 - (iv) any decision made in accordance with article 11(1) of the present Protocol;
- (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

(3) As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article IX

Languages

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned* being duly authorized by their respective Governments for that purpose have signed the present Protocol.

DONE AT LONDON this seventeenth day of February one thousand nine hundred and seventy-eight.

* Signatures omitted.

Regulation 13F*Prevention of oil pollution in the event of collision or stranding*

 SEE INTERPRETATION 4.6

- (1) This regulation shall apply to oil tankers of 600 tons deadweight and above:
- (a) or which the building contract is placed on or after 6 July 1993, or
 - (b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 6 January 1994, or
 - (c) the delivery of which is on or after 6 July 1996, or
 - (d) which have undergone a major conversion:
 - (i) for which the contract is placed after 6 July 1993; or
 - (ii) in the absence of a contract, the construction work of which is begun after 6 January 1994; or
 - (iii) which is completed after 6 July 1996.
-

 SEE INTERPRETATION 1.2

- (2) Every oil tanker of 5,000 tons deadweight and above shall:
- (a) in lieu of regulation 33E, as applicable, comply with the requirements of paragraph (3) unless it is subject to the provisions of paragraphs (4) and (5); and
 - (b) comply, if applicable, with the requirements of paragraph (6).
- (3) The entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks as follows:
- (a) *Wing tanks or spaces*
 Wing tanks or spaces shall extend either for the full depth of the ship's side or from the top of the double bottom to the uppermost deck, disregarding a rounded gunwale where fitted. They shall be arranged such that the cargo tanks are located inboard of the moulded line of the side shell plating, nowhere less than the distance w which, as shown in figure 1, is measured at any cross-section at right angles to the side shell, as specified below:

$$w = 0.5 + \frac{DW}{20,000} \text{ (m) or}$$

$$w = 2.0 \text{ m, whichever is the lesser.}$$
 The minimum value of $w = 1.0$ m.
 - (b) *Double bottom tanks or spaces*
 At any cross-section the depth of each double bottom tank or space shall be such that the distance h between the bottom of the cargo tanks and the

moulded line of the bottom shell plating measured at right angles to the bottom shell plating as shown in figure 1 is not less than specified below:

$$h = B/15 \text{ (m) or}$$

$h = 2.0$ m, whichever is the lesser.

The minimum value of $h = 1.0$ m.

- (c) *Turn of the bilge area or at locations without a clearly defined turn of the bilge*

When the distances h and w are different, the distance w shall have preference at levels exceeding $1.5h$ above the baseline as shown in figure 1.

- (d) *The aggregate capacity of ballast tanks*

On crude oil tankers of 20,000 tons deadweight and above and product carriers of 30,000 tons deadweight and above, the aggregate capacity of wing tanks, double bottom tanks, forepeak tanks and afterpeak tanks shall not be less than the capacity of segregated ballast tanks necessary to meet the requirements of regulation 13. Wing tanks or spaces and double bottom tanks used to meet the requirements of regulation 13 shall be located as uniformly as practicable along the cargo tank length. Additional segregated ballast capacity provided for reducing longitudinal hull girder bending stress, trim, etc., may be located anywhere with the ship.

SEE INTERPRETATION 4.12

- (e) *Suction wells in cargo tanks*

Suction wells in cargo tanks may protrude into the double bottom below the boundary line defined by the distance h provided that such wells are as small as practicable and the distance between the well bottom and bottom shell plating is not less than $0.5h$.

- (f) *Ballast and cargo piping*

Ballast piping and other piping such as sounding and vent piping to ballast tanks shall not pass through cargo tanks. Cargo piping and similar piping to cargo tanks shall not pass through ballast tanks. Exemptions to this requirement may be granted for short lengths of piping, provided that they are completely welded or equivalent.

- (4) (a) Double bottom tanks or spaces as required by paragraph (3)(b) may be dispensed with, provided that the design of the tanker is such that the cargo and vapour pressure exerted on the bottom shell plating forming a single boundary between the cargo and the sea does not exceed the external hydrostatic water pressure, as expressed by the following formula:

$$f \times h_c \times \rho_c \times g + 100\Delta p \leq d_n \times \rho_s \times g$$

where:

h_c = height of cargo in contact with the bottom shell plating in metres

ρ_c = maximum cargo density in t/m³

d_n = minimum operating draught under any expected loading condition in metres

ρ_n = density of seawater in t/m³

Δp = maximum set pressure of pressure/vacuum valve provided for the cargo tank in bars

f = safety factor = 1.1

g = standard acceleration of gravity (9.81 m/s²).

- (b) Any horizontal partition necessary to fulfil the above requirements shall be located at a height of not less than $B/6$ or 6 m, whichever is the lesser, but not more than $0.6D$, above the baseline where D is the moulded depth amidships.
- (c) The location of wing tanks or spaces shall be as defined in paragraph (3)(a) except that, below a level $1.5h$ above the baseline where h is as defined in paragraph (3)(b), the cargo tank boundary line may be vertical down to the bottom plating as shown in figure 2.

(5) Other methods of design and construction of oil tankers may also be accepted as alternative's to the requirements prescribed in paragraph (3), provided that such methods ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved in principle by the Marine Environment Protection Committee based on guidelines developed by the Organization.*

(6) For oil tankers of 20,000 toils deadweight and above the damage assumptions prescribed in regulation 25(2)(b) shall be supplemented by the following assumed bottom raking damage:

- (a) longitudinal extent:
 - (i) ships of 75,000 tons deadweight and above: $0.6L$ measured from the forward perpendicular;
 - (ii) ships of less than 75,000 tons deadweight: $0.4L$ measured from the forward perpendicular;
- (b) transverse extent: $B/3$ anywhere in the bottom;
- (c) vertical extent: breach of the outer hull.

(7) Oil tankers of less than 5,000 tons deadweight shall:

* Refer to the Interim guidelines for the approval of alternative methods of design and construction of oil tankers under regulation 13F(5) of Annex I of MARPOL 73/78 adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.66(37); see appendix 8 to Unified Interpretations of Annex I, page 182.

- (a) at least be fitted with double bottom tanks or spaces having such a depth that the distance I specified in paragraph (3)(b) complies with the following:

$$h = B/15 \text{ (m)}$$

with a minimum value of $h = 0.76$ m;

in the turn of the bilge area and at locations without a clearly defined turn of the bilge, the cargo tank boundary line shall run parallel to the line of the midship flat bottom as shown in figure 3; and

- (b) be provided with cargo tanks so arranged that the capacity of each cargo tank does not exceed 700 m^3 unless wing tanks or spaces are arranged in accordance with paragraph (3)(a) complying with the following:

$$w = 0.4 + \frac{2.4DW}{20,000} \text{ (m)}$$

(8) Oil shall not be carried in any space extending forward of a collision bulkhead located in accordance with regulation II-1/11 of the International Convention for the Safety of Life at Sea, 1974, as amended. An oil tanker that is not required to have a collision bulkhead in accordance with that regulation shall not carry oil in any space extending forward of the transverse plane perpendicular to the centreline that is located as if it were a collision bulkhead located in accordance with that regulation.

(9) In approving the design and construction of oil tankers to be built in accordance with the provisions of this regulation Administrations shall have due regard to the general safety aspects including the need for the maintenance and inspections of wing and double bottom tanks or spaces.

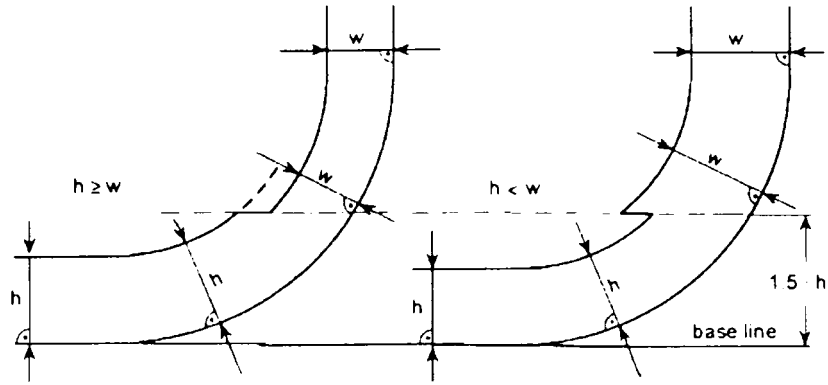


Fig. 1. Cargo tank boundary lines for the purpose of paragraph (3).

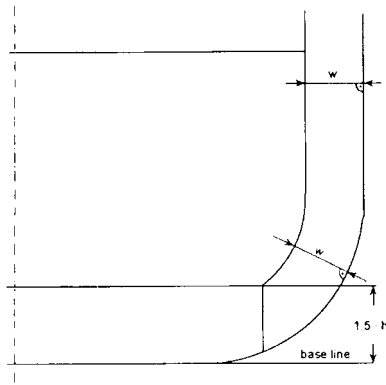


Fig. 2. Cargo tank boundary hue's for the purpose of paragraph (4).

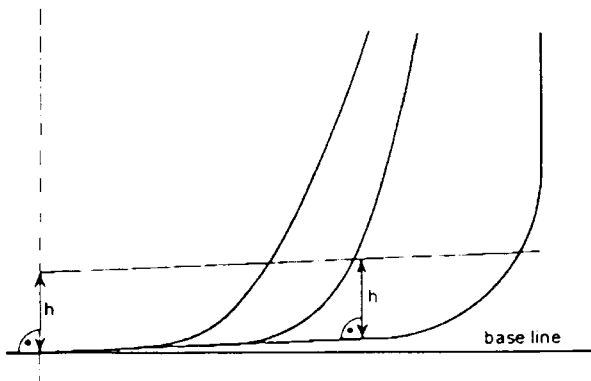


Fig. 3. Cargo tank boundary lines for the purpose of paragraph (7).

Regulation 13G

Prevention of oil pollution in the event of collision or standing – Measures for existing tankers

SEE INTERPRETATION 4.6

Measures for existing tankers

- (1) This regulation shall:
 - (a) apply to crude oil tankers of 20,000 tons deadweight and above and to product carriers of 30,000 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 shall comply with regulation 13E(4)(b) of this Annex.
- (2) The requirements of this regulation shall take effect as from 6 July 1995.
- (3)
 - (a) An oil tanker to which this regulation applies shall be subject to an enhanced programme of inspections during periodical, intermediate and annual surveys, the scope and frequency of which shall at least comply with the guidelines developed by the Organization.*
 - (b) An oil tanker over five years of age to which this regulation applies shall have on board, available to the competent authority of any Government of a State Party to the present Convention, a complete file of the survey reports, including the results of all scantling measurement required, as well as the statement of structural work carried out.
 - (c) This file shall be accompanied by a condition evaluation report containing conclusions on the structural condition of the ship and its residual scantlings, endorsed to indicate that it has been accepted by or on behalf of

* Refer to the Guidelines on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers adopted by the Organization by resolution A.744(18), as amended; see IMO sales publication IMO-180E.

the flag Administration. This file and condition evaluation report shall be prepared in a standard form as contained in the guidelines developed by the Organization.

(4) An oil tanker not meeting the requirements of a new oil tanker as defined in regulation 1(26) of this Annex shall comply with the requirements of regulation 13F of this Annex not later than 25 years after its date of delivery, unless wing tanks or double bottom space not used for the carriage of oil and meeting the width and height requirements of regulation 13E(4), cover at least 300% of L_t for the full depth of the ship on each side or at least 300% of the projected bottom shell area within the length L_t , where L_t is as defined in regulation 13E(2), in which case compliance with regulation 13F is required not later than 30 years after its date of delivery.

SEE INTERPRETATION 4.13

(5) An oil tanker meeting the requirements of a new oil tanker as defined in regulation 1(26) of this Annex shall comply with the requirements of regulation 13F of this Annex not later than 30 years after its date of delivery.

(6) Any new ballast and load conditions resulting from the application paragraph (4) of this regulation shall be subject to approval of the Administration which shall have regard, in particular, to longitudinal and local strength, intact stability and, if applicable, damage stability.

(7) Other structural or operational arrangements such as hydrostatically balanced loading may be accepted as alternatives to the requirements prescribed in paragraph (4), provided that such alternatives ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved by the Administration based on guidelines developed by the Organization.*.**

* Refer to the Guidelines for approval of alternative structural or operational arrangements as called for in regulation 13G(7) of Annex I of MARPOL 73/78 adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.64(36); see appendix 7 to Unified Interpretations of Annex I, page 176.

** The 1999 Amendments to regulation 13G and 2b add a new regulation 16 (Shipboard marine pollution emergency plan for noxious liquid substances) to Annex II (not included in this Appendix).

*Chapter IV – Prevention of pollution arising from
an oil pollution incident*

Regulation 26

Shipboard oil pollution emergency plan

(1) Every oil tanker of 150 tons gross tonnage and above and every ship other than an oil tanker of 400 tons gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration. In the case of ships built before 4 April 1993 this requirement shall apply 24 months after that date.

SEE INTERPRETATION 12.1 AND 12.2

(2) Such a plan shall be in accordance with guidelines* developed by the Organization and written in the working language of the master and officers. The plan shall consist at least of:

- (a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident, as required in article 8 and Protocol I of the present Convention, based on the guidelines developed by the Organization;**
- (b) the list of authorities or persons to be contacted in the event of an oil pollution incident;
- (c) a detailed description of the' action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and
- (d) the procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution.

* Refer to the Guidelines for the development of shipboard oil pollution emergency plans adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.54(32); see IMO sales publication IMO-586E.

** Refer to the General principles for ship reporting systems and ship reporting requirements, including Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants adopted by the Organization by resolution A.648(16); see IMO sales publication IMO-516E.

OPRC CONVENTION

INTERNATIONAL CONVENTION
ON OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990

including
Final Act of the Conference
and
Attachment (resolutions 1 to 10)



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Foreword

By resolution A.674(16) of 19 October 1989, the Assembly of the International Maritime Organization (IMO), recognizing the severity of recent oil pollution incidents, decided to convene an international conference on oil pollution preparedness and response.

The Organization's Marine Environment Protection Committee (MEPC) was requested by the Assembly to develop, for consideration by such conference, an international convention on oil pollution preparedness and response which would provide the framework for international cooperation for combating major oil pollution incidents, taking into account the experience gained within existing regional arrangements dealing with these matters.

Pursuant to this directive, the draft international convention and relevant resolutions were considered by a working group established by MEPC at its twenty-ninth session in March 1990 and a Preparatory Meeting in May 1990 which agreed on a draft convention on oil pollution preparedness and response and related draft resolutions.

In accordance with the decision of the Assembly, the diplomatic conference was convened by IMO and held in London at its Headquarters from 19 to 30 November 1990. In addition to the Final Act, the Conference adopted the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990. The Conference also adopted ten resolutions which are contained in the Attachment to the Final Act.

This publication reproduces the texts of the Final Act of the Conference, including its Attachment, and the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990. Pursuant to resolution 1 adopted by the Conference, the Secretariat has included as footnotes references to the instruments and other documents developed by IMO under articles 3, 4, 5 and 6 of the Convention. It should be noted that regulation 26 of Annex I of MARPOL 73/78 referred to in the footnote to article 3(1) is the subject of a proposed amendment to MARPOL 73/78 which it is anticipated will be adopted by the Marine Environment Protection Committee at its thirty-first session in July 1991.

Contents

Final Act of the Conference on International Co-operation on Oil Pollution Preparedness and Response

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990

Attachment to the Final Act – resolutions adopted by the Conference:

- Resolution 1 – References to instruments and other documents developed by the International Maritime Organization under articles of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- Resolution 2 – Implementation of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 pending its entry into force
- Resolution 3 – Early implementation of the provisions of article 12 of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- Resolution 4 – Implementation of the provisions of article 6 of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- Resolution 5 – Establishment of oil pollution combating equipment stockpiles
- Resolution 6 – Promotion of technical assistance
- Resolution 7 – Development and implementation of a training programme for oil pollution preparedness and response
- Resolution 8 – Improving salvage services
- Resolution 9 – Co-operation between States and insurers
- Resolution 10 – Expansion of the scope of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 to include hazardous and noxious substances

INTERNATIONAL CONVENTION
ON OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990

THE PARTIES TO THE PRESENT CONVENTION,

CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities,

MINDFUL of the importance of precautionary measures and prevention in avoiding oil pollution in the first instance, and the need for strict application of existing international instruments dealing with maritime safety and marine pollution prevention, particularly the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, and also the speedy development of enhanced standards for the design, operation and maintenance of ships carrying oil, and of offshore units,

MINDFUL ALSO that, in the event of an oil pollution incident, prompt and effective action is essential in order to minimize the damage which may result from such an incident,

EMPHASIZING the importance of effective preparation for combating oil pollution incidents and the important role which the oil and shipping industries have in this regard,

RECOGNIZING FURTHER the importance of mutual assistance and international co-operation relating to matters including the exchange of information respecting the capabilities of States to respond to oil pollution incidents, the preparation of oil pollution contingency plans, the exchange of reports of incidents of significance which may affect the marine environment or the coastline and related interests of States, and research and development respecting means of combating oil pollution in the marine environment,

TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law.

TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage, including the 1969 International

Convention on Civil Liability for Oil Pollution Damage (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND); and the compelling need for early entry into force of the 1984 Protocols to the CLC and FUND Conventions,

TAKING ACCOUNT FURTHER of the importance of bilateral and multilateral agreements and arrangements including regional conventions and agreements,

BEARING IN MIND the relevant provisions of the United Nations Convention on the Law of the Sea, in particular of its part XII,

BEING AWARE of the need to promote international co-operation and to enhance existing national, regional and global capabilities concerning oil pollution preparedness and response, taking into account the special needs of the developing countries and particularly small island States,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention on Oil Pollution Preparedness, Response and Co-operation,

HAVE AGREED as follows:

ARTICLE 1

General provisions

- (1) Parties undertake, individually or jointly, to take all appropriate measures in accordance with the provisions of this Convention and the Annex thereto to prepare for and respond to an oil pollution incident.
- (2) The Annex to this Convention shall constitute an integral part of the Convention and a reference to this Convention constitutes at the same time a reference to the Annex.
- (3) This Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.

ARTICLE 2

Definitions

For the purposes of this Convention:

- (1) *Oil* means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.
- (2) *Oil pollution incident* means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.
- (3) *Ship* means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type.
- (4) *Offshore unit* means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil.
- (5) *Sea ports and oil handling facilities* means those facilities which present a risk of an oil pollution incident and includes, *inter alia*, sea ports, oil terminals, pipelines and other oil handling facilities.
- (6) *Organization* means the International Maritime Organization.
- (7) *Secretary-General* means the Secretary-General of the Organization.

ARTICLE 3

Oil pollution emergency plans

- (1)
 - (a) Each Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions adopted by the Organization for this purpose.*
 - (b) A ship required to have on board an oil pollution emergency plan in accordance with subparagraph (a) is subject, while in a port or at an offshore terminal under the jurisdiction of a Party, to inspection by officers duly authorized by that Party, in accordance with the practices provided for in existing international agreements** or its national legislation.
- (2) Each Party shall require that operators of offshore units under its jurisdiction have oil pollution emergency plans, which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

* The “provisions adopted by the Organization . . .” refers to regulation 26 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78).

** “Existing international agreements” refers to articles 5 and 7 of MARPOL 73/78.

(3) Each Party shall require that authorities or operators in charge of such sea ports and oil handling facilities under its jurisdiction as it deems appropriate have oil pollution emergency plans or similar arrangements which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

ARTICLE 4

Oil pollution reporting procedures

- (1) Each Party shall:
- (a) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any event on their ship or offshore unit involving a discharge or probable discharge of oil:
 - (i) in the case of a ship, to the nearest coastal State;
 - (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
 - (b) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any observed event at sea involving a discharge of oil or the presence of oil:
 - (i) in the case of a ship, to the nearest coastal State;
 - (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
 - (c) require persons having charge of sea ports and on handling facilities under its jurisdiction to report without delay any event involving a discharge or probable discharge of oil or the presence of oil to the competent national authority;
 - (d) instruct its maritime inspection vessels or aircraft and other appropriate services or officials to report without delay any observed event at sea or at a sea port or oil handling facility involving a discharge of oil or the presence of oil to the competent national authority or, as the case may be, to the nearest coastal State;
 - (e) request the pilots of civil aircraft to report without delay any observed event at sea involving a discharge of oil or the presence of oil to the nearest coastal State.

(2) Reports under paragraph (1)(a)(i) shall be made in accordance with the requirements developed by the Organization* and based on the guidelines and general principles adopted by the Organization. Reports under paragraph (1)(a)(ii), (b), (c)

* The "requirements developed by the organization" refers to article 8 and Protocol I of NIARPOL 73/78.

and (d) shall be made in accordance with the guidelines and general principles adopted by the Organization to the extent applicable.*

ARTICLE 5

Action on receiving on oil pollution report

(1) Whenever a Party receives a report referred to in article 4 or pollution information provided by other sources, it shall.

- (a) assess the event to determine whether it is an oil pollution incident;
- (b) assess the nature, extent and possible consequences of the oil pollution incident; and
- (c) then, without delay inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with
 - (i) details of its assessments and any action it as intends to take, to deal with the incident, and
 - (ii) further information as appropriate,

until the action taken to respond to the incident has been concluded or until joint action has been decided by such States.

(2) When the severity of such oil pollution incident so justifies, the Party should provide the Organization directly or, as appropriate, through the relevant regional organization or arrangements with the information referred to in paragraph (1)(b) and (c).

(3) When the severity of such oil pollution incident so justifies, other States affected by it are urged to inform the Organization directly or, as appropriate, through the relevant regional organizations or arrangements of their assessment of the extent of the threat to their interests and any action taken or intended.

(4) Parties should use, in so far as practicable, the oil pollution reporting system developed by the Organization** when exchanging information and communicating with other States and with the Organization.

* “Guidelines and general principles adopted by the Organization” refers to “General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants” adopted by the Organization by resolution A.648(16). (Secretariat note: For ease of reference see IMO publication *Provisions concerning the Reporting of Incidents Involving Harmful Substances under MARPOL 73/78*.)

** The “oil pollution reporting system developed by the Organization” is contained in the *Manual on Oil Pollution, Section II – Contingency Planning*, appendix 2, developed by the Marine Environment Protection Committee of the Organization.

ARTICLE 6*National and regional systems for preparedness and response*

(1) Each Party shall establish a national system for responding promptly and effectively to oil pollution incidents. This system shall include as a minimum:

- (a) the designation of:
 - (i) the competent national authority or authorities with responsibility for oil pollution preparedness and response;
 - (ii) the national operational contact point or points, which shall be responsible for the receipt and transmission of oil pollution reports as referred to in article 4; and
 - (iii) an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested;
- (b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involved, whether public or private, taking into account guidelines developed by the Organization.*

(2) In addition, each Party, within its capabilities either individually or through bilateral or multilateral co-operation and, as appropriate, in cooperation with the oil and shipping industries, port authorities and other relevant entities, shall establish:

- (a) a minimum level of pre-positioned oil spill combating equipment, commensurate with the risk involved, and programmes for its use;
- (b) a programme of exercises for oil pollution response organizations and training of relevant personnel;
- (c) detailed plans and communication capabilities for responding to an oil pollution incident. Such capabilities should be continuously available; and
- (d) a mechanism or arrangement to co-ordinate the response to an oil pollution incident with, if appropriate, the capabilities to mobilize the necessary resources.

(3) Each Party shall ensure that current information is provided to the Organization, directly or through the relevant regional organization or arrangements, concerning:

- (a) the location, telecommunication data and, if applicable, areas of responsibility of authorities and entities referred to in paragraph (1)(a);
- (b) information concerning pollution response equipment and expertise in disciplines related to oil pollution response and marine salvage which may be made available to other States, upon request; and
- (c) its national contingency plan.

* The "guidelines developed by the Organization" are contained in the *Manual on Oil Pollution, Section II – Contingency Planning*, developed by the Marine Environment Protection Committee of the Organization.

ARTICLE 7*International co-operation in pollution response*

- (1) Parties agree that, subject to their capabilities and the availability of relevant resources, they will co-operate and provide advisory services, technical support and equipment for the purpose of responding to an oil pollution incident, when the severity of such incident so justifies, upon the request of any Party affected or likely to be affected. The financing of the costs for such assistance shall be based on the provisions set out in the Annex to this Convention.
- (2) A Party which has requested assistance may ask the Organization to assist in identifying sources of provisional financing of the costs referred to in paragraph (1).
- (3) In accordance with applicable international agreements, each Party shall take necessary legal or administrative measures to facilitate:
 - (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
 - (b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

ARTICLE 8*Research and development*

- (1) Parties agree to co-operate directly or, as appropriate, through the Organization or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of oil pollution preparedness and response, including technologies and techniques for surveillance, containment, recovery, dispersion, clean-up and otherwise minimizing or mitigating the effects of oil pollution, and for restoration.
- (2) To this end, Parties undertake to establish directly or, as appropriate, through the Organization or relevant regional organizations or arrangements, the necessary links between Parties' research institutions.
- (3) Parties agree to co-operate directly or through the Organization or relevant regional organizations or arrangements to promote, as appropriate, the holding on a regular basis of international symposia on relevant subjects, including technological advances in oil pollution combating techniques and equipment.
- (4) Parties agree to encourage, through the Organization or other competent international organizations, the development of standards for compatible oil pollution combating techniques and equipment.

ARTICLE 9

Technical co-operation

(1) Parties undertake directly or through the Organization and other international bodies, as appropriate in respect of oil pollution preparedness and response, to provide support for those Parties which request technical assistance:

- (a) to train personnel;
- (b) to ensure the availability of relevant technology, equipment and facilities;
- (c) to facilitate other measures and arrangements to prepare for and respond to oil pollution incidents; and
- (d) to initiate joint research and development programmes.

(2) Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of oil pollution preparedness and response.

ARTICLE 10

*Promotion of bilateral and multilateral co-operation
in preparedness and response*

Parties shall endeavour to conclude bilateral or multilateral agreements for oil pollution preparedness and response. Copies of such agreements shall be communicated to the Organization which should make them available on request to Parties.

ARTICLE 11

Relation to other conventions and international agreements

Nothing in this Convention shall be construed as altering the rights or obligations of any Party under any other convention or international agreement.

ARTICLE 12

Institutional arrangements

(1) Parties designate the Organization, subject to its agreement and the availability of adequate resources to sustain the activity, to perform the following functions and activities:

- (a) information services:
 - (i) to receive, collate and disseminate on request the information provided by Parties (see, for example, articles 5(2) and (3), 6(3) and 10) and relevant information provided by other sources; and
 - (ii) to provide assistance in identifying sources of provisional financing of costs (see, for example, article 7(2));

- (b) education and training:
 - (i) to promote training in the field of oil pollution preparedness and response (see, for example, article 9); and
 - (ii) to promote the holding of international symposia (see, for example, article 8(3));
- (c) technical services:
 - (i) to facilitate co-operation in research and development (see, for example, articles 8(1), (2) and (4) and 9(1)(d));
 - (ii) to provide advice to States establishing national or regional response capabilities; and
 - (iii) to analyse the information provided by Parties (see, for example, articles 5(2) and (3), 6(3) and 8(1)) and relevant information provided by other sources and provide advice or information to States;
- (d) technical assistance:
 - (i) to facilitate the provision of technical assistance to States establishing national or regional response capabilities; and
 - (ii) to facilitate the provision of technical assistance and advice, upon the request of States faced with major oil pollution incidents.

(2) In carrying out the activities specified in this article, the Organization shall endeavour to strengthen the ability of States individually or through regional arrangements to prepare for and combat oil pollution incidents, drawing upon the experience of States, regional agreements and industry arrangements and paying particular attention to the needs of developing countries.

(3) The provisions of this article shall be implemented in accordance with a programme developed and kept under review by the Organization.

ARTICLE 13

Evaluation of the Convention

Parties shall evaluate within the Organization the effectiveness of the Convention in the light of its objectives, particularly with respect to the principles underlying co-operation and assistance.

ARTICLE 14

Amendments

(1) This Convention may be amended by one of the procedures specified in the following paragraphs.

(2) Amendment after consideration by the Organization.

- (a) Any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by the Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration.
 - (b) Any amendment proposed and circulated as above shall be submitted to the Marine Environment Protection Committee of the Organization for consideration.
 - (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Marine Environment Protection Committee.
 - (d) Amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting.
 - (e) If adopted in accordance with subparagraph (d), amendments shall be communicated by the Secretary-General to all Parties to the Convention for acceptance.
 - (f)
 - (i) An amendment to an article or the Annex of the Convention shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties.
 - (ii) An amendment to an appendix shall be deemed to have been accepted at the end of a period to be determined by the Marine Environment Protection Committee at the time of its adoption, which period shall not be less than ten months, unless within that period an objection is communicated to the Secretary-General by not less than one third of the Parties.
 - (g)
 - (i) An amendment to an article or the Annex of the Convention accepted in conformity with subparagraph (f)(i) shall enter into force six months after the date on which it is deemed to have been accepted with respect to the Parties which have notified the Secretary-General that they have accepted it.
 - (ii) An amendment to an appendix accepted in conformity with subparagraph (f)(ii) shall enter into force six months after the date on which it is deemed to have been accepted with respect to all Parties with the exception of those which, before that date, have objected to it. A Party may at any time withdraw a previously communicated objection by submitting a notification to that effect to the Secretary-General.
- (3) Amendment by a Conference:
- (a) Upon the request of a Party, concurred with by at least one third of the Parties, the Secretary-General shall convene a Conference of Parties to the Convention to consider amendments to the Convention.

- (b) An amendment adopted by such a Conference by a two-thirds majority of those Parties present and voting shall be communicated by the Secretary-General to all Parties for their acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraph (2)(f) and (g).
- (4) The adoption and entry into force of an amendment constituting an addition of an Annex or an appendix shall be subject to the procedure applicable to an amendment to the Annex.
- (5) Any Party which has not accepted an amendment to an article or the Annex under paragraph (2)(f)(i) or an amendment constituting an addition of an Annex or an appendix under paragraph (4) or has communicated an objection to an amendment to an appendix under paragraph (2)(f)(ii) shall be treated as a non-Party only for the purpose of the application of such amendment. Such treatment shall terminate upon the submission of a notification of acceptance under paragraph (2)(f)(i) or withdrawal of the objection under paragraph (2)(g)(ii).
- (6) The Secretary-General shall inform all Parties of any amendment which enters into force under this article, together with the date on which the amendment enters into force.
- (7) Any notification of acceptance of, objection to, or withdrawal of objection to, an amendment under this article shall be communicated in writing to the Secretary-General who shall inform Parties of such notification and the date of its receipt.
- (8) An appendix to the Convention shall contain only provisions of a technical nature.

ARTICLE 15

*Signature, ratification, acceptance,
approval and accession*

- (1) This Convention shall remain open for signature at the Headquarters of the Organization from 30 November 1990 until 29 November 1991 and shall thereafter remain open for accession. Any State may become Party to this Convention by:
- (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
- (2) Ratification, acceptance approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 16
Entry into force

- (1) This Convention shall enter into force twelve months after the date on which not less than fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance approval or accession in accordance with article 15.
- (2) For States which have deposited an instrument of ratification, acceptance approval or accession in respect of this Convention after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of the instrument, whichever is the later date.
- (3) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which this Convention entered into force, this Convention shall become effective three months after the date of deposit of the instrument.
- (4) After the date on which an amendment to this Convention is deemed to have been accepted under article 14, any instrument of ratification, acceptance. approval or accession deposited shall apply to this Convention as amended.

ARTICLE 17
Denunciation

- (1) This Convention may be denounced by any Party at any time after the expiry of five years from the date on which this Convention enters into force for that Party.
- (2) Denunciation shall be effected by notification in writing to the Secretary-General.
- (3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

ARTICLE 18
Depositary

- (1) This Convention shall be deposited with the Secretary-General.
- (2) The Secretary-General shall:
 - (a) inform all States which have signed this Convention or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

- (ii) the date of entry into force of this Convention; and
 - (iii) the deposit of any instrument of denunciation of this Convention together with the date on which it was received and the date on which the denunciation takes effect;
- (b) transmit certified true copies of this Convention to the Governments of all States which have signed this Convention or acceded thereto.
- (3) As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 19

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned*, being duly authorized by their respective Governments for that purpose, have signed this Convention.

DONE AT London this thirtieth day of November one thousand nine hundred and ninety.

* Signatures omitted.

ANNEX**REIMBURSEMENT OF COSTS OF ASSISTANCE**

- (1) (a) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with oil pollution incidents has been concluded on a bilateral or multilateral basis prior to the oil pollution incident, Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii).
 - (i) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the cost of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party.
 - (ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.
 - (b) The principles laid down in subparagraph (a) shall apply unless the Parties concerned otherwise agree in any individual case.
- (2) Unless otherwise agreed, the costs of action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
- (3) The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.
- (4) The provisions of this Convention shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law. Special attention shall be paid to the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage or any subsequent amendment to those Conventions.

RESOLUTIONS ADOPTED BY THE CONFERENCE

Resolution 1

*References to instruments and other documents developed
by the International Maritime Organization under articles
of the International Convention on Oil Pollution
Preparedness, Response and Co-operation, 1990*

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (the OPRC Convention).

RECOGNIZING that the measures introduced by the OPRC Convention take into account the provisions of other important conventions developed by the International Maritime Organization. in particular the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78),

RECOGNIZING ALSO the need for the OPRC Convention to supplement and not to duplicate the important provisions adopted by, or under the auspices of, the Organization, such as those contained in MARPOL 73/78, guidelines and manuals,

NOTING that articles 3, 4, 5 and 6 of the OPRC Convention in particular refer to certain provisions of NIARPOL 73/78 and other documents developed by the Organization,

1. ADOPTS the list containing references to the instruments and other documents developed by the Organization under the relevant articles of the OPRC Convention, as set out in the annex to this resolution:
2. INVITES the Marine Environment Protection Committee of the Organization to keep the list up to date;
3. REQUESTS the Secretary-General of the Organization to include these references, updated as necessary, in future editions of the publications of the OPRC Convention in the form of footnotes to the relevant articles.

ANNEX**REFERENCES IN THE OPRC CONVENTION****Article 3(1)(a)**

The provisions adopted by the Organization refers to regulation 26 of Annex I of MARPOL 73/78.

Article 3(1)(b)

Existing international agreements refers to articles 5 and 7 of MARPOL 73/78.

Article 4(2)

The requirements developed by the Organization refers to article 8 and Protocol I of MARPOL 73/78.

Guidelines and general principles adopted by the Organization refers to “General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants” adopted by the Organization by resolution A.648(16).

Article 5(4)

The oil pollution reporting system developed by the Organization is contained in the Manual on Oil Pollution, Section II – Contingency Planning, appendix 2, developed by the Marine Environment Protection Committee of the Organization.

Article 6(1)(b)

Guidelines developed by the Organization are contained in the *Manual on Oil Pollution, Section II – Contingency Planning*, developed by the Marine Environment Protection Committee of the Organization.

Resolution 2

*Implementation of the International Convention on Oil
Pollution Preparedness, Response and Co-operation, 1990
pending its entry into force*

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

RECOGNIZING the continuing risk of a major oil pollution incident and the serious environmental consequences which may arise therefrom,

CONVINCED of the importance of co-operation among States in the exchange of information and assistance respecting oil pollution preparedness and response.

MINDFUL of the particular vulnerability of those countries which do not have ready access to information and advice on oil pollution preparedness and response.

RECOGNIZING FURTHER that it is desirable for each country at risk from oil pollution incidents to establish a national system for combating oil pollution,

DESIRING that the provisions of the OPRC Convention should become effective as soon as possible so as to facilitate international co-operation in oil pollution preparedness and response,

1. CALLS UPON all States, including those that have not participated in this Conference, to sign and to become Parties to the OPRC Convention and to implement its provisions as soon as possible,
2. URGES all States to establish, as soon as and to the extent possible, national systems for combating oil pollution;
3. URGES FURTHER all States, pending the entry into force of the OPRC Convention for them, to co-operate among themselves and with the International Maritime Organization, as appropriate, in exchanging oil pollution combating information and in facilitating prompt assistance in the event of a major oil pollution incident.

Resolution 3

*Early implementation of the provisions of article 12 of the
International Convention on Oil Pollution Preparedness,
Response and Co-operation, 1990*

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (the OPRC Convention),

NOTING the provisions of resolution A.448(XI) of the Assembly of the International Maritime Organization on regional arrangements for combating major incidents or threats of marine pollution, and further Assembly resolutions on technical assistance in the field of protection of the marine environment (A.349(IX), A.677(16)),

NOTING ALSO, in particular, that article 12 of the OPRC Convention by which the Parties designated IMO, subject to its agreement and the availability of adequate

resources to sustain the activity, to carry out certain functions and activities and to meet certain objectives of the OPRC Convention,

NOTING FURTHER the importance of taking account of the experience gained within regional agreements on combating marine pollution as referred to in Assembly resolution A.674(16),

RECOGNIZING the importance of early implementation of the objectives of article 12 of the OPRC Convention,

1. INVITES the Secretary-General of the Organization, pending the entry into force of the OPRC Convention, to initiate the early implementation of functions and activities in order to meet the objectives in article 12(1)(a) and (b) of the OPRC Convention within available resources;
2. INVITES the Organization to provide a forum for discussion of experiences gained within regional conventions and agreements concerning combating oil pollution incidents;
3. REQUESTS the Secretary-General to present to the Organization, within one year of this Conference, a programme which indicates the way in which the Organization contemplates carrying out the duties mentioned in this Convention, and which would include such elements as re-allocating available resources, examining and developing alternative organizational arrangements, and determining financial implications and possible sources of support;
4. INVITES FURTHER the Organization to review periodically progress made in implementing article 12 of the OPRC Convention.

Resolution 4

*Implementation of the provisions of article 6 of the
International Convention on Oil Pollution Preparedness,
Response and Co-operation, 1990*

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

RECOGNIZING the importance of the “polluter pays” principle,

NOTING that article 6 of the OPRC Convention provides that the Parties shall establish a national system comprising a contingency plan and shall set up, either indi-

vidually or in co-operation with other Parties, arrangements comprising, in particular, response equipment and a training programme,

BEING AWARE that, in the event of an oil pollution incident, measures taken immediately by the State under threat are essential and are likely, in the initial phase, to be the most effective in protecting its coasts and minimizing the potential damage caused by such an incident,

EMPHASIZING that when international assistance is requested by the State under threat, the dispatch of personnel and equipment may require some time as a result of distance,

EMPHASIZING FURTHER that the effectiveness of assistance depends on measures taken to prepare for response and to train personnel to put into effect the national contingency plan of the State under threat,

BEARING IN MIND that the financial resources available to some developing countries are limited,

RECOGNIZING ALSO that measures taken to prepare for response necessitate specific financial aid, made available for that purpose, for the benefit of the developing countries,

1. INVITES Parties to give due consideration, in their bilateral and multilateral co-operation programmes, and on fair terms, to the needs of the developing countries arising from the implementation of the OPRC Convention;
2. INVITES ALSO the Secretary-General of the Organization to give his support in identifying international bodies that might provide specific sources of financing to assist the developing countries in carrying out the obligations arising from the OPRC Convention.

Resolution 5

Establishment of oil pollution combating equipment stockpiles

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING article 6(2)(a) of the OPRC Convention which provides that each Party shall establish, within its capabilities, either individually, or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the oil and shipping in-

dustries and other entities, a system which includes a minimum level of pre-positioned oil spill combating equipment, and programmes for its use.

NOTING ALSO that one of the fundamental elements of the International Maritime Organization's strategy for the protection of the marine environment is to strengthen the capacity for national and regional action to combat marine pollution and to promote technical co-operation to this end,

RECOGNIZING that in the event of an oil spill or threat thereof, prompt and effective action should be taken initially at the national level to organize and co-ordinate prevention, mitigation and clean-up activities.

RECOGNIZING ALSO that one of the basic principles used for providing funds following pollution damage is the "polluter pays" principle.

RECOGNIZING FURTHER the importance of mutual co-operation and assistance in combating major oil pollution incidents which may be beyond the capability of individual countries and the need to enhance the oil spill combating equipment available in certain regions of the world particularly vulnerable to a major oil pollution incident either because of the high density of vessel traffic or particularly sensitive ecological conditions,

ACKNOWLEDGING the activities of the Organization. in co-operation with donor countries and industry, in establishing oil spill combating equipment stockpiles or centres in areas where developing countries in particular are vulnerable to or at risk from a major oil pollution incident,

INVITES the Secretary-General of the Organisation, in consultation with the Executive Director of the United Nations Environment Programme, to approach the oil and shipping industries with a view to:

- (a) encouraging further co-operation in order to assist developing countries to implement article 6 of the OPRC Convention, including an assessment of the need for oil spill combating equipment stockpiles on a regional or subregional basis in addition to those already established;
- (b) developing a plan on the establishment of oil spill combating equipment stockpiles on a regional or subregional basis, in order to assist developing countries in implementing article 6(2)(a) of the OPRC Convention.

Resolution 6

Promotion of technical assistance

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING that key elements in the success of any action to combat marine pollution are good administrative organization in the countries concerned in this field and at least a minimum of technical preparation,

BEING AWARE of the difficulties that may be encountered by certain developing countries in establishing such organization and preparation through their own resources,

RECOGNIZING the role played in this connection by the International Maritime Organization, by regional agreements, by bilateral co-operation and by industry programmes,

RECOGNIZING ALSO the contribution made by the Organization's technical co-operation programme, the United Nations Development Programme, the United Nations Environment Programme and national aid agencies in this regard,

NOTING ALSO resolution A.677(16) which invites the Secretary-General of the Organization to undertake on a priority basis an evaluation of problems faced by developing countries with a view to formulating the long-term objectives of the Organization's technical assistance programme in the environmental field, and to report the outcome to the seventeenth session of the Assembly of the Organization,

NOTING FURTHER the convening of an advisory group by the Secretary-General for this purpose,

1. REQUESTS Member States of the Organization, in co-operation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes. to strengthen action to assist developing countries especially in:

- (a) the training of personnel,
- (b) ensuring the availability of relevant technologies, equipment and facilities, necessary for oil pollution preparedness and response, so as to enable them to establish at least the minimum structures and resources for combating oil pollution incidents commensurate with the perceived risks of such incidents;

2. REQUESTS ALSO Member States, in co-operation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes, to strengthen action to assist developing countries in the initiation of joint research and development programmes;

3. URGES Member States to contribute to such actions without delay, *inter alia*, through bilateral or multilateral co-operation;

4. REQUESTS FURTHER the Organization to re-evaluate the principles underlying co-operation and assistance in articles 7 and 9 of the OPRC Convention in the light of the 1992 United Nations Conference on Environment and Development.

Resolution 7

*Development and implementation
of a training programme for oil pollution
preparedness and response*

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990,

NOTING that a key element in the International Maritime Organization's strategy for protection of the marine environment is the enhancement of the capacity for national and regional action to prevent, control, combat and mitigate marine pollution and to promote technical co-operation to this end,

BEING AWARE that the capability of a State to respond to an oil pollution incident depends on the availability of oil spill combating equipment as well as of trained oil spill response personnel,

RECOGNIZING the role of the Organization in organizing national, regional and global training courses and in developing training aids aimed at providing the necessary technical expertise, in particular for developing countries, in the field of combating incidents of marine pollution,

RECOGNIZING ALSO the role of the World Maritime University and its branches in providing high-level training facilities for personnel, in particular from developing countries,

RECOGNIZING FURTHER the support of the United Nations Development Programme, the United Nations Environment Programme and several Member States of the Organization for the training component of the Organization's technical co-operation programme,

CONSIDERING the need for an increased global effort by all those concerned with the maritime transport of oil and its environmental impact toward the development of a global training programme in oil pollution preparedness and response,

1. INVITES the Secretary-General of the Organization. in co-operation with interested Governments, relevant international and regional organizations and oil and

shipping industries, to endeavour to develop a comprehensive training programme in the field of oil pollution preparedness and response;

2. INVITES ALSO the Marine Environment Protection Committee of the Organization, on the basis of proposals made by the Secretary-General, to consider and endorse, as appropriate, such training programme on oil pollution preparedness and response;

3. INVITES FURTHER Member States of the Organization to endeavour to make available the expertise necessary for the development and implementation of the training programme.

Resolution 8

Improving salvage services

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990,

CONSIDERING the need to ensure that sufficient salvage capacity is available on a world-wide basis and to appreciate and reward the salvor's preventive function as to marine pollution,

RECALLING that the 1989 International Convention on Salvage, by which incentives for salvors to prevent marine pollution by their salvage operations have been introduced, has not yet entered into force,

NOTING WITH INTEREST that the Third International Conference on the Protection of the North Sea decided on 8 March 1990 to take concerted action within the International Maritime Organization with the aim of ensuring sufficient salvage capacity on a world-wide basis,

RECOGNIZING the expertise and experience of salvors in operating the salvage service efficiently on an international basis,

RECOGNIZING FURTHER the essential role of salvors in response to casualties causing or likely to cause marine pollution,

BEARING IN MIND that there are indications that a considerable percentage of suitable salvage capacity may no longer be available for salvage purposes,

BEING AWARE of the need for sufficient salvage capacity along the main shipping routes of international traffic of oil and other harmful substances,

1. URGES States to ratify or accede to the 1989 International Convention on Salvage as soon as possible;
2. REQUESTS Member States of the Organization to review the salvage capacity available to them and to report to the Organization not later than one year after the Conference on their public and private salvage capabilities which are suitable to carry out salvage operations in order to prevent or minimize damage to the marine environment;
3. REQUESTS Member States whose coasts have been threatened or damaged by marine pollution incidents to report to the Organization on any appropriate measures they have taken to utilize salvage capacities in response to such incidents;
4. REQUESTS the Secretary-General of the Organization to consult the International Salvage Union, salvors, insurers, shipowners and the oil industry on the present and future availability of salvage capacity and to report his findings to the Marine Environment Protection Committee of the Organization.

Resolution 9

Co-operation between States and insurers

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990,

BEING AWARE of the difficulties that may be encountered by a State affected by a pollution incident in obtaining useful and necessary information for pollution combating,

RECOGNIZING the potential role of insurers' advisers and technical experts in providing such information,

CONVINCED that it is desirable to establish close co-operation between the State that has suffered pollution and the insurers,

REQUESTS insurers' technical experts and advisers to co-operate with States in order to exchange technical information to allow effective response in the event of an oil pollution incident.

Resolution 10

*Expansion of the scope of the
International Convention on Oil Pollution
Preparedness, Response and Co-operation, 1990
to include hazardous and noxious substances*

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING Article 38(a) of the Convention on the International Maritime Organization relating to the function of the Marine Environment Protection Committee of the Organization concerning the performance of such functions as are or may be conferred upon the Organization by or under international conventions,

RECOGNIZING that pollution of the sea by accidental discharge of hazardous and noxious substances into the waters may threaten the marine environment and the interests of coastal States,

RECOGNIZING ALSO the existence of international instruments dealing with the carriage of hazardous materials and Assembly resolution A.676(16) on the transboundary movement of hazardous wastes,

BEARING IN MIND ALSO that many of the existing regional conventions and agreements on co-operation in combating marine pollution incidents apply both to oil and to other harmful substances,

CONSIDERING it desirable that the scope of the OPRC Convention should be expanded to apply, either in whole or in part, to marine pollution incidents involving hazardous and noxious substances,

CONSIDERING ALSO that it is desirable that, to the extent feasible and where appropriate, the OPRC Convention be applied by Parties thereto to marine pollution incidents involving hazardous and noxious substances other than oil,

BELIEVING that the ways and means of responding to a marine pollution incident involving hazardous and noxious substances are different in certain important respects from those available for oil pollution preparedness and response,

RECOGNIZING FURTHER the ongoing work of the Organization concerning the development of an international legal regime for liability and compensation, in connection with the carriage of hazardous and noxious substances by sea and the need for early adoption of a convention on this subject,

1. INVITES the International Maritime Organization to initiate work to develop an appropriate instrument to expand the scope of the OPRC Convention to apply, in whole or in part, to pollution incidents by hazardous substances other than oil and prepare a proposal to this end;
2. URGES Parties to the OPRC Convention to apply the appropriate provisions of the Convention to the extent feasible and where appropriate to hazardous and noxious substances, pending the adoption and entry into force of an instrument to cover these substances.

Seafarers' Training, Certification
and Watchkeeping Code

STCW Code



International Maritime Organization
London, 1996

Foreword

This part of the publication contains the text of the Seafarers' Training, Certification and Watchkeeping (STCW) Code, which was adopted (resolution 2) by the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Conference) on 7 July 1995 and constitutes attachment 2 to the Final Act of that Conference.

This STCW Code, which cross-refers directly to the articles and regulations of; and should be read in conjunction with, the STCW Convention, contains, in:

- *Part A*, mandatory provisions to which specific reference is made in the annex to the STCW Convention and which give, in detail, the minimum standards required to be maintained by Parties in order to give full and complete effect to the provisions of the STCW Convention; and, in
- *Part B*, recommended guidance to assist Parties to the STCW Convention and those involved in implementing, applying or enforcing its measures to give the STCW Convention full and complete effect in a uniform manner. This part also contains the renumbered sections B-V/a, b and c consequent to the 1997 amendments, which were adopted by resolutions MSC.66(68) and MSC.67(68) and entered into force on 1 January 1999.

The footnotes to the text of the STCW Code, which have been added by the IMO Secretariat, do not form part of that Code and have been inserted for ease of reference. The IMO Secretariat has been requested to update these footnotes as and when appropriate. In all cases the reader must make use of the latest editions of the referenced texts, bearing in mind that such texts may have been revised or superseded by updated material since publication of the Code.

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**Attachment 2 to the
Final Act of the 1995 STCW Conference**

Resolution 2
Adoption of the Seafarers' Training, Certification
and Watchkeeping Code

THE CONFERENCE,

HAVING ADOPTED resolution 1 on Adoption of the 1995 amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

RECOGNIZING the importance of establishing detailed mandatory standards of competence and other mandatory provisions necessary to ensure that all seafarers shall be properly educated and trained, adequately experienced, skilled and competent to perform their duties in a manner which provides for the safety of life and property at sea and the protection of the marine environment,

ALSO RECOGNIZING the need to allow for the timely amendment of such mandatory standards and provisions in order to effectively respond to changes in technology, operations, practices and procedures used on board ships,

RECALLING that a large percentage of maritime casualties and pollution incidents are caused by human error,

APPRECIATING that one effective means of reducing the risks associated with human error in the operation of seagoing ships is to ensure that the highest practicable standards of training, certification and competence are maintained in respect of the seafarers who are employed on such ships,

DESIRING to achieve and maintain the highest practicable standards for the safety of life and property at sea and in port and for the protection of the environment,

HAVING CONSIDERED the Seafarers' Training, Certification and Watchkeeping (STCW) Code, comprised of part A – Mandatory standards regarding provisions of the annex to the 1978 STCW Convention, as amended, and part B – Recommended guidance regarding provisions of the 1978 STCW Convention, as amended, proposed and circulated to all Members of the Organization and all Parties to the Convention,

NOTING that regulation I/1, paragraph 2, of the amended annex to the 1978 STCW Convention provides that part A of the STCW Code supplements the regulations annexed to the Convention and that any reference to a requirement in a regulation also constitutes a reference to the corresponding section of part A of the STCW Code,

1. ADOPTS:

- .1 the Seafarers' Training, Certification and Watchkeeping (STCW) Code, part A – Mandatory standards regarding provisions of the annex to the 1978 STCW Convention, as amended, set out in annex 1 to the present resolution;
- .2 the Seafarers' Training, Certification and Watchkeeping (STCW) Code, part B – Recommended guidance regarding provisions of the 1978 STCW Convention, as amended, and its annex, set out in annex 2 to the present resolution;

2. RESOLVES:

- .1 that the provisions of part A of the STCW Code shall enter into force for each Party to the 1978 STCW Convention, as amended, on the same date and in the same manner as the amendments to that Convention adopted by the Conference;
- .2 to recommend that the guidance contained in part B of the STCW Code should be taken into account by all Parties to the 1978 STCW Convention, as amended, as from the date of entry into force of the amendments to that Convention adopted by the Conference;

3. Invites the International Maritime Organization:

- .1 to keep the provisions of parts A and B of the STCW Code under review and consult, as may be appropriate, with the International Labour Organization, the International Telecommunication Union and the World Health Organization and to bring the need for any future amendment thereto to the attention of the Maritime Safety Committee for consideration and adoption as may be appropriate;
- .2 to communicate this resolution and any future amendment thereto that may be adopted, to the attention of all Parties to the STCW Convention.

Annex 1
**Seafarers' Training, Certification and
Watchkeeping (STCW) Code**

Part A
**Mandatory standards regarding provisions of
the annex to the STCW Convention**

Introduction

1 This part of the STCW Code contains mandatory provisions to which specific reference is made in the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, hereinafter referred to as the STCW Convention. These provisions give in detail the minimum standards required to be maintained by Parties in order to give full and complete effect to the Convention.

2 Also contained in this part are standards of competence required to be demonstrated by candidates for the issue and revalidation of certificates of competency under the provisions of the STCW Convention. To clarify the linkage between the alternative certification provisions of chapter VII and the certification provisions of chapters II, III and IV, the abilities specified in the standards of competence are grouped as appropriate under the following seven functions:

- .1 Navigation
- .2 Cargo handling and stowage
- .3 Controlling the operation of the ship and care for persons on board
- .4 Marine engineering
- .5 Electrical, electronic and control engineering
- .6 Maintenance and repair
- .7 Radiocommunications

at the following levels of responsibility:

- .1 Management level
- .2 Operational level
- .3 Support level

Functions and levels of responsibility are identified by subtitle in the tables of standards of competence given in chapters II, III, and IV of this part. The scope of the function at the level of responsibility stated in a subtitle is defined by the abilities listed under it in column 1 of the table. The meaning of "function" and "level of responsibility" is defined in general terms in section A-I/1 below.

3 The numbering of the sections of this part corresponds with the numbering of the regulations contained in the annex to the STCW Convention. The text of the sections may be divided into numbered parts and paragraphs, but such numbering is unique to that text alone.

Chapter I Standards regarding general provisions

Section A-I/1

Definitions and clarifications

1 The definitions and clarifications contained in article II and regulation I/1 apply equally to the terms used in parts A and B of this Code. In addition, the following supplementary definitions apply only to this Code:

- .1 *Standard of competence* means the level of proficiency to be achieved for the proper performance of functions on board ship in accordance with the internationally agreed criteria as set forth herein and incorporating prescribed standards or levels of knowledge, understanding and demonstrated skill;
- .2 *Management level* means the level of responsibility associated with:
 - .2.1 serving as master, chief mate, chief engineer officer or second engineer officer on board a seagoing ship, and
 - .2.2 ensuring that all functions within the designated area of responsibility are properly performed;
- .3 *Operational level* means the level of responsibility associated with:
 - .3.1 serving as officer in charge of a navigational or engineering watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on board a seagoing ship, and
 - .3.2 maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility;
- .4 *Support level* means the level of responsibility associated with performing assigned tasks, duties or responsibilities on board a seagoing ship under the direction of an individual serving in the operational or management level;
- .5 *Evaluation criteria* are the entries appearing in column 4 of the “Specification of Minimum Standard of Competence” tables in part A and provide the means for an assessor to judge whether or not a candidate can perform the related tasks, duties and responsibilities; and
- .6 *Independent evaluation* means an evaluation by suitably qualified persons, independent of; or external to, the unit or activity being evaluated, to verify that the administrative and operational procedures at all levels are managed, organized, undertaken and monitored internally in order to ensure their fitness for purpose and achievement of stated objectives.

Section A-I/2*Certificates and endorsements*

1 Where, as provided in regulation I/2, paragraph 4, the endorsement required by article VI of the Convention is incorporated in the wording of the certificate itself, the certificate shall be issued in the format shown hereunder, provided that the words “or until the date of expiry of any extension of the validity of this certificate as may be shown overleaf” appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the certificate is required to be replaced upon its expiry. Guidance on completion of the form is contained in section B-I/2 of this Code.

(Official Seal)

(COUNTRY)

**CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE
INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978,
AS AMENDED IN 1995**

The Government of certifies that
has been found duly qualified in accordance with the provisions of regulation
of the above Convention, as amended, and has been found competent to perform the following functions,
at the levels specified. Subject to any limitation indicated until
or until the date of expiry of any extension of the validity of this certificate as may be shown overleaf:

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Certificate No. issued on

(Official Seal)

.....
Signature of duly authorized official

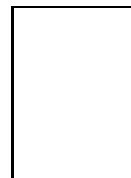
.....
Name of duly authorized official

The original of this certificate must be kept available in accordance with regulation 1/2 paragraph 9 of the Convention while serving on a ship.

Date of birth of the holder of the certificate

Signature of the holder of the certificate

Photograph of the holder of the certificate



The validity of this certificate is hereby extended until	
(Official seal)	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>
The validity of this certificate is hereby extended until	
(Official seal)	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>

2 Except as provided in paragraph 1, the form used to attest the issue of a certificate shall be as shown hereunder, provided that the words “or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf” appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the endorsement is required to be replaced upon its expiry. Guidance on completion of the form is contained in section B-1/2 of this Code.

(Official Seal)

(COUNTRY)

**ENDORSEMENT ATTESTING THE ISSUE OF A CERTIFICATE
UNDER THE PROVISIONS OF THE INTERNATIONAL CONVENTION
ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING
FOR SEAFARERS, 1978, AS AMENDED IN 1995**

The Government of certifies that certificate No. has been issued to who has been found duly qualified in accordance with the provisions of regulation of the above Convention, as amended, and has been found competent to perform the following functions, at the levels specified, subject to any limitations indicated until or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf:

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on

(Official Seal)

.....
Signature of duly authorized official

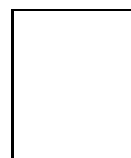
.....
Name of duly authorized official

The original of this certificate must be kept available in accordance with regulation I/2 paragraph 9 of the Convention while serving on a ship.

Date of birth of the holder of the certificate

Signature of the holder of the certificate

Photograph of the holder of the certificate



The validity of this certificate is hereby extended until	
(Official seal)	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>
The validity of this certificate is hereby extended until	
(Official seal)	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>

3 The form used to attest the recognition of a certificate shall be as shown hereunder, except that the words “or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf” appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the endorsement is required to be replaced upon its expiry. Guidance on completion of the form is contained in section B-I/2 of this Code.

(Official Seal)

(COUNTRY)

**ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE
UNDER THE PROVISIONS OF THE INTERNATIONAL CONVENTION ON
ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING
FOR SEAFARERS, 1978, AS AMENDED IN 1995**

The Government of certifies that Certificate No.
issued to by or on behalf of the Government of
is duly recognized in accordance with the provisions of regulation I/10 of the above Convention, as
amended, and the lawful holder is authorized to perform the following functions at the levels specified,
subject to any limitations indicated until or until the date of
expiry of any extension of the validity of this endorsement as may be shown overleaf:

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)

The lawful holder of this certificate may serve in the following capacity or capacities specified in the
applicable safe manning requirements of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on

(Official Seal)

.....
Signature of duly authorized official

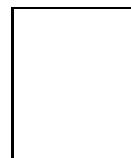
.....
Name of duly authorized official

The original of this certificate must be kept available in accordance with regulation I/2 paragraph 9 of the
Convention while serving on a ship.

Date of birth of the holder of the certificate

Signature of the holder of the certificate

Photograph of the holder of the certificate



The validity of this certificate is hereby extended until	
(Official seal)	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>
The validity of this certificate is hereby extended until	
(Official seal)	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>

- 4 In using formats which may be different from those set forth in this section, pursuant to regulation I/2, paragraph 8, Parties shall ensure that in all cases:
1. all information relating to the identity and personal description of the holder, including name, date of birth, photograph and signature, along with the date on which the document was issued, shall be displayed on the same side of the documents; and
 - .2 all information relating to the capacity or capacities in which the holder is entitled to serve, in accordance with the applicable safe manning requirements of the Administration, as well as any limitations, shall be prominently displayed and easily identified.

Section A-I/3

Principles governing near-coastal voyages

(No provisions)

Section A-I/4

Control procedures

1 The assessment procedure provided for in regulation I/4, paragraph 1.3, resulting from any of the occurrences mentioned therein shall take the form of a verification that members of the crew who are required to be competent do in fact possess the necessary skills related to the occurrence.

2 It shall be borne in mind when making this assessment that on-board procedures are relevant to the International Safety Management (ISM) Code and that the provisions of this Convention are confined to the competence to safely execute those procedures.

3 Control procedures under this Convention shall be confined to the standards of competence of the individual seafarers on board and their skills related to watchkeeping as defined in part A of this Code. On-board assessment of competency shall commence with verification of the certificates of the seafarers.

4 Notwithstanding verification of the certificate, the assessment under regulation I/4, paragraph 1.3 can require the seafarer to demonstrate the related competency at the place of duty. Such demonstration may include verification that operational requirements in respect of watchkeeping standards have been met and that there is a proper response to emergency situations within the seafarer's level of competence.

5 In the assessment, only the methods for demonstrating competence together with the criteria for its evaluation and the scope of the standards given in part A of this Code shall be used.

Section A-I/5

National provisions

The provisions of regulation I/5 shall not be interpreted as preventing the allocation of tasks for training under supervision or in cases of *force majeure*.

Section A-I/6

Training and assessment

1. Each Party shall ensure that all training and assessment of seafarers for certification under the Convention is:

- .1 structured in accordance with written programmes, including such methods and media of delivery, procedures, and course material as are necessary to achieve the prescribed standard of competence; and
 - .2 conducted, monitored, evaluated and supported by persons qualified in accordance with paragraphs 4, 5 and 6.
- 2 Persons conducting in-service training or assessment on board ship shall only do so when such training or assessment will not adversely affect the normal operation of the ship and they can dedicate their time and attention to training or assessment.

Qualifications of instructors, supervisors and assessors*

3 Each Party shall ensure that instructors, supervisors and assessors are appropriately qualified for the particular types and levels of training or assessment of competence of seafarers either on board or ashore, as required under the Convention, in accordance with the provisions of this section.

In-service training

- 4 Any person conducting in-service training of a seafarer, either on board or ashore, which is intended to be used in qualifying for certification under the Convention, shall:
- .1 have an appreciation of the training programme and an understanding of the specific training objectives for the particular type of training being conducted;
 - .2 be qualified in the task for which training is being conducted; and
 - .3 if conducting training using a simulator:
 - .3.1 have received appropriate guidance in instructional techniques involving the use of simulators, and
 - .3.2 have gained practical operational experience on the particular type of simulator being used.
- 5 Any person responsible for the supervision of in-service training of a seafarer intended to be used in qualifying for certification under the Convention shall have a full understanding of the training programme and the specific objectives for each type of training being conducted.

* The following IMO Model Courses may be of assistance in the preparation of courses:

- .1 IMO Model Course 6.09 – *Training Course for Instructors*
- .2 IMO Model Course 3.12 – *Examination and Certification of Seafarers*

Assessment of competence

6 Any person conducting in-service assessment of competence of a seafarer, either on board or ashore, which is intended to be used in qualifying for certification under the Convention, shall:

- .1 have an appropriate level of knowledge and understanding of the competence to be assessed;
- .2 be qualified in the task for which the assessment is being made;
- .3 have received appropriate guidance in assessment methods and practice;
- .4 have gained practical assessment experience; and
- .5 if conducting assessment involving the use of simulators, have gained practical assessment experience on the particular type of simulator under the supervision and to the satisfaction of an experienced assessor.

Training and assessment within an institution

7 Each Party which recognizes a course of training, a training institution, or a qualification granted by a training institution, as part of its requirements for the issue of a certificate required under the Convention, shall ensure that the qualifications and experience of instructors and assessors are covered in the application of the quality standard provisions of section A-I/8. Such qualification, experience and application of quality standards shall incorporate appropriate training in instructional techniques, and training and assessment methods and practice, and comply with all applicable requirements of paragraphs 4 to 6.

Section A-I/7*Communication of information*

1 The information required by regulation I/7, paragraph 1 shall be communicated to the Secretary-General in the formats prescribed in paragraph 2 hereunder.

2 By 1 August 1998, or within one calendar year of entry into force of regulation I/7, whichever is later for the Party concerned, each Party shall report on the steps it has taken to give the Convention full and complete effect, which report shall include the following:

- .1 the name, postal address and telephone and facsimile numbers and organization chart of the ministry, department or governmental agency responsible for administering the Convention;
- .2 a concise explanation of the legal and administrative measures provided and taken to ensure compliance, particularly with regulations I/6 and I/9;
- .3 a clear statement of the education, training, examination, competency assessment and certification policies adopted;

- .4 a concise summary of the courses, training programmes, examinations and assessments provided for each certificate issued pursuant to the Convention;
 - .5 a concise outline of the procedures followed to authorize, accredit or approve training and examinations, medical fitness and competency assessments required by the Convention, the conditions attaching thereto, and a list of the authorizations, accreditations and approvals granted;
 - .6 a concise summary of the procedures followed in granting any dispensation under article VIII of the Convention; and
 - .7 the results of the comparison carried out pursuant to regulation I/11 and a concise outline of the refresher and upgrading training mandated.
- 3 Each Party shall, within six months of
- .1 retaining or adopting any equivalent education or training arrangements pursuant to article IX, provide a full description of such arrangements;
 - .2 recognizing certificates issued by another Party, provide a report summarizing the measures taken to ensure compliance with regulation I/10; and
 - .3 authorizing the employment of seafarers holding alternative certificates issued under regulation VII/1 on ships entitled to fly its flag, provide the Secretary-General with a specimen copy of the type of safe manning documents issued to such ships.
- 4 Each Party shall report the results of each evaluation carried out pursuant to regulation I/8, paragraph 2 within six months of its completion, which report shall describe the terms of reference of the evaluators, their qualifications and experience, the date and scope of the evaluation, the deficiencies found and the corrective recommended and carried out.
- 5 The Secretary-General shall maintain a list of competent persons approved by the Maritime Safety Committee, including competent persons made available or recommended by the Parties, who may be called upon to assist in the preparation of the report required by regulation I/7, paragraph 2. These persons shall ordinarily be available during relevant sessions of the Maritime Safety Committee or its subsidiary bodies, but need not conduct their work solely during such sessions.
- 6 In relation to regulation I/7, paragraph 2, the competent persons shall be knowledgeable of the requirements of the Convention and at least one of them shall have knowledge of the system of training and certification of the Party concerned.
- 7 Any meeting of the competent persons shall:
- .1 be held at the discretion of the Secretary-General;
 - .2 be comprised of an odd number of members, ordinarily not to exceed 5 persons;
 - .3 appoint its own chairman; and

- .4 provide the Secretary-General with the agreed opinion of its members, or if no agreement is reached, with both the majority and minority views.
- 8 The competent persons shall, on a confidential basis, express their views in writing on:
 - .1 a comparison of the facts reported in the information communicated to the Secretary-General by the Party with all relevant requirements of the Convention;
 - .2 the report of any relevant evaluation submitted under regulation I/8, paragraph 3; and
 - .3 any additional information provided by the Party.
- 9 In preparing the report to the Maritime Safety Committee required by regulation I/7, paragraph 2, the Secretary-General shall:
 - .1 solicit and take into account the views expressed by competent persons selected from the list established pursuant to paragraph 5;
 - .2 seek clarification when necessary from the Party of any matter related to the information provided under regulation I/7, paragraph 1; and
 - .3 identify any area in which the Party may have requested assistance to implement the Convention.
- 10 The Party concerned shall be informed of the arrangements for the meetings of competent persons, and its representatives shall be entitled to be present to clarify any matter related to the information provided pursuant to regulation I/7, paragraph 1.
- 11 If the Secretary-General is not in a position to submit the report called for by paragraph 2 of regulation I/7, the Party concerned may request the Maritime Safety Committee to take the action contemplated by paragraph 3 of regulation I/7, taking into account the information submitted pursuant to this section and the views expressed in accordance with paragraphs 7 and 8.

Section A-I/8

Quality standards

National objectives and quality standards

- 1 Each Party shall ensure that the education and training objectives and related standards of competence to be achieved are clearly defined and identify the levels of knowledge, understanding and skills appropriate to the examinations and assessments required under the Convention. The objectives and related quality standards may be specified separately for different courses and training programmes and shall cover the administration of the certification system.

2 The field of application of the quality standards shall cover the administration of the certification system, all training courses and programmes, examinations and assessments carried out by or under the authority of a Party and the qualifications and experience required of instructors and assessors, having regard to the policies, systems, controls and internal quality assurance reviews established to ensure achievement of the defined objectives.

3 Each Party shall ensure that an independent evaluation of the knowledge, understanding, skills and competence acquisition and assessment activities, and of the administration of the certification system, is conducted at intervals of not more than five years in order to verify that:

- .1 all internal management control and monitoring measures and follow-up actions comply with planned arrangements and documented procedures and are effective in ensuring achievement of the defined objectives;
- .2 the results of each independent evaluation are documented and brought to the attention of those responsible for the area evaluated; and
- .3 timely action is taken to correct deficiencies.

4 The report of the independent evaluation required by paragraph 3 of regulation I/8 shall include the terms of reference for the evaluation and the qualifications and experience of the evaluators.

Section A-I/9

Medical standards – Issue and registration of certificates

(No provisions)

Section A-I/10

Recognition of certificates

1 The provisions of regulation I/10, paragraph 4 regarding the non-recognition of certificates issued by a non-Party shall not be construed as preventing a Party, when issuing its own certificate, from accepting seagoing service, education and training acquired under the authority of a non-Party, provided the Party complies with regulation I/9 in issuing each such certificate and ensures that the requirements of the Convention relating to seagoing service, education, training and competence are complied with.

2 Where an Administration which has recognized a certificate withdraws its endorsement of recognition for disciplinary reasons, the Administration shall inform the Party that issued the certificate of the circumstances

Section A-I/11

Revalidation of certificates

Professional competence

1 Continued professional competence as required under regulation I/11 shall be established by:

- .1 approved seagoing service, performing functions appropriate to the certificate held, for a period of at least one year in total during the preceding five years; or
- .2 having performed functions considered to be equivalent to the seagoing service required in paragraph 1.1; or
- .3 one of the following:
 - .3.1 passing an approved test, or
 - .3.2 successfully completing an approved course or courses, or
 - .3.3 having completed approved seagoing service, performing functions appropriate to the certificate held, for a period of not less than three months in a supernumerary capacity, or in a lower officer rank than that for which the certificate held is valid immediately prior to taking up the rank for which it is valid.

2 The refresher and updating courses required by regulation I/11 shall be approved and include changes in relevant national and international regulations concerning the safety of life at sea and the protection of the marine environment and take account of any updating of the standard of competence concerned.

Section A-I/12

Standards governing the use of simulators

PART I – PERFORMANCE STANDARDS**General performance standards for simulators used in training**

1 Each Party shall ensure that any simulator used for mandatory simulator-based training shall:

- .1 be suitable for the selected objectives and training tasks;
- .2 be capable of simulating the operating capabilities of shipboard equipment concerned, to a level of physical realism appropriate to training objectives, and include the capabilities, limitations and possible errors of such equipment;
- .3 have sufficient behavioural realism to allow a trainee to acquire the skills appropriate to the training objectives;
- .4 provide a controlled operating environment, capable of producing a variety of conditions, which may include emergency, hazardous or unusual situations relevant to the training objectives;

- .5 provide an interface through which a trainee can interact with the equipment, the simulated environment and, as appropriate, the instructor; and
- .6 permit an instructor to control, monitor and record exercises for the effective debriefing of trainees.

General performance standards for simulators used in assessment of competence

2 Each Party shall ensure that any simulator used for the assessment of competence required under the Convention or for any demonstration of continued proficiency so required shall:

- .1 be capable of satisfying the specified assessment objectives;
- .2 be capable of simulating the operational capabilities of the shipboard equipment concerned to a level of physical realism appropriate to the assessment objectives, and include the capabilities, limitations and possible errors of such equipment;
- .3 have sufficient behavioural realism to allow a candidate to exhibit the skills appropriate to the assessment objectives;
- .4 provide an interface through which a candidate can interact with the equipment and simulated environment;
- .5 provide a controlled operating environment, capable of producing a variety of conditions, which may include emergency, hazardous or unusual situations relevant to assessment objectives; and
- .6 permit an assessor to control, monitor and record exercises for the effective assessment of the performance of candidates.

Additional performance standards

3 In addition to meeting the basic requirements set out in paragraphs 1 and 2, simulation equipment to which this section applies shall meet the performance standards given hereunder in accordance with their specific type.

Radar simulation

4 Radar simulation equipment shall be capable of simulating the operational capabilities of navigational radar equipment which meets all applicable performance standards adopted by the Organization* and incorporate facilities to:

- .1 operate in the stabilized relative motion mode and sea and ground stabilized true motion modes

* See resolutions A.222(VII) – Performance Standards for Navigational Radar Equipment, A.278(VIII) – Supplement to the Recommendation on Performance Standards for Navigational Radar Equipment, and resolution A.477(XII) – Performance Standards for Radar Equipment.

- .2 model weather, tidal streams, current, shadow sectors, spurious echoes and other propagation effects, and generate coastlines, navigational buoys and search and rescue transponders; and
- .3 create a real-time operating environment incorporating at least two own-ship stations with ability to change own ship's course and speed, and include parameters for at least 20 target ships and appropriate communication facilities.

Automatic Radar Plotting Aid (ARPA) simulation

5 ARPA simulation equipment shall be capable of simulating the operational capabilities of ARPAs which meet all applicable performance standards adopted by the Organization,* and shall incorporate the facilities for:

- .1 manual and automatic target acquisition;
- .2 past track information;
- .3 use of exclusion areas;
- .4 vector/graphic time-scale and data display; and
- .5 trial manoeuvres.

PART 2 – OTHER PROVISIONS

Simulator training objectives

6 Each Party shall ensure that the aims and objectives of simulator-based training are defined within an overall training programme and that specific training objectives and tasks are selected so as to relate as closely as possible to shipboard tasks and practices.

Training procedures

- 7 In conducting mandatory simulator-based training, instructors shall ensure that:
- .1 trainees are adequately briefed beforehand on the exercise objectives and tasks and are given sufficient planning time before the exercise starts;
 - .2 trainees have adequate familiarization time on the simulator and with its equipment before any training or assessment exercise commences;
 - .3 guidance given and exercise stimuli are appropriate to the selected exercise objectives and tasks and to the level of trainee experience;

* See resolution A.422(XI) – Performance Standards for Automatic Radar Plotting Aids and resolution A.823(19) – Performance Standards for Automatic Radar Plotting Aids (ARPAs).

- .4 exercises are effectively monitored, supported as appropriate by audio and visual observation of trainee activity and pre and post-exercise evaluation reports;
- .5 trainees are effectively debriefed to ensure that training objectives have been met and that operational skills demonstrated are of an acceptable standard;
- .6 the use of peer assessment during debriefing is encouraged; and
- .7 simulator exercises are designed and tested so as to ensure their suitability for the specified training objectives.

Assessment procedures

8 Where simulators are used to assess the ability of candidates to demonstrate levels of competency, assessors shall ensure that:

- .1 performance criteria are identified clearly and explicitly and are valid and available to the candidates;
- .2 assessment criteria are established clearly and are explicit to ensure reliability and uniformity of assessment and to optimise objective measurement and evaluation, so that subjective judgements are kept to the minimum;
- .3 candidates are briefed clearly on the tasks and/or skills to be assessed and on the tasks and performance criteria by which their competency will be determined;
- .4 assessment of performance takes into account normal operating procedures and any behavioural interaction with other candidates on the simulator or simulator staff;
- .5 scoring or grading methods to assess performance are used with caution until they have been validated; and
- .6 the prime criterion is that a candidate demonstrates the ability to carry out a task safely and effectively to the satisfaction of the assessor.

Qualifications of instructors and assessors*

9 Each Party shall ensure that instructors and assessors are appropriately qualified and experienced for the particular types and levels of training and corresponding assessment of competence as specified in regulation I/6 and section A-I/6.

Section A-I/13

Conduct of trials

(No provisions)

* IMO Model Course 6.09 – *Training Course for Instructors*, and IMO Model Course 3.12 – *Examination and Certification of Seafarers* may be of assistance in the preparation of courses.

Section A-I/14*Responsibilities of companies*

1 Companies,* masters and crew members each have responsibility for ensuring that the obligations set out in this section are given full and complete effect and that such other measures as may be necessary are taken to ensure that each crew member can make a knowledgeable and informed contribution to the safe operation of the ship.

2 The company shall provide written instructions to the master of each ship to which the Convention applies, setting forth the policies and the procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties. Such policies and procedures shall include:

- .1 allocation of a reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with:
 - .1.1 the specific equipment the seafarer will be using or operating, and
 - .1.2 ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly; and
- .2 designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands.

Section A-I/15*Transitional provisions*

(No provisions)

* IMO Model Course 5.04 – *Human Resources Management* and IMO Model Course 6.03 – *Aspects of Ship Administration for Company Office Staff* may be of assistance in the preparation of courses.

Chapter II

Standards regarding the master and deck department

Section A-II/1

Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more

Standard of competence

- 1 Every candidate for certification shall:
 - .1 be required to demonstrate the competence to undertake, at operational level, the tasks, duties and responsibilities listed in column 1 of table A-II/1;
 - .2 at least hold an appropriate certificate for performing VHF radiocommunications in accordance with the requirements of the Radio Regulations; and
 - .3 if designated to have primary responsibility for radiocommunications during distress incidents, hold an appropriate certificate issued or recognized under the provisions of the Radio Regulations.
- 2 The minimum knowledge, understanding and proficiency required for certification is listed in column 2 of table A-II/1.
- 3 The level of knowledge of the subjects listed in column 2 of table A-II/1 shall be sufficient for officers of the watch to carry out their watchkeeping duties.*
- 4 Training and experience to achieve the necessary level of theoretical knowledge, understanding and proficiency shall be based on section A-VIII/2, part 3-1 – Principles to be observed in keeping a navigational watch – and shall also take into account the relevant requirements of this part and the guidance given in part B of this Code.
- 5 Every candidate for certification shall be required to provide evidence of having achieved the required standard of competence in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-II/1.

* IMO Model Course 7.03 – *Officer in Charge of a Navigational Watch* may be of assistance in the preparation of courses.

On-board training

6 Every candidate for certification as officer in charge of a navigational watch of ships of 500 gross tonnage or more whose seagoing service, in accordance with paragraph 2.2 of regulation II/1, forms part of a training programme approved as meeting the requirements of this section shall follow an approved programme of on-board training which:

- .1 ensures that during the required period of seagoing service the candidate receives systematic practical training and experience in the tasks, duties and responsibilities of an officer in charge of a navigational watch, taking into account the guidance given in section B-II/1 of this Code;
- .2 is closely supervised and monitored by qualified officers aboard the ships in which the approved seagoing service is performed; and
- .3 is adequately documented in a training record book or similar document.*

Near-coastal voyages

7 The following subjects may be omitted from those listed in column 2 of table A-II/1 for issue of restricted certificates for service on near-coastal voyages, bearing in mind the safety of all ships which may be operating in the same waters:

- .1 celestial navigation; and
- .2 those electronic systems of position fixing and navigation that do not cover the waters for which the certificate is to be valid.

Section A-VI/3

Mandatory minimum training in advanced fire fighting

Standard of competence

1 Seafarers designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire, with particular emphasis on organization, tactics and command, and shall be required to demonstrate competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-VI/3.

2 The level of knowledge and understanding of the subjects listed in column 2 of table A-VI/3 shall be sufficient for the effective control of fire-fighting operations on board ship.**

* IMO Model Course 7.03 – *Officer in Charge of a Navigational Watch* and a similar document produced by the International Shipping Federation may be of assistance in the preparation of training record books.

** IMO Model Course 2.03 – *Advanced Training in Fire Fighting* may be of assistance in the preparation of courses.

3 Training and experience to achieve the necessary level of theoretical knowledge, understanding and proficiency shall take account of the guidance given in part B of this Code.

4 Every candidate for certification shall be required to provide evidence of having achieved the required standard of competence within the previous five years, in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/3.

Section A-VI/4

Mandatory minimum requirements related to medical first aid and medical care

Standard of competence for seafarers designated to provide medical first aid on board ship

1 Every seafarer who is designated to provide medical first aid on board ship shall be required to demonstrate the competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-VI/4-1.

2 The level of knowledge of the subjects listed in column 2 of table A-VI/4-1 shall be sufficient to enable the designated seafarer to take immediate effective action in the case of accidents or illness likely to occur on board ship.*

3 Every candidate for certification under the provisions of regulation VI/4, paragraph 1 shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-1.

Standard of competence for seafarers designated to take charge of medical care on board ship

4 Every seafarer who is designated to take charge of medical care on board ship shall be required to demonstrate the competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-VI/4-2.

5 The level of knowledge of the subjects listed in column 2 of table A-VI/4-2 shall be sufficient to enable the designated seafarer to take immediate effective action in the case of accidents or illness likely to occur on board ship.**

6 Every candidate for certification under the provisions of regulation VI/4, paragraph 2 shall be required to provide evidence that the required standard of competence

* IMO Model Course 1.14 – *Medical Emergency – First Aid* may be of assistance in the preparation of courses.

** IMO Model Course 1.15 – *Medical Care* may be of assistance in the preparation of courses.

has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-2.

Chapter VII

Standards regarding alternative certification

Section A-VII/1

Issue of alternative certificates

1 Every candidate for certification at the operational level under the provisions of chapter VII of the annex to the Convention shall be required to complete relevant education and training and meet the standard of competence for all the functions prescribed in either table A-II/1 or table A-III/1. Functions specified in tables A-II/1 or A-III/1 respectively may be added provided the candidate completes, as appropriate, additional relevant education and training and meets the standards of competence prescribed in those tables for the functions concerned.

2 Every candidate for certification at the management level as the person having command of a ship of 500 gross tonnage or more, or the person upon whom the command of a ship will fall in the event of the incapacity of the person in command, shall be required, in addition to compliance with the standard of competence specified in table A-II/1, to complete relevant education and training and meet the standards of competence for all of the functions prescribed in table A-II/2. Functions specified in the tables of chapter III of this part may be added provided the candidate completes, as appropriate, additional relevant education and training and meets the standards of competence prescribed in those tables for the functions concerned.

3 Every candidate for certification at the management level as the person responsible for the mechanical propulsion of a ship powered by main propulsion machinery of 750 kW or more, or the person upon whom such responsibility will fall in the event of the incapacity of the person responsible for the mechanical propulsion of the ship, shall be required, in addition to compliance with the standard of competence specified in table A-III/1, to complete relevant education and training and meet the standards of competence for all of the functions prescribed in table A-III/2, as appropriate. Functions specified in the tables of chapter II of this part may be added provided the candidate completes, as appropriate, additional relevant education and training and meets the standards of competence prescribed in those tables for the functions concerned.

4 Every candidate for certification at the support level in navigation or marine engineering shall comply with the standard of competence prescribed in table A-II/4 or A-III/4 of this part, as appropriate.

Section A-VII/2*Certification of seafarers*

1 In accordance with the requirements of regulation VII/1, paragraph 1.3, every candidate for certification under the provisions of chapter VII at operational level in functions specified in tables A-II/1 or A-III/1 shall:

- .1 have approved seagoing service of not less than one year, which service shall include a period of at least six months performing engine-room duties under the supervision of a qualified engineer officer and, where the function of navigation is required, a period of at least six months performing bridge watchkeeping duties under the supervision of a qualified bridge watchkeeping officer; and
- .2 have completed, during this service, on-board training programmes approved as meeting the relevant requirements of sections A-II/1 and A-III/1 and documented in an approved training record book.

2 Every candidate for certification under the provisions of chapter VII at the management level in a combination of functions specified in tables A-II/2 and A-III/2 shall have approved seagoing service related to the functions to be shown in the endorsement to the certificate as follows:

- .1 *for persons other than those having command or responsibility for the mechanical propulsion of a ship* – 12 months performing duties at the operational level related to regulation III/2 or III/3 as appropriate and, where the function of navigation at the management level is required, at least 12 months performing bridge watchkeeping duties at the operational level;
- .2 *for those having command or the responsibility for the mechanical propulsion of a ship* – not less than 48 months, including the provisions in paragraph 2.1 of this section, performing, as a certificated officer, duties related to the functions to be shown in the endorsement to the certificate, of which 24 months shall be served performing functions set out in table A-II/1 and 24 months shall be served performing functions set out in tables A-III/1 and A-III/2.

Section A-VII/3*Principles governing the issue of alternative certificates*

(No provisions)

Chapter VIII

Standards regarding watchkeeping

Section A-VIII/1

Fitness for duty

- 1 All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours of rest in any 24 hour period.
- 2 The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length.
- 3 The requirements for rest periods laid down in paragraphs 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
- 4 Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of ten hours may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond two days and not less than 70 hours of rest are provided each seven-day period.
- 5 Administrations shall require that watch schedules be posted where they are easily accessible.

Section A-VIII/2

Watchkeeping arrangements and principles to be observed

PART 1 – CERTIFICATION

- 1 The officer in charge of the navigational or deck watch shall be duly qualified in accordance with the provisions of chapter II, or chapter VII appropriate to the duties related to navigational or deck watchkeeping.
- 2 The officer in charge of the engineering watch shall be duly qualified in accordance with the provisions of chapter III, or chapter VII appropriate to the duties related to engineering watchkeeping.

PART 2 – VOYAGE PLANNING

General requirements

3 The intended voyage shall be planned in advance, taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

4 The chief engineer officer shall, in consultation with the master, determine in advance the needs of the intended voyage, taking into consideration the requirements for fuel, water, lubricants, chemicals, expendable and other spare parts, tools, supplies and any other requirements.

Planning prior to each voyage

5 Prior to each voyage the master of every ship shall ensure that the intended route from the port of departure to the first port of call is planned using adequate and appropriate charts and other nautical publications necessary for the intended voyage, containing accurate, complete and up-to-date information regarding those navigational limitations and hazards which are of a permanent or predictable nature and which are relevant to the safe navigation of the ship.

Verification and display of planned route

6 When the route planning is verified taking into consideration all pertinent information, the planned route shall be clearly displayed on appropriate charts and shall be continuously available to the officer in charge of the watch, who shall verify each course to be followed prior to using it during the voyage.

Deviation from planned route

7 If a decision is made, during a voyage, to change the next port of call of the planned route, or if it is necessary for the ship to deviate substantially from the planned route for other reasons, then an amended route shall be planned prior to deviating substantially from the route originally planned.

PART 3 – WATCHKEEPING AT SEA

Principles applying to watchkeeping generally

8 Parties shall direct the attention of companies, masters, chief engineer officers and watchkeeping personnel to the following principles, which shall be observed to ensure that safe watches are maintained at all times.

9 The master of every ship is bound to ensure that watchkeeping arrangements are adequate for maintaining a safe navigational watch. Under the master's general direction, the officers of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they will be particularly concerned with avoiding collision and stranding.

10 The chief engineer officer of every ship is bound, in consultation with the master, to ensure that watchkeeping arrangements are adequate to maintain a safe engineering watch.

Protection of marine environment

11 The master, officers and ratings shall be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such pollution, particularly within the framework of relevant international and port regulations.

Part 3-1 – Principles to be observed in keeping a navigational watch

12 The officer in charge of the navigational watch is the master's representative and is primarily responsible at all times for the safe navigation of the ship and for complying with the International Regulations for Preventing Collisions at Sea, 1972.

Look-out

13 A proper look-out shall be maintained at all times in compliance with rule 5 of the International Regulations for Preventing Collisions at Sea, 1972 and shall serve the purpose of:

- .1 maintaining a continuous state of vigilance by sight and hearing as well as by all other available means, with regard to any significant change in the operating environment;
- .2 fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and

- .3 detecting ships or aircraft in distress, shipwrecked persons, wrecks, debris and other hazards to safe navigation.

14 The look-out must be able to give full attention to the keeping of a proper look-out and no other duties shall be undertaken or assigned which could interfere with that task.

15 The duties of the look-out and helmsperson are separate and the helmsperson shall not be considered to be the look-out while steering, except in small ships where an unobstructed all-round view is provided at the steering position and there is no impairment of night vision or other impediment to the keeping of a proper look-out. The officer in charge of the navigational watch may be the sole look-out in daylight provided that on each such occasion:

- .1 the situation has been carefully assessed and it has been established without doubt that it is safe to do so;
- .2 full account has been taken of all relevant factors, including, but not limited to:
 - state of weather,
 - visibility,
 - traffic density,
 - proximity of dangers to navigation, and
 - the attention necessary when navigating in or near traffic separation schemes; and
- .3 assistance is immediately available to be summoned to the bridge when any change in the situation so requires.

16 In determining that the composition of the navigational watch is adequate to ensure that a proper look-out can continuously be maintained, the master shall take into account all relevant factors, including those described in this section of the Code, as well as the following factors:

- .1 visibility, state of weather and sea;
- .2 traffic density, and other activities occurring in the area in which the vessel is navigating;
- .3 the attention necessary when navigating in or near traffic separation schemes or other routing measures;
- .4 the additional workload caused by the nature of the ship's functions, immediate operating requirements and anticipated manoeuvres;
- .5 the fitness for duty of any crew members on call who are assigned as members of the watch;
- .6 knowledge of and confidence in the professional competence of the ship's officers and crew;

- .7 the experience of each officer of the navigational watch, and the familiarity of that officer with the ship's equipment, procedures, and manoeuvring capability;
- .8 activities taking place on board the ship at any particular time, including radiocommunication activities, and the availability of assistance to be summoned immediately to the bridge when necessary;
- .9 the operational status of bridge instrumentation and controls, including alarm systems;
- .10 rudder and propeller control and ship manoeuvring characteristics;
- .11 the size of the ship and the field of vision available from the conning position;
- .12 the configuration of the bridge, to the extent such configuration might inhibit a member of the watch from detecting by sight or hearing any external development; and
- .13 any other relevant standard, procedure or guidance relating to watchkeeping arrangements and fitness for duty which has been adopted by the Organization.

Watch arrangements

17 When deciding the composition of the watch on the bridge, which may include appropriately qualified ratings, the following factors, *inter alia*, shall be taken into account:

- .1 at no time shall the bridge be left unattended;
- .2 weather conditions, visibility and whether there is daylight or darkness;
- .3 proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;
- .4 use and operational condition of navigational aids such as radar or electronic position-indicating devices and any other equipment affecting the safe navigation of the ship;
- .5 whether the ship is fitted with automatic steering;
- .6 whether there are radio duties to be performed;
- .7 unmanned machinery space (UMS) controls, alarms and indicators provided on the bridge, procedures for their use and limitations; and
- .8 any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

Taking over the watch

18 The officer in charge of the navigational watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is not capable of

carrying out the watchkeeping duties effectively, in which case the master shall be notified.

19 The relieving officer shall ensure that the members of the relieving watch are fully capable of performing their duties, particularly as regards their adjustment to night vision. Relieving officers shall not take over the watch until their vision is fully adjusted to the light conditions.

20 Prior to taking over the watch, relieving officers shall satisfy themselves as to the ship's estimated or true position and confirm its intended track, course and speed, and UMS controls as appropriate and shall note any dangers to navigation expected to be encountered during their watch.

21 Relieving officers shall personally satisfy themselves regarding the:

- .1 standing orders and other special instructions of the master relating to navigation of the ship;
- .2 position, course, speed and draught of the ship;
- .3 prevailing and predicted tides, currents, weather, visibility and the effect of these factors upon course and speed;
- .4 procedures for the use of main engines to manoeuvre when the main engines are on bridge control; and
- .5 navigational situation, including but not limited to:
 - .5.1 the operational condition of all navigational and safety equipment being used or likely to be used during the watch,
 - .5.2 the errors of gyro- and magnetic compasses,
 - .5.3 the presence and movement of ships in sight or known to be in the vicinity,
 - .5.4 the conditions and hazards likely to be encountered during the watch, and
 - .5.5 the possible effects of heel, trim, water density and squat on under-keel clearance.

22 If at any time the officer in charge of the navigational watch is to be relieved when a manoeuvre or other action to avoid any hazard is taking place, the relief of that officer shall be deferred until such action has been completed.

Performing the navigational watch

23 The officer in charge of the navigational watch shall:

- .1 keep the watch on the bridge;
- .2 in no circumstances leave the bridge until properly relieved;
- .3 continue to be responsible for the safe navigation of the ship, despite the presence of the master on the bridge, until informed specifically that the master has assumed that responsibility and this is mutually understood; and

- .4 notify the master when in any doubt as to what action to take in the interest of safety.
- 24 During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the ship follows the planned course.
- 25 The officer in charge of the navigational watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the ship and shall be aware and take account of the operating limitations of such equipment.
- 26 The officer in charge of the navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the ship.
- 27 Officers of the navigational watch shall make the most effective use of all navigational equipment at their disposal.
- 28 When using radar, the officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the International Regulations for Preventing Collisions at Sea, in force.
- 29 In cases of need, the officer in charge of the navigational watch shall not hesitate to use the helm, engines and sound signalling apparatus. However, timely notice of intended variations of engine speed shall be given where possible or effective use made of UMS engine controls provided on the bridge in accordance with the applicable procedures.
- 30 Officers of the navigational watch shall know the handling characteristics of their ship, including its stopping distances, and should appreciate that other ships may have different handling characteristics.
- 31 A proper record shall be kept during the watch of the movements and activities relating to the navigation of the ship.
- 32 It is of special importance that at all times the officer in charge of the navigational watch ensures that a proper look-out is maintained. In a ship with a separate chartroom the officer in charge of the navigational watch may visit the chartroom, when essential, for a short period for the necessary performance of navigational duties, but shall first ensure that it is safe to do so and that proper lookout is maintained.
- 33 Operational tests of shipboard navigational equipment shall be carried out at sea as frequently as practicable and as circumstances permit, in particular before hazardous conditions affecting navigation are expected. Whenever appropriate, these tests shall be recorded. Such tests shall also be carried out prior to port arrival and departure.

34 The officer in charge of the navigational watch shall make regular checks to ensure that:

- .1 the person steering the ship or the automatic pilot is steering the correct course;
- .2 the standard compass error is determined at least once a watch and, when possible, after any major alteration of course; the standard and gyrocompasses are frequently compared and repeaters are synchronized with their master compass;
- .3 the automatic pilot is tested manually at least once a watch;
- .4 the navigation and signal lights and other navigational equipment are functioning properly;
- .5 the radio equipment is functioning properly in accordance with paragraph 86 of this section; and
- .6 the UMS controls, alarms and indicators are functioning properly.

35 The officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the requirements in force of the International Convention for the Safety of Life at Sea (SOLAS), 1974.* The officer of the navigational watch shall take into account:

- .1 the need to station a person to steer the ship and to put the steering into manual control in good time to allow any potentially hazardous situation to be dealt with in a safe manner; and
- .2 that with a ship under automatic steering it is highly dangerous to allow a situation to develop to the point where the officer in charge of the navigational watch is without assistance and has to break the continuity of the look-out in order to take emergency action.

36 Officers of the navigational watch shall be thoroughly familiar with the use of all electronic navigational aids carried, including their capabilities and limitations, and shall use each of these aids when appropriate and shall bear in mind that the echosounder is a valuable navigational aid.

37 The officer in charge of the navigational watch shall use the radar whenever restricted visibility is encountered or expected. and at all times in congested waters, having due regard to its limitations.

38 The officer in charge of the navigational watch shall ensure that range scales employed are changed at sufficiently frequent intervals so that echoes are detected as early as possible. It shall be borne in mind that small or poor echoes may escape detection.

* See regulations V/19, V/19-1 and V/19-2.

39 Whenever radar is in use, the officer in charge of the navigational watch shall select an appropriate range scale and observe the display carefully, and shall ensure that plotting or systematic analysis is commenced in ample time.

40 The officer in charge of the navigational watch shall notify the master immediately:

- .1 if restricted visibility is encountered or expected;
- .2 if the traffic conditions or the movements of other ships are causing concern;
- .3 if difficulty is experienced in maintaining course;
- .4 on failure to sight land, a navigation mark or to obtain soundings by the expected time;
- .5 if, unexpectedly, land or a navigation mark is sighted or a change in soundings occurs;
- .6 on breakdown of the engines, propulsion machinery remote control, steering gear or any essential navigational equipment, alarm or indicator;
- .7 if the radio equipment malfunctions;
- .8 in heavy weather, if in any doubt about the possibility of weather damage;
- .9 if the ship meets any hazard to navigation, such as ice or a derelict; and
- .10 in any other emergency or if in any doubt.

41 Despite the requirement to notify the master immediately in the foregoing circumstances, the officer in charge of the navigational watch shall in addition not hesitate to take immediate action for the safety of the ship, where circumstances so require.

42 The officer in charge of the navigational watch shall give watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe watch, including a proper look-out.

Watchkeeping under different conditions and in different areas

Clear weather

43 The officer in charge of the navigational watch shall take frequent and accurate compass bearings of approaching ships as a means of early detection of risk of collision and bear in mind that such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large ship or a tow or when approaching a ship at close range. The officer in charge of the navigational watch shall also take early and positive action in compliance with the applicable International Regulations for Preventing Collisions at Sea, 1972 and subsequently check that such action is having the desired effect.

44 In clear weather, whenever possible, the officer in charge of the navigational watch shall carry out radar practice.

Restricted visibility

45 When restricted visibility is encountered or expected, the first responsibility of the officer in charge of the navigational watch is to comply with the relevant rules of the International Regulations for Preventing Collisions at Sea, 1972 with particular regard to the sounding of fog signals, proceeding at a safe speed and having the engines ready for immediate manoeuvre. In addition, the officer in charge of the navigational watch shall:

- .1 inform the master;
- .2 post a proper look-out;
- .3 exhibit navigation lights; and
- .4 operate and use the radar.

In hours of darkness

46 The master and the officer in charge of the navigational watch, when arranging look-out duty, shall have due regard to the bridge equipment and navigational aids available for use, their limitations; procedures and safeguards implemented.

Coastal and congested waters

47 The largest scale chart on board, suitable for the area and corrected with the latest available information, shall be used. Fixes shall be taken at frequent intervals, and shall be carried out by more than one method whenever circumstances allow.

48 The officer in charge of the navigational watch shall positively identify all relevant navigation marks.

Navigation with pilot on board

49 Despite the duties and obligations of pilots, their presence on board does not relieve the master or officer in charge of the navigational watch from their duties and obligations for the safety of the ship. The master and the pilot shall exchange information regarding navigation procedures, local conditions and the ship's characteristics. The master and/or the officer in charge of the navigational watch shall co-operate closely with the pilot and maintain an accurate check on the ship's position and movement.

50 If in any doubt as to the pilot's actions or intentions, the officer in charge of the navigational watch shall seek clarification from the pilot and, if doubt still exists, shall notify the master immediately and take whatever action is necessary before the master arrives.

Ship at anchor

51 If the master considers it necessary, a continuous navigational watch shall be maintained at anchor. While at anchor, the officer in charge of the navigational watch shall:

- .1 determine and plot the ship's position on the appropriate chart as soon as practicable;
- .2 when circumstances permit, check at sufficiently frequent intervals whether the ship is remaining securely at anchor by taking bearings of fixed navigation marks or readily identifiable shore objects;
- .3 ensure that proper look-out is maintained;
- .4 ensure that inspection rounds of the ship are made periodically;
- .5 observe meteorological and tidal conditions and the state of the sea;
- .6 notify the master and undertake all necessary measures if the ship drags anchor;
- .7 ensure that the state of readiness of the main engines and other machinery is in accordance with the master's instructions;
- .8 if visibility deteriorates, notify the master;
- .9 ensure that the ship exhibits the appropriate lights and shapes and that appropriate sound signals are made in accordance with all applicable regulations; and
- .10 take measures to protect the environment from pollution by the ship and comply with applicable pollution regulations.

Part 3-2 – Principles to be observed in keeping an engineering watch

52 The term *engineering watch* as used in parts 3-2, 4-2 and 4-4 of this section means either a person or a group of personnel comprising the watch or a period of responsibility for an officer during which the physical presence in machinery spaces of that officer may or may not be required.

53 The *officer in charge of the engineering watch* is the chief engineer officer's representative and is primarily responsible, at all times, for the safe and efficient operation and upkeep of machinery affecting the safety of the ship and is responsible for the inspection, operation and testing, as required, of all machinery and equipment under the responsibility of the engineering watch.

Watch arrangements

54 The composition of the engineering watch shall, at all times, be adequate to ensure the safe operation of all machinery affecting the operation of the ship, in either

automated or manual mode, and be appropriate to the prevailing circumstances and conditions.

55 When deciding the composition of the engineering watch, which may include appropriately qualified ratings, the following criteria, *inter alia*, shall be taken into account:

- .1 the type of ship and the type and condition of the machinery;
- .2 the adequate supervision, at all times, of machinery affecting the safe operation of the ship;
- .3 any special modes of operation dictated by conditions such as weather, ice, contaminated water, shallow water, emergency conditions, damage containment or pollution abatement;
- .4 the qualifications and experience of the engineering watch;
- .5 the safety of life, ship, cargo and port, and protection of the environment;
- .6 the observance of international, national and local regulations; and
- .7 maintaining the normal operations of the ship.

Taking over the watch

56 The officer in charge of the engineering watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is obviously not capable of carrying out the watchkeeping duties effectively, in which case the chief engineer officer shall be notified.

57 The relieving officer of the engineering watch shall ensure that the members of the relieving engineering watch are apparently fully capable of performing their duties effectively.

58 Prior to taking over the engineering watch, relieving officers shall satisfy themselves regarding at least the following:

- .1 the standing orders and special instructions of the chief engineer officer relating to the operation of the ship's systems and machinery;
- .2 the nature of all work being performed on machinery and systems, the personnel involved and potential hazards.
- .3 the level and, where applicable, the condition of water or residues in bilges, ballast tanks, slop tanks, reserve tanks, fresh water tanks, sewage tanks and any special requirements for use or disposal of the contents thereof;
- .4 the condition and level of fuel in the reserve tanks, settling tank, day tank and other fuel storage facilities;
- .5 any special requirements relating to sanitary system disposals;
- .6 condition and mode of operation of the various main and auxiliary systems, including the electrical power distribution system;

- .7 where applicable, the condition of monitoring and control console equipment, and which equipment is being operated manually;
- .8 where applicable, the condition and mode of operation of automatic boiler controls such as flame safeguard control systems, limit control systems, combustion control systems, fuel-supply control systems and other equipment related to the operation of steam boilers;
- .9 any potentially adverse conditions resulting from bad weather, ice, or contaminated or shallow water;
- .10 any special modes of operation dictated by equipment failure or adverse ship conditions;
- .11 the reports of engine-room ratings relating to their assigned duties;
- .12 the availability of fire-fighting appliances; and
- .13 the state of completion of engine-room log.

Performing the engineering watch

59 The officer in charge of the engineering watch shall ensure that the established watchkeeping arrangements are maintained and that, under direction, engine-room ratings, if forming part of the engineering watch, assist in the safe and efficient operation of the propulsion machinery and auxiliary equipment.

60 The officer in charge of the engineering watch shall continue to be responsible for machinery-space operations, despite the presence of the chief engineer officer in the machinery spaces, until specifically informed that the chief engineer officer has assumed that responsibility and this is mutually understood.

61 All members of the engineering watch shall be familiar with their assigned watchkeeping duties. In addition, every member shall, with respect to the ship they are serving in, have knowledge of:

- .1 the use of appropriate internal communication systems;
- .2 the escape routes from machinery spaces;
- .3 the engine-room alarm systems and be able to distinguish between the various alarms, with special reference to the fire-extinguishing media alarm; and
- .4 the number, location and types of fire-fighting equipment and damage-control gear in the machinery spaces, together with their use and the various safety precautions to be observed.

62 Any machinery not functioning properly, expected to malfunction or requiring special service shall be noted along with any action already taken. Plans shall be made for any further action if required.

63 When the machinery spaces are in the manned condition, the officer in charge of the engineering watch shall at all times be readily capable of operating the propulsion equipment in response to needs for changes in direction or speed.

64 When the machinery spaces are in the periodic unmanned condition, the designated duty officer in charge of the engineering watch shall be immediately available and on call to attend the machinery spaces.

65 All bridge orders shall be promptly executed. Changes in direction or speed of the main propulsion units shall be recorded, except where an Administration has determined that the size or characteristics of a particular ship make such recording impracticable. The officer in charge of the engineering watch shall ensure that the main propulsion unit controls, when in the manual mode of operation, are continuously attended under stand-by or manoeuvring conditions.

66 Due attention shall be paid to the ongoing maintenance and support of all machinery, including mechanical, electrical, electronic, hydraulic and pneumatic systems, their control apparatus and associated safety equipment, all accommodation service systems equipment and the recording of stores and spare gear usage.

67 The chief engineer officer shall ensure that the officer in charge of the engineering watch is informed of all preventive maintenance, damage control, or repair operations to be performed during the engineering watch. The officer in charge of the engineering watch shall be responsible for the isolation, bypassing and adjustment of all machinery under the responsibility of the engineering watch that is to be worked on, and shall record all work carried out.

68 When the engine-room is put in a stand-by condition, the officer in charge of the engineering watch shall ensure that all machinery and equipment which may be used during manoeuvring is in a state of immediate readiness and that an adequate reserve of power is available for steering gear and other requirements.

69 Officers in charge of an engineering watch shall not be assigned or undertake any duties which would interfere with their supervisory duties in respect of the main propulsion system and ancillary equipment. They shall keep the main propulsion plant and auxiliary systems under constant supervision until properly relieved, and shall periodically inspect the machinery in their charge. They shall also ensure that adequate rounds of the machinery and steering-gear spaces are made for the purpose of observing and reporting equipment malfunctions or breakdowns, performing or directing routine adjustments, required upkeep and any other necessary tasks.

70 Officers in charge of an engineering watch shall direct any other member of the engineering watch to inform them of potentially hazardous conditions which may adversely affect the machinery or jeopardize the safety of life or of the ship.

71 The officer in charge of the engineering watch shall ensure that the machinery space watch is supervised, and shall arrange for substitute personnel in the event of the incapacity of any engineering watch personnel. The engineering watch shall not leave the machinery spaces unsupervised in a manner that would prevent the manual operation of the engine-room plant or throttles.

72 The officer in charge of the engineering watch shall take the action necessary to contain the effects of damage resulting from equipment breakdown, fire, flooding, rupture, collision, stranding, or other cause.

73 Before going off duty, the officer in charge of the engineering watch shall ensure that all events related to the main and auxiliary machinery which have occurred during the engineering watch are suitably recorded.

74 The officer in charge of the engineering watch shall co-operate with any engineer in charge of maintenance work during all preventive maintenance, damage control or repairs. This shall include but not necessarily be limited to:

- .1 isolating and bypassing machinery to be worked on;
- .2 adjusting the remaining plant to function adequately and safely during the maintenance period;
- .3 recording, in the engine-room log or other suitable document, the equipment worked on and the personnel involved, and which safety steps have been taken and by whom, for the benefit of relieving officers and for record purposes; and
- .4 testing and putting into service, when necessary, the repaired machinery or equipment.

75 The officer in charge of the engineering watch shall ensure that any engine-room ratings who perform maintenance duties are available to assist in the manual operation of machinery in the event of automatic equipment failure.

76 The officer in charge of the engineering watch shall bear in mind that changes in speed, resulting from machinery malfunction, or any loss of steering, may imperil the safety of the ship and life at sea. The bridge shall be immediately notified, in the event of fire, and of any impending action in machinery spaces that may cause reduction in the ship's speed, imminent steering failure, stoppage of the ship's propulsion system or any alteration in the generation of electric power or similar threat to safety. This notification, where possible, shall be accomplished before changes are made, in order to afford the bridge the maximum available time to take whatever action is possible to avoid a potential marine casualty.

77 The officer in charge of the engineering watch shall notify the chief engineer officer without delay:

- .1 when engine damage or a malfunction occurs which may be such as to endanger the safe operation of the ship;

- .2 when any malfunction occurs which, it is believed, may cause damage or breakdown of propulsion machinery, auxiliary machinery or monitoring and governing systems; and
- .3 in any emergency or if in any doubt as to what decision or measures to take.

78 Despite the requirement to notify the chief engineer officer in the foregoing circumstances, the officer in charge of the engineering watch shall not hesitate to take immediate action for the safety of the ship, its machinery and crew where circumstances require.

79 The officer in charge of the engineering watch shall give the watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe engineering watch. Routine machinery upkeep, performed as incidental tasks as a part of keeping a safe watch, shall be set up as an integral part of the watch routine. Detailed repair maintenance involving repairs to electrical, mechanical, hydraulic, pneumatic or applicable electronic equipment throughout the ship shall be performed with the cognizance of the officer in charge of the engineering watch and chief engineer officer. These repairs shall be recorded.

Engineering watchkeeping under different conditions and in different areas

Restricted visibility

80 The officer in charge of the engineering watch shall ensure that permanent air or steam pressure is available for sound signals and that at all times bridge orders relating to changes in speed or direction of operation are immediately implemented and, in addition, that auxiliary machinery used for manoeuvring is readily available.

Coastal and congested waters

81 The officer in charge of the engineering watch shall ensure that all machinery involved with the manoeuvring of the ship can immediately be placed in the manual mode of operation when notified that the ship is in congested waters. The officer in charge of the engineering watch shall also ensure that an adequate reserve of power is available for steering and other manoeuvring requirements. Emergency steering and other auxiliary equipment shall be ready for immediate operation.

Ship at anchor

82 At an unsheltered anchorage the chief engineer officer shall consult with the master whether or not to maintain the same engineering watch as when under way.

83 When a ship is at anchor in an open roadstead or any other virtually “at-sea” condition, the engineer officer in charge of the engineering watch shall ensure that:

- .1 an efficient engineering watch is kept;
- .2 periodic inspection is made of all operating and stand-by machinery;
- .3 main and auxiliary machinery is maintained in a state of readiness in accordance with orders from the bridge;
- .4 measures are taken to protect the environment from pollution by the ship, and that applicable pollution-prevention regulations are complied with; and
- .5 all damage-control and fire-fighting systems are in readiness.

Part 3-3 – Principles to be observed in keeping a radio watch

General provisions

84 Administrations shall direct the attention of companies, masters and radio watch-keeping personnel to comply with the following provisions to ensure that an adequate safety radio watch is maintained while a ship is at sea. In complying with this Code, account shall be taken of the Radio Regulations.

Watch arrangements

85 In deciding the arrangements for the radio watch, the master of every seagoing ship shall:

- .1 ensure that the radio watch is maintained in accordance with the relevant provisions of the Radio Regulations and the SOLAS Convention;
- .2 ensure that the primary duties for radio watchkeeping are not adversely affected by attending to radio traffic not relevant to the safe movement of the ship and safety of navigation; and
- .3 take into account the radio equipment fitted on board and its operational status.

Performing the radio watch

86 The radio operator performing radio watchkeeping duties shall:

- .1 ensure that watch is maintained on the frequencies specified in the Radio Regulations and the SOLAS Convention; and
- .2 while on duty, regularly check the operation of the radio equipment and its sources of energy and report to the master any observed failure of this equipment.

87 The requirements of the Radio Regulations and the SOLAS Convention on keeping a radiotelegraph or radio log, as appropriate, shall be complied with.

88 The maintenance of radio records, in compliance with the requirements of the Radio Regulations and the SOLAS Convention, is the responsibility of the radio operator designated as having primary responsibility for radiocommunications during distress incidents. The following shall be recorded, together with the times at which they occur:

- .1 a summary of distress, urgency and safety radiocommunications;
- .2 important incidents relating to the radio service;
- .3 where appropriate, the position of the ship at least once per day; and
- .4 a summary of the condition of the radio equipment, including its sources of energy.

89 The radio records shall be kept at the distress communications operating position, and shall be made available:

- .1 for inspection by the master; and
- .2 for inspection by any authorized official of the Administration and by any duly authorized officer exercising control under article X of the Convention.

PART 4 – WATCHKEEPING IN PORT

Principles applying to all watchkeeping

General

90 On any ship safely moored or safely at anchor under normal circumstances in port, the master shall arrange for an appropriate and effective watch to be maintained for the purpose of safety. Special requirements may be necessary for special types of ships' propulsion systems or ancillary equipment and for ships carrying hazardous, dangerous, toxic or highly flammable materials or other special types of cargo.

Watch arrangements

91 Arrangements for keeping a deck watch when the ship is in port shall at all times be adequate to:

- .1 ensure the safety of life, of the ship, the port and the environment, and the safe operation of all machinery related to cargo operation;
- .2 observe international, national and local rules; and
- .3 maintain order and the normal routine of the ship.

92 The master shall decide the composition and duration of the deck watch depending on the conditions of mooring, type of the ship and character of duties.

93 If the master considers it necessary, a qualified officer shall be in charge of the deck watch.

94 The necessary equipment shall be so arranged as to provide for efficient watch-keeping.

95 The chief engineer officer, in consultation with the master, shall ensure that engineering watchkeeping arrangements are adequate to maintain a safe engineering watch while in port. When deciding the composition of the engineering watch, which may include appropriate engine-room ratings, the following points are among those to be taken into account:

- .1 on all ships of 3,000 kW propulsion power and over there shall always be an officer in charge of the engineering watch;
- .2 on ships of less than 3,000 kW propulsion power there may be, at the master's discretion and in consultation with the chief engineer officer, no officer in charge of the engineering watch; and
- .3 officers, while in charge of an engineering watch, shall not be assigned or undertake any task or duty which would interfere with their supervisory duty in respect of the ship's machinery system.

Taking over the watch

96 Officers in charge of the deck or engineering watch shall not hand over the watch to their relieving officer if they have any reason to believe that the latter is obviously not capable of carrying out watchkeeping duties effectively, in which case the master or chief engineer shall be notified accordingly. Relieving officers of the deck or engineering watch shall ensure that all members of their watch are apparently fully capable of performing their duties effectively.

97 If, at the moment of handing over the deck or engineering watch, an important operation is being performed it shall be concluded by the officer being relieved, except when ordered otherwise by the master or chief engineer officer.

Part 4-1 – Taking over the deck watch

98 Prior to taking over the deck watch, the relieving officer shall be informed of the following by the officer in charge of the deck watch as to:

- .1 the depth of the water at the berth, the ship's draught, the level and time of high and low waters; the securing of the moorings, the arrangement of anchors and the scope of the anchor chain, and other mooring features important to the safety of the ship; the state of main engines and their availability for emergency use;
- .2 all work to be performed on board the ship; the nature, amount and disposition of cargo loaded or remaining, and any residue on board after unloading the ship;
- .3 the level of water in bilges and ballast tanks;

- .4 the signals or lights being exhibited or sounded;
 - .5 the number of crew members required to be on board and the presence of any other persons on board;
 - .6 the state of fire-fighting appliances;
 - .7 any special port regulations;
 - .8 the master's standing and special orders;
 - .9 the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
 - .10 any other circumstances of importance to the safety of the ship, its crew, cargo or protection of the environment from pollution; and
 - .11 the procedures for notifying the appropriate authority of any environmental pollution resulting from ship activities.
- 99 Relieving officers, before assuming charge of the deck watch, shall verify that:
- .1 the securing of moorings and anchor chain is adequate;
 - .2 the appropriate signals or lights are properly exhibited or sounded;
 - .3 safety measures and fire protection regulations are being maintained;
 - .4 they are aware of the nature of any hazardous or dangerous cargo being loaded or discharged and the appropriate action to be taken in the event of any spillage or fire;
 - .5 no external conditions or circumstances imperil the ship and that it does not imperil others.

Part 4-2 – Taking over the engineering watch

- 100 Prior to taking over the engineering watch, the relieving officer shall be informed by the officer in charge of the engineering watch as to:
- .1 the standing orders of the day, any special orders relating to the ship operations, maintenance functions, repairs to the ship's machinery or control equipment;
 - .2 the nature of all work being performed on machinery and systems on board ship, personnel involved and potential hazards;
 - .3 the level and condition, where applicable, of water or residue in bilges, ballast tanks, slop tanks, sewage tanks, reserve tanks and special requirements for the use or disposal of the contents thereof
 - .4 any special requirements relating to sanitary system disposals;
 - .5 the condition and state of readiness of portable fire-extinguishing equipment and fixed fire-extinguishing installations and fire-detection systems;
 - .6 authorized repair personnel on board engaged in engineering activities, their work locations and repair functions and other authorized persons on board and the required crew;

- .7 any port regulations pertaining to ship effluents, fire-fighting requirements and ship readiness, particularly during potential bad weather conditions;
- .8 the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
- .9 any other circumstance of importance to the safety of the ship, its crew, cargo or the protection of the environment from pollution; and
- .10 the procedures for notifying the appropriate authority of environmental pollution resulting from engineering activities.

101 Relieving officers, before assuming charge of the engineering watch, shall satisfy themselves that they are fully informed by the officer being relieved, as outlined above, and:

- .1 be familiar with existing and potential sources of power, heat and lighting and their distribution;
- .2 know the availability and condition of ship's fuel, lubricants and all water supplies; and
- .3 be ready to prepare the ship and its machinery, as far as is possible, for stand-by or emergency conditions as required.

Part 4-3 – Performing the deck watch

102 The officer in charge of the deck watch shall:

- .1 make rounds to inspect the ship at appropriate intervals;
- .2 pay particular attention to:
 - .2.1 the condition and securing of the gangway, anchor chain and moorings, especially at the turn of the tide and in berths with a large rise and fall, if necessary, taking measures to ensure that they are in normal working condition,
 - .2.2 the draught, under-keel clearance and the general state of the ship, to avoid dangerous listing or trim during cargo handling or ballasting,
 - .2.3 the weather and sea state,
 - .2.4 the observance of all regulations concerning safety and fire protection,
 - .2.5 the water level in bilges and tanks,
 - .2.6 all persons on board and their location, especially those in remote or enclosed spaces, and
 - .2.7 the exhibition and sounding, where appropriate, of lights and signals;
- .3 in bad weather, or on receiving a storm warning, take the necessary measures to protect the ship, persons on board and cargo;
- .4 take every precaution to prevent pollution of the environment by the ship;

- .5 in an emergency threatening the safety of the ship, raise the alarm, inform the master, take all possible measures to prevent any damage to the ship, its cargo and persons on board, and, if necessary, request assistance from the shore authorities or neighbouring ships;
- .6 be aware of the ship's stability condition so that, in the event of fire, the shore fire-fighting authority may be advised of the approximate quantity of water that can be pumped on board without endangering the ship;
- .7 offer assistance to ships or persons in distress;
- .8 take necessary precautions to prevent accidents or damage when propellers are to be turned; and
- .9 enter in the appropriate log-book all important events affecting the ship.

Part 4-4 – Performing the engineering watch

- 103 Officers in charge of the engineering watch shall pay particular attention to:
- .1 the observance of all orders, special operating procedures and regulations concerning hazardous conditions and their prevention in all areas in their charge;
 - .2 the instrumentation and control systems, monitoring of all power supplies, components and systems in operation;
 - .3 the techniques, methods and procedures necessary to prevent violation of the pollution regulations of the local authorities, and
 - .4 the state of the bilges.
- 104 Officers in charge of the engineering watch shall:
- .1 in emergencies, raise the alarm when in their opinion the situation so demands, and take all possible measures to prevent damage to the ship, persons on board and cargo;
 - .2 be aware of the deck officer's needs relating to the equipment required in the loading or unloading of the cargo and the additional requirements of the ballast and other ship stability control systems;
 - .3 make frequent rounds of inspection to determine possible equipment malfunction or failure, and take immediate remedial action to ensure the safety of the ship, of cargo operations, of the port and the environment;
 - .4 ensure that the necessary precautions are taken, within their area of responsibility, to prevent accidents or damage to the various electrical, electronic, hydraulic, pneumatic and mechanical systems of the ship;
 - .5 ensure that all important events affecting the operation, adjustment or repair of the ship's machinery are satisfactorily recorded.

Part 4-5 – Watch in port on ships carrying hazardous cargo**General**

105 The master of every ship carrying cargo that is hazardous, whether explosive, flammable, toxic, health-threatening or environment-polluting, shall ensure that safe watchkeeping arrangements are maintained. On ships carrying hazardous cargo in bulk, this will be achieved by the ready availability on board of a duly qualified officer or officers, and ratings where appropriate even when the ship is safely moored or safely at anchor in port.

106 On ships carrying hazardous cargo other than in bulk, the master shall take full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.