



MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 2

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CONSIDERATION AND ADOPTION OF AMENDMENTS TO MARPOL 73/78

Outcome of MEPC 49

Note by the Secretariat

SUMMARY

- Executive summary:** This document sets out the texts of the proposed amendments to MARPOL Annex I and to the Condition Assessment Scheme (CAS) as developed by MEPC 49.
- Action to be taken:** Paragraph 4
- Related documents:** Circular letter No.2458 and MEPC 49/WP.8.

1 The Committee will recall that, as requested by the 15 Member States of the European Union, the original text of proposed amendments to MARPOL Annex I submitted by those countries in the wake of **Prestige**, calling for further acceleration of the phase-out schedule for single-hull tankers, a ban on the carriage of heavy grades of oil by single-hull tankers and an extended application of the Condition Assessment Scheme, was circulated by the Secretary General of the Organization in accordance with article 16(2)(a) of MARPOL 73/78 under cover of Circular letter No.2458 of 10 April 2003.

2 MEPC 49 (14 to 18 July 2003) considered the proposed amendments (MEPC 49/16/1) and, after an extensive discussion both in the plenary and in the working group, the Committee developed, as a basis for further consideration at MEPC 50, a revised text of the amendments to regulation 13G and a new regulation 13H of MARPOL Annex I, which deal with the phase-out of existing single-hull tankers and requirements for tankers when carrying heavy grades of oil (MEPC 49/WP.8, annex 1). The Committee also developed, as a basis for further consideration at MEPC 50, a draft text of amendments to the Condition Assessment Scheme (MEPC 49/WP.8, annex 3).

3 The texts of the proposed amendments to MARPOL Annex I and the Condition Assessment Scheme, as developed by MEPC 49, are set out at annexes 1 and 2 to this document.

Action requested of the Committee

4 The Committee is invited to consider the texts of the proposed amendments to MARPOL Annex I and the Condition Assessment Scheme (annexes 1 and 2) with a view to their adoption in accordance with article 16(2)(b), (c) and (d) of MARPOL 73/78.

ANNEX 1

PROPOSED AMENDMENTS TO ANNEX I TO MARPOL 73/78

1. The existing text of regulation 13G is replaced by the following:

“Regulation 13G**Prevention of oil pollution in the event of collision or stranding -
Measures for existing tankers**

- (1) This regulation shall:
 - (a) apply to oil tankers of 5,000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in regulation 13F(1) of this Annex;
 - (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) For the purpose of this regulation:
 - (a) “Heavy diesel oil” means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organization¹.
 - (b) “Fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the Organization².
- (3) For the purpose of this regulation, oil tankers are divided into the following categories:
 - (a) “Category 1 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;

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

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

- (b) “Category 2 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which complies with the requirements for new oil tankers as defined in regulation 1(26) of this Annex; and
- (c) “Category 3 oil tanker” means an oil tanker of 5,000 tons deadweight and above but less than that specified in subparagraph (a) or (b) of this paragraph.

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

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

* Subject to compliance with the provisions of paragraph (6).

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

- (i) the ship was in service on 1 July 2001;
- (ii) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;
- (iii) the conditions of the ship specified above remain unchanged; and
- (iv) such continued operation does not go beyond [the anniversary of the date of the delivery of the ship in 2015 or the date on which the ship reaches] 25 years after the date of its delivery, [whichever is the earlier date].

(6) For a Category 2 or a Category 3 oil tanker which reaches or has reached on [...] April 2005 or thereafter, 15 years from the date of its delivery beyond the anniversary of the date of delivery of the ship, the Administration may allow the continued operation subject to compliance with the Condition Assessment Scheme adopted by the Marine Environment Protection Committee by resolution MEPC.94(46), as may be amended, provided that such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention relating to amendment procedures applicable to an appendix to an Annex.

[(7) The Administration may allow continued operation of a Category 2 or 3 oil tanker beyond the date specified in paragraph (4) of this regulation, if satisfactory results of the Condition Assessment Scheme referred to in paragraph (6) above warrant that, in the opinion of the Administration, the ship is fit to such continued operation, provided that the operation shall not go beyond the anniversary of the date of delivery of the ship in 2015 or the date on which the ship reaches [20][23][25] years after the date of its delivery, whichever is the earlier date.]

(8) (a) The Administration of a State which allows the application of paragraph (6) [or (7)] of this regulation, or allows, suspends, withdraws or declines the application of paragraph (6) [or (7)] of this regulation, to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.

[(b) A Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of paragraph (7) of this regulation into the ports or offshore terminals under its jurisdiction. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information.]”.

2. The following new regulation is added after regulation 13G:

“Regulation 13H

Prevention of oil pollution when carrying heavy grades of oil

(1) For the purposes of this regulation “heavy grades of oil” means any of the following:

[(a) crude oils having a density at 15° C higher than [900] kg/m³] ;

- (b) fuel oils having [either a density at 15° C higher than [900] kg/m³ or a kinematic viscosity at 50° C higher than 180 mm²/s] [a density at 15° C higher than [900] kg/m³ and a kinematic viscosity at 50° C higher than 180 mm²/s];
- (c) bitumen, tar and their emulsions.

(2) Subject to the provisions of paragraphs (3) [, (4)], (5) and [(6)] of this regulation, an oil tanker of 600 tons deadweight and above carrying heavy grades of oil as cargo shall comply with:

- (a) (i) if 5,000 tons deadweight and above, with the requirements of the regulation 13F(2) to 13F(4) of this Annex or its method of design and construction has been accepted, in accordance with regulation 13F(5) of this Annex as an alternative to the requirements of regulation 13F(3) of this Annex; or
- (ii) if 600 tons deadweight and above but less than 5,000 tons deadweight, with the requirements of the regulation 13F(7) of this Annex provided are fitted with double bottom tanks or spaces and wing tanks or spaces in accordance with regulation 13(F)(7) of this Annex; or
- (b) the requirements of regulations 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirements for the minimum distances between the cargo tanks 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 distances shall comply with regulation 13E(4)(b) of this Annex.

(3) An oil tanker of 600 tons deadweight and above but less than 5,000 tons deadweight which was:

- (a) contracted, the keel of which was laid, or which was delivered before the dates specified in regulation 13F(1) of this Annex and which does not comply with the requirements of paragraph (2)(a)(ii); or
- (b) contracted, the keel of which was laid, or which was delivered after the dates specified in regulation 13F(1) of this Annex and which does not comply with the requirements of paragraph (2)(a)(ii);

shall comply with the requirements of paragraph (2)(a)(ii) of this regulation not later than the anniversary of the date of delivery of the ship in the year 2008.

- [(4) (a) The Administration may allow continued operation of an oil tanker referred to in paragraph (3) above beyond the year 2008, provided that such continued operation shall not go beyond the anniversary of the date of delivery of the ship in [2015] or the date on which the ship reaches [XX] years after the date of its delivery, whichever is the earlier date, subject to that Party considering that the ship is fit to continued operating.

- (b) The Administration of a Party which allows the application of subparagraph (a) above, or allows, suspends, withdraws or declines the application of subparagraph (a), to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.
- (c) A Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of subparagraph (a) into the ports or offshore terminals under its jurisdiction. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information.]
- (5) [(a)] A Party to the present Convention may exempt an oil tanker of 600 tons deadweight and above [but less than 5,000 tons deadweight] which is exclusively engaged on voyages within a port [[[or between ports and adjacent anchorages or roadsteads or between offshore terminals or between port and offshore terminals] located within the territory of a Party or operate as floating storage facilities located within the territory of a Party. However, if an oil tanker, to which this paragraph may be applied, will be located within the territory of a Party, other than that of which is entitled to fly its flag, the provisions of this paragraph shall not be applied unless the prior agreement of the Party within whose territory the oil tanker will be located has been given.]
- (b) The Administration of a Party which allows the application of subparagraph (a) above shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.
- (c) A Party to the present Convention shall be entitled to deny entry of oil tankers operating in accordance with the provisions of subparagraph (a) into the ports or offshore terminals under its jurisdiction. In such cases, that Party shall communicate to the Organization for circulation to the Parties to the present Convention particulars thereof for their information].
- [(6) (a) A Party to the present Convention may not require an oil tanker of 600 tons deadweight and above which is either exclusively engaged on voyages within its territory or operates as a floating storage facility located within its territory to comply with the provisions of this regulation.

For the purpose of this paragraph the expression “exclusively engaged on voyages within its territory” shall be understood to mean that all parts of the voyages are located within the outer seaward limit of the territory of that Party and at no stage the ship goes beyond this limit for the purpose of proceeding to another part of the territory of that Party located elsewhere.

- (b) The Party which allows an oil tanker not to comply with provisions of this regulation shall, prior to granting such a permission, consult any other Party whose territory is adjacent to its own territory, in case any of the operations of the oil tanker will be taking place in an area near or adjacent to the territory of the latter Party.]”.

ANNEX 2

PROPOSED AMENDMENTS TO THE CONDITION ASSESSMENT SCHEME

- 1 Replace paragraph 5.1 by the following:

Alternative 1**“5.1 Application**

The requirements of the CAS apply to oil tankers of 5,000 tons deadweight and above and of 15 years and over after date of its delivery.”

Alternative 2**“5.1 Application**

The requirements of the CAS apply to Category 2 and Category 3 oil tankers, as defined in section 3, which reach or have reached on [] April 2005 or thereafter, 15 years from the date of their delivery beyond the anniversary of the date of delivery of the ship where authorization, in accordance with regulation 13G(6), is requested for continued operation of a ship [or where authorization, in accordance with regulation 13G(7), is requested for continued service beyond the date as specified in schedule indicated for compliance with the double hull requirements of regulation 13F, detailed in regulation 13G(4)].”

- 2 Replace 5.3.1 by the following:

Alternative 1

“5.3.1 The CAS survey shall be aligned to the Enhanced Survey Programme of Inspection. The first CAS survey shall be carried out concurrent with the first scheduled intermediate or renewal survey after [] April 2005 or the ship reaches 15 years after the date of its delivery, whichever is the later date. Subsequent CAS surveys shall be carried out at intervals not exceeding 5 years.”

Alternative 2

“5.3.1 The first CAS survey shall be aligned to the Enhanced Survey Programme of Inspection and shall be carried out concurrent with the first scheduled intermediate or renewal survey due prior to the date on which the ship reaches or has reached on [] April 2005 or thereafter, 15 years from the date of its delivery beyond the anniversary of the date of delivery of the ship [or in case regulation 13G(7) is to be applied prior to the anniversary of the date of delivery of the ship in 2010].”

- 3 Replace paragraph 13.6 by the following:

Alternative 1

“13.6 The Statement of Compliance shall be valid, following the completion of the CAS survey, until the due date of the next CAS survey.”

Alternative 2

“13.6 The Statement of Compliance shall be valid [for five years], following the completion of the CAS survey[, until the earlier date of either:

- .1 the earlier date by which the ship is required to complete:
 - .1 an intermediate survey, in accordance with regulation 4(1)(c); or
 - .2 a renewal survey, in accordance with regulation 4(1)(b);]

or

- .2 the date by which the vessel is required, in accordance with regulation 13G(4) [or 13G(7)], to comply with the requirements of regulation 13F [whichever is earlier].”
