

RESOLUTION A.542(13)

*Adopted on 17 November 1983
Agenda item 12*

**PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES UNDER ANNEX I
OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
FROM SHIPS, 1973, AS MODIFIED BY
THE PROTOCOL OF 1978 RELATING THERETO**

THE ASSEMBLY,

RECALLING Article 16(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations concerning marine pollution,

RECALLING FURTHER that the Parties to the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), have undertaken to give effect to its provisions in order to prevent the pollution of the marine environment by the discharge of, *inter alia*, oil or oily mixtures in contravention of that Convention,

RECALLING ALSO that it had adopted by resolution A.391(X) Procedures for the Control of Discharges under the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962 and 1969,

REAFFIRMING its desire to ensure that ships comply at all times with the marine pollution standards prescribed by MARPOL 73/78,

NOTING that the provisions of MARPOL 73/78 relevant to the port State control of ships and discharges will be strengthened by the development of procedures to implement these provisions,

HAVING CONSIDERED the recommendation made by the Marine Environment Protection Committee at its eighteenth session,

1. ADOPTS the Procedures for the Control of Ships and Discharges under Annex I of MARPOL 73/78 as set out in the Annex to this resolution which supersedes the Procedures contained in resolution A.391(X);
2. INVITES Member States and Parties to MARPOL 73/78 to implement the procedures and thereby to contribute towards the attainment of the objectives of that Convention;
3. REQUESTS Governments concerned to provide information on action taken in respect of ships found to be deficient in relation to MARPOL 73/78 in their role as either port or flag State administration;
4. FURTHER REQUESTS the Secretariat to collect and update when necessary the information referred to above for circulation to the Governments concerned;
5. REQUESTS ALSO the Marine Environment Protection Committee to continue its work on this subject with a view to improving the procedures further as may be necessary and to extend its work progressively to cover amendments to MARPOL 73/78 and experience gained from implementation and enforcement of the Convention.

ANNEX

PROCEDURES FOR THE CONTROL OF SHIPS AND DISCHARGES UNDER ANNEX I
OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
FROM SHIPS, 1973, AS MODIFIED BY
THE PROTOCOL OF 1978 RELATING THERETO

PREAMBLE

1 The Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) have undertaken to give effect to its provisions* in order to prevent the pollution of the marine environment by the discharge of, *inter alia*, oil or oily mixtures in contravention of that Convention.

2 The provisions cover the design and equipment of ships, the execution of surveys and inspections in order to ensure that the design and equipment comply with the relevant international standards and cover the operations of ships in so far as this concerns the protection of the marine environment.

3 The primary responsibility for securing that objective in relation to any particular ship rests with the Administration of the flag State. No attempt is made in this document to lay down guidelines for Administrations in this respect.

4 In some cases, and this applies especially to the operational provisions, it may be difficult for the Administration to exercise full and continuous control over some ships entitled to fly the flag of its State. Such ships for instance may not call regularly at ports or offshore terminals under the jurisdiction of the flag State.

5 The problem can be and has been overcome partly by appointing inspectors at foreign ports or authorizing classification societies to act on behalf of the flag State. In addition MARPOL 73/78 includes a number of provisions for States other than the flag State to exercise control over foreign ships visiting ports or offshore terminals under their jurisdiction. Guidelines, supplementary to these provisions, on specific control procedures have also been developed by the Organization. This document brings together the provisions and the guidelines for port and coastal State control referred to above.

6 Parties should make effective use of the opportunities that port State control provides for identifying deficiencies and substandard operations, if any, in visiting foreign ships which may render them pollution risks and for ensuring that remedial measures are taken. The purpose of these guidelines is to assist Parties to exercise effective port and coastal State control and thereby to contribute towards the attainment of the objectives of MARPOL 73/78.

7 Nothing in these guidelines should be construed as derogating from the powers of any Party to take measures within its jurisdiction in respect of any matter to which MARPOL 73/78 relates or as extending the jurisdiction of any Party.

8 For the inspections carried out under these control procedures Article 7 of MARPOL 73/78 applies in that:

* In this document the provisions of MARPOL 73/78 include proposed amendments contained in MEPC/Circ.97 and MEPC/Circ.99.

- .1 All possible efforts shall be made to avoid a ship being unduly detained or delayed; and
- .2 when a ship is unduly detained or delayed by the control procedures it shall be entitled to compensation for any loss or damage suffered.

CHAPTER 1 – INTRODUCTION

1.1 This document sets out procedures for the control of ships under MARPOL 73/78 and contains guidelines for port States and, where appropriate, for coastal States to ensure that a ship continues to comply with the relevant provisions of Annex I of MARPOL 73/78.

1.2 A number of factors may cause the condition of a ship to be considered as posing a threat of harm to the marine environment rendering the ship involved a pollution risk. These factors fall into categories which include:

- .1 non-compliance with the construction or equipment requirements of the Convention;
- .2 inoperative or malfunctioning equipment;
- .3 non-compliance with the operational requirements of the Convention.

The control procedures aim to identify such a pollution risk and to provide the basis for remedial action.

1.3 Of necessity these control procedures have been divided into different categories each of which is dealt with in a separate chapter. It must, however, be kept in mind that one category may involve another so that for a certain ship more than one chapter of this document may be applicable.

1.4 Chapter 2 contains guidance aimed at ascertaining whether a ship holds a valid International Oil Pollution Prevention (IOPP) Certificate and is built, equipped and operating in compliance with the relevant provisions of MARPOL 73/78.

1.5 Chapter 3 contains guidance on the gathering of evidence of violation of the discharge provisions contained in Annex I.

1.6 Chapter 4 contains guidance on in-port inspections of crude oil washing operations.

1.7 Chapter 5 contains guidance on control measures for ships of non-Parties to MARPOL 73/78.

1.8 Chapter 6 contains guidance on the dissemination of information obtained as a result of exercising port State control and, if appropriate, coastal State control.

1.9 In five appendices to this document detailed guidelines are given for officials charged with carrying out the control procedures referred to above.

CHAPTER 2 – INSPECTION OF CERTIFICATE, SHIP AND EQUIPMENT

2.1 A ship required to hold a certificate* in accordance with the relevant provisions under MARPOL 73/78 is subject to port State control.

2.2 Under Article 5 of MARPOL 73/78, when duly authorized officers of a Party inspect a foreign ship which is required by MARPOL 73/78 to hold a certificate and which is in a port or an offshore terminal under the jurisdiction of that State:

- .1 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;
- .2 where such grounds exist, or if the ship does not carry a valid certificate, the Party 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; and
- .3 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.

2.3 Parties to MARPOL 73/78 should be aware that they may entrust surveys and inspections of ships entitled to fly their own flag either to surveyors nominated for this purpose or to organizations recognized by the Administration; under Article 5 of MARPOL 73/78, port State control, including boarding, inspection and possible detention should be exercised by officers duly authorized by the port State. This authorization may be a general grant of authority or may be specific on a case by case basis.

2.4 Parties may undertake an inspection on the basis indicated in paragraph 2.2 above:

- .1 at their own initiative;
- .2 at the request of, or on the basis of information provided by, another Party; or
- .3 on the basis of information provided by a member or members of the crew, a professional body, an association, a trade union or any other interested individual.

2.5 Each Party should determine which authorities should receive information on alleged pollution risks.

2.6 Information received which alleges Convention violations or risk of pollution on the part of a ship referred to in paragraph 2.4.3 above should, where appropriate, be obtained in writing. The report by a port State on the investigation of a particular incident to be furnished to the flag State for appropriate action in accordance with paragraph 3.6.4 should include this information unless it is required to be treated as confidential under its laws or regulations.

2.7 On receipt of information on alleged pollution risks, the port State authorities concerned should, after evaluating the seriousness of the information and the reliability of its source, immediately investigate the matter, in consultation with the nominated surveyor or recognized organization as necessary, and take action required by the circumstances.

* Under Regulation 5(1) of Annex I, in the case of existing ships the requirement for an IOPP Certificate applies 12 months after the date of entry into force of MARPOL 73/78, i.e. 2 October 1984.

2.8 The port State will then have to determine whether to detain a ship until the deficiencies are corrected, whether to allow it to proceed to the nearest appropriate repair yard available after taking any temporary measures as necessary, or whether to allow it to sail with certain deficiencies which are not vital from the viewpoint of avoiding an unreasonable threat of harm to the marine environment, having regard to the particular circumstances.

2.9 If a port State permits a ship with known deficiencies to proceed to a repair yard, a report should be submitted to the flag State. In addition it should:

- .1 if that repair yard is under its own jurisdiction, continue to exercise appropriate port State control;
- .2 if that repair yard is under the jurisdiction of a Party other than the flag State, communicate all the facts to the authorities of that Party.

2.10 When a surveyor nominated or organization recognized by an Administration determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organization, in accordance with Regulation 4(3)(d) of Annex I of MARPOL 73/78 shall immediately ensure that corrective action is taken. If such corrective action is not taken, the Certificate should be withdrawn and the Administration and the port State authority should be notified. Upon receiving such notification the port State authorities shall give such surveyors or organizations any necessary assistance to carry out their obligations in this respect.

2.11 If authorities receiving information are unable to take action because there is insufficient time or because no inspectors can be made available before the ship sails, the information should be passed to the flag State and to the authorities of the country of the next port of call, if other than the flag State. On receipt of the information the authorities of the country of the next port of call may exercise the jurisdiction granted them under Article 5 as referred to above.

2.12 Where any exercise of port State control gives rise to action against a ship, the port State shall notify the flag State in accordance with chapter 6.

2.13 The procedures set out in paragraph 2.3 to 2.12 should be applied also to existing ships to which the requirements for an IOPP Certificate are not applicable until 12 months after the date of entry into force of MARPOL 73/78.

2.14 The procedures set out in paragraphs 2.3 to 2.12 should, as appropriate, be applied also in respect of ships which on account of their size are not required to carry an IOPP Certificate.

2.15 Port State authorities should ensure that, on the conclusion of an inspection, the master of the ship is provided with a document giving the results of the inspection and details of any action taken.

2.16 For details in respect of inspections under this chapter, reference is made to Appendix 1 of this document.

CHAPTER 3 – CONTRAVENTION OF THE DISCHARGE PROVISIONS

3.1 Regulations 9 and 10 of Annex I prohibit the discharge into the sea of oil except under precisely defined conditions. A record of these operations shall be completed, where appropriate, in the form of an oil record book and shall be kept in such a place as to be readily available for inspection at all reasonable times.

3.2 Regulations referred to above provide that whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or of its wake, a Party should, to the extent that it is reasonably able to do so, promptly investigate the facts bearing on the issue of whether or not there has been a violation of the discharge provisions.

3.3 Recognizing the likelihood that many of the violations of the discharge provisions of the Convention will take place outside the immediate control and knowledge of the flag State, Article 6 of MARPOL 73/78 provides that 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 gathering evidence. MARPOL 73/78 also contains a number of more specific provisions designed to facilitate that co-operation.

3.4 Several sources of information about possible violations of the discharge provisions can be indicated. These include:

- .1 Reports by masters: Article 8 and Protocol I of MARPOL 73/78 require *inter alia* a ship's master to report certain incidents involving the discharge or the probability of a discharge of oil or oily mixtures.
- .2 Reports by official bodies: Article 8 of MARPOL 73/78 requires furthermore that a Party issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities incidents involving the discharge or the probability of a discharge of oil or oily mixtures.
- .3 Reports by other Parties: Article 6 provides that a Party may request another Party to inspect a ship. The Party making the request shall supply sufficient evidence that the ship has discharged oil or oily mixtures.
- .4 Reports by others: It is not possible to list exhaustively all sources of information concerning alleged contravention of the discharge provisions. Parties should take all circumstances into account when deciding upon investigating such reports.

3.5 Action by States other than the flag or port States that have information on discharge violations (hereinafter referred to as coastal States):

- .1 Coastal States, Parties to MARPOL 73/78, upon receiving a report of oil pollution allegedly caused by a ship, may investigate the matter and collect such evidence as can be collected. For details of the desired evidence reference is made to Appendix 2.
- .2 If the investigation referred to under 3.5.1 above discloses that the next port of call of the ship in question lies within its jurisdiction, the coastal State should also take port State action as set out under 3.6 below.
- .3 If the investigation referred to under 3.5.1 above discloses that the next port of call of the ship in question lies within the jurisdiction of another Party, then the coastal State should in appropriate cases furnish the evidence to that other Party and request that Party to take port State action in accordance with 3.6.

- .4 In either case referred to under 3.5.2 and 3.5.3 above and if the next port of call of the ship in question cannot be ascertained, the coastal State shall inform the flag State of the incident and of the evidence obtained.

3.6 Port State action:

- .1 Parties shall appoint or authorize officers to carry out investigations for the purpose of verifying whether a ship has discharged oil in violation of the provisions of MARPOL 73/78.
- .2 Parties may undertake such investigations on the basis of reports received from sources indicated under 3.4.
- .3 These investigations should be directed towards the gathering of sufficient evidence to establish whether the ship has violated the discharge requirements. Guidelines for the optimal collation of evidence are given in Appendix 2 to this document.
- .4 If the investigations provide evidence that a violation of the discharge requirements took place within the jurisdiction of the port State, that port State shall either cause proceedings to be taken in accordance with its law, or furnish to the flag State all information and evidence in its possession about the alleged violation. When the port State causes proceedings to be taken, it shall inform the flag State.
- .5 Details of the report to be submitted to the flag State are set out under chapter 6.
- .6 The investigation might provide evidence that pollution was caused through damage to the ship or its equipment. This might indicate that a ship is not guilty of a violation of the discharge requirements of Annex I of MARPOL 73/78 provided that:
 - .6.1 all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and
 - .6.2 the owner or the master did not act either with intent to cause damage or recklessly and with knowledge that damage would probably result.

However, actions by the port State as set out under chapter 2 may be called for.

CHAPTER 4 – INSPECTION OF CRUDE OIL WASHING (COW) OPERATIONS

4.1 Regulations 13 and 13B of Annex I *inter alia* require that crude oil washing of cargo tanks be performed on certain categories of crude carriers. A sufficient number of tanks shall be washed in order that ballast water is put only in cargo tanks which have been crude oil washed. The remaining cargo tanks shall be washed on a rotational basis for sludge control.

4.2 Port State authorities may carry out inspections to ensure that crude oil washing is performed by all crude carriers either required to have a COW system or where the owner or operator chooses to install a COW system in order to comply with Regulation 13 of Annex I. In addition compliance should be ensured with the operational requirements set out in the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (resolution A.446(XI)). This can best be done in the ports where the cargo is unloaded.

4.3 Parties should be aware that the inspections referred to under 4.2 above may also lead to the identification of a pollution risk, necessitating action by the port State as set out under chapter 2.

4.4 Detailed guidelines for in-port inspections of crude oil washing procedures have been approved and published by IMO* and are set out in Appendix 3.

CHAPTER 5 – SHIPS OF NON-PARTIES TO MARPOL 73/78

5.1 Article 5(4) of MARPOL 73/78 provides that: "With respect to the ships 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". Parties should therefore apply the procedures set out in this document to ships of such non-Parties.

CHAPTER 6 – NOTIFICATION TO FLAG STATE AND ORGANIZATION

6.1 Where in the exercise of port State control, 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 non-compliance with the provisions of MARPOL 73/78, the Party shall immediately notify the consul or diplomatic representative of the flag State or, if this is not possible, the Administration of the ship concerned, of all circumstances. If such notification is made verbally it should be subsequently confirmed in writing.

6.2 A report on alleged deficiencies or on alleged contravention of the discharge provisions shall be forwarded to the flag State as soon as possible, preferably no later than 60 days after the observation of the deficiencies or contravention. The form of the report on alleged deficiencies is set out in Appendix 4. If a contravention of the discharge provisions is suspected then the report should be prepared on the basis of information contained in the Addendum to Appendix 2 supplemented by evidence of violations. Summaries of such reports and remedial action taken should also be sent by the port State to the Organization.

6.3 On receiving a report on alleged deficiencies or on alleged contravention of the discharge provisions the flag State shall, as soon as possible, inform the Party submitting the report of its action. That Party and the Organization should upon completion of such action be informed of the outcome. A form in which comments by the flag State on a deficiency report may be transmitted is shown in Appendix 5.

* IMO publication entitled "Crude Oil Washing Systems" – Revised edition, 1983.

APPENDIX 1**INSPECTION OF IOPP CERTIFICATE, SHIP AND EQUIPMENT****1 SHIPS REQUIRED TO CARRY AN IOPP CERTIFICATE**

1.1 On boarding and introduction to the master or responsible ship's officer the inspector should examine the IOPP Certificate, including the attached Record of Construction and Equipment, and the Oil Record Book.

1.2 The certificate carries the information on the type of ship and the dates of surveys and inspections. As a preliminary check it should be confirmed that the dates of surveys and inspections are still valid. Furthermore it should be established if the ship carries an oil cargo and whether the carriage of such oil cargo is in conformity with the certificate (see also 1.11 of the Record for Construction and Equipment for Oil Tankers).

1.3 Through examining the Record of Construction and Equipment the inspector may establish how the ship is equipped for the prevention of marine pollution.

1.4 If the certificate is valid and the inspector's general impression and his visual observations on board confirm a good standard of maintenance he should generally confine his inspection to reported deficiencies, if any.

1.5 If, however, the inspector from his general impressions or observations on board has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, he should proceed to a more detailed inspection.

1.6 The inspection of the engine room should begin with forming a general impression of the state of the engine room, the presence of traces of oil in the engine room bilges and the ship's routine for disposing of oil contaminated water from the engine room spaces.

1.7 Next a closer examination of the ship's equipment as listed in the IOPP Certificate may take place. This examination should also confirm that no unapproved modifications have been made to the ship and its equipment.

1.8 Should any doubt arise as to the maintenance or the condition of the ship or its equipment then further examination and testing may be conducted as considered necessary. In this respect reference is made to the IMO Guidelines for Surveys under Annex I of MARPOL 73/78 (resolution MEPC.11(18)).

1.9 The inspector should bear in mind that a ship may be equipped over and above the requirements of Annex I to MARPOL 73/78. If such equipment is malfunctioning the flag State should be informed. This alone however should not cause a ship to be detained unless the discrepancy presents an unreasonable threat of harm to the marine environment.

1.10 In cases of oil tankers the inspection should include the cargo tank and pump room area of the ship and should begin with forming a general impression of the layout of the tanks, the cargoes carried, and the routine of cargo slops disposal.

2 SHIPS OF NON-PARTIES TO THE CONVENTION AND OTHER SHIPS NOT REQUIRED TO CARRY AN IOPP CERTIFICATE

2.1 As this category of ships is not provided with an IOPP certificate, the inspector will need to satisfy himself with regard to the construction and equipment standards relevant to the ship on the basis of the requirements set out in Annex I of MARPOL 73/78.

2.2 In all other respects the inspector should be guided by the procedures for ships referred to in section 1 above.

2.3 If the ship has some form of certification other than the IOPP Certificate, the inspector may take the form and content of this documentation into account in his evaluation of that ship.

3 CONTROL

3.1 In exercising his control functions the inspector will have to use his professional judgment to determine whether to detain the ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies which do not pose an unreasonable threat of harm to the marine environment. In doing this the inspector should be guided by the principle that the requirements contained in Annex I of MARPOL 73/78 in respect of construction and equipment and the operation of ships are essential for the protection of the marine environment and that departure from these requirements could constitute an unreasonable threat of harm to the marine environment.

APPENDIX 2

CONTRAVENTION OF DISCHARGE PROVISIONS

1 Experience has shown that information furnished to the flag State as envisaged in chapter 3 of the present Procedures is often inadequate to enable the flag State to cause proceedings to be brought in respect of the alleged violation of the discharge requirements. This Appendix is intended to identify information which is often needed by a flag State for the prosecution of such possible violations.

2 It is recommended that in preparing a port State report on deficiencies as set out in Appendix 4, where contravention of the discharge requirements is involved, the authorities of the coastal or port State be guided by the itemized list of possible evidence as shown in the Addendum to this Appendix. It should be borne in mind in this connection that:

- .1 the report aims to provide the optimal collation of obtainable data; however, even if all the information cannot be provided, as much information as possible should be submitted;
- .2 it is important for all the information included in the report to be supported by facts which, when considered as a whole, would lead the port or coastal State to believe a contravention had occurred.

3 In addition to the port State report on deficiencies, a report should be completed by a port or coastal State, on the basis of the itemized list of possible evidence. It is important that these reports are supplemented by documents such as:

- .1 a statement by the observer of the pollution. In addition to the information required under section 1 of the Addendum to this Appendix, the statement should include considerations which lead the observer to conclude that none of any other possible pollution sources is in fact the source;
- .2 statements concerning the sampling procedures both of the slick and on board. These should include location of and time when samples were taken, identity of person(s) taking the sample and receipts identifying the persons having custody and receiving transfer of the samples;

- .3 reports of analyses of samples taken of the slick and on board; the reports should include the results of the analyses, a description of the method employed, reference to or copies of scientific documentation attesting to the accuracy and validity of the method employed and names of persons performing the analyses and their experience;
- .4 a statement by the inspector on board together with his rank and organization;
- .5 statements by persons being questioned;
- .6 statements by witnesses;
- .7 photographs of the oil slick;
- .8 copies of relevant pages of Oil Record Books, logbooks, discharge recordings, etc.

All observations, photographs and documentation should be supported by a signed verification of their authenticity. All certifications, authentications or verifications shall be executed in accordance with the laws of the State which prepares them. All statements should be signed and dated by the person making the statement and, if possible, by a witness to the signing. The names of the persons signing statements should be printed in legible script above or below the signature.

4 The report referred to under paragraphs 2 and 3 above should be sent to the flag State. If the coastal State observing the pollution and the port State carrying out the investigation on board are not the same, the State carrying out the latter investigation should also send a copy of its findings to the State observing the pollution and requesting the investigation.

ADDENDUM TO APPENDIX 2

ITEMIZED LIST OF POSSIBLE EVIDENCE ON ALLEGED CONTRAVENTION OF THE MARPOL 73/78 ANNEX I DISCHARGE PROVISIONS

1 ACTION ON SIGHTING OIL POLLUTION

1.1 Particulars of ship or ships suspected of contravention

- 1.1.1 Name of ship
- 1.1.2 Reasons for suspecting the ship
- 1.1.3 Date and time (GMT) of observation or identification
- 1.1.4 Position of ship
- 1.1.5 Flag and port of registry
- 1.1.6 Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure colour and funnel mark)
- 1.1.7 Draught condition (loaded or in ballast)
- 1.1.8 Approximate course and speed
- 1.1.9 Position of slick in relation to ship (e.g. astern, port, starboard)

- 1.1.10 Part of the ship from which discharge was seen emanating
- 1.1.11 Whether discharge ceased when ship was observed or contacted by radio

1.2 Particulars of slick

- 1.2.1 Date and time (GMT) of observation if different from 1.1.3
- 1.2.2 Position of oil slick in longitude and latitude if different from 1.1.4
- 1.2.3 Approximate distance in nautical miles from the nearest landmark
- 1.2.4 Approximate overall dimension of oil slick (length, width and percentage thereof covered by oil)
- 1.2.5 Physical description of oil slick (direction and form, e.g. continuous, in patches or in windrows)
- 1.2.6 Appearance of oil slick (indicate categories)
 - Category A : Barely visible under most favourable light condition
 - Category B : Visible as silvery sheen on water surface
 - Category C : First trace of colour may be observed
 - Category D : Bright band of colour
 - Category E : Colours begin to turn dull
 - Category F : Colours are much darker
- 1.2.7 Sky conditions (bright sunshine, overcast, etc.), lightfall and visibility (kilometres) at the time of observation
- 1.2.8 Sea state
- 1.2.9 Direction and speed of surface wind
- 1.2.10 Direction and speed of current

1.3 Identification of the observer(s)

- 1.3.1 Name of the observer
- 1.3.2 Organization with which observer is affiliated (if any)
- 1.3.3 Observer's status within the organization
- 1.3.4 Observation made from aircraft/ship/shore/otherwise
- 1.3.5 Name or identity of ship or aircraft from which the observation was made
- 1.3.6 Specific location of ship, aircraft, place on shore or otherwise from which observation was made
- 1.3.7 Activity engaged in by observer when observation was made, for example: patrol, voyage, flight (en route from to), etc.

1.4 Method of observation and documentation

- 1.4.1 Visual
- 1.4.2 Conventional photographs
- 1.4.3 Remote sensing records and/or remote sensing photographs
- 1.4.4 Samples taken from slick
- 1.4.5 Any other form of observation (specify)

Note: A photograph of the discharge should preferably be in colour. Photographs can provide the following information: that a material on the sea surface *is* oil, that the quantity of oil discharged does constitute a violation of the Convention, that the oil is being, or has been discharged from a particular ship, the identity of the ship.

Experience has shown that the aforementioned can be obtained with the following three photographs:

- .1 Details of the slick taken almost vertically down from an altitude of less than 300 m with the sun behind the photographer.
- .2 An overall view of the ship and "slick" showing oil emanating from a particular ship.
- .3 Details of the ship for the purposes of identification.

1.5 Other information if radio contact can be established

- 1.5.1 Master informed of pollution
- 1.5.2 Explanation of master
- 1.5.3 Ship's last port of call
- 1.5.4 Ship's next port of call
- 1.5.5 Name of ship's master and owner
- 1.5.6 Ship's call sign

2 INVESTIGATION ON BOARD

2.1 Inspection of IOPP Certificate

- 2.1.1 Name of ship
- 2.1.2 Distinctive number or letters
- 2.1.3 Port of registry
- 2.1.4 Type of ship
- 2.1.5 Date and place of issue
- 2.1.6 Date and place of endorsement

Note: If the ship is not issued with an IOPP Certificate as much as possible of the requested information should be given.

2.2 Inspection of supplement of the IOPP Certificate

2.2.1 Applicable paragraphs of sections 2, 3, 4, 5 and 6 of the supplement (non-oil tankers)

2.2.2 Applicable paragraphs of sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the supplement (oil tankers)

Note: If the ship does not have an IOPP certificate, a description should be given of the equipment and arrangements on board, designed to prevent marine pollution.

2.3 Inspection of Oil Record Book (O.R.B.)

2.3.1 Copy sufficient pages of the O.R.B. — Part I to cover a period of 30 days prior to the reported incident

2.3.2 Copy sufficient pages of the O.R.B. — Part II (if on board) to cover a full loading/unloading/ballasting and tank cleaning cycle of the ship. Also copy the tank diagram

2.4 Inspection of logbook

2.4.1 Last port, date of departure, draught forward and aft

2.4.2 Current port, date of arrival, draught forward and aft

2.4.3 Ship's position at or near the time the incident was reported

2.4.4 Spot check if positions mentioned in the logbook agree with positions noted in the O.R.B.

2.5 Inspection of other documentation on board

2.5.1 Other documentation relevant for evidence (if necessary make copies) such as:

- recent ullage sheets
- records of monitoring and control equipment

2.6 Inspection of ship

2.6.1 Ship's equipment in accordance with the supplement of the IOPP certificate

2.6.2 Samples taken. State location on board

2.6.3 Traces of oil in vicinity of overboard discharge outlets

2.6.4 Condition of engine room and contents of bilges

2.6.5 Condition of oily water separator, filtering equipment and alarm, stopping or monitoring arrangements

2.6.6 Contents of sludge and/or holding tanks

2.6.7 Sources of considerable leakage

On oil tankers the following additional evidence may be pertinent.

- 2.6.8 Oil on surface of segregated or dedicated clean ballast
- 2.6.9 Condition of pump-room bilges
- 2.6.10 Condition of COW system
- 2.6.11 Condition of IG system
- 2.6.12 Condition of monitoring and control system
- 2.6.13 Slop tank contents (estimate quantity of water and of oil)

2.7 Statements of persons concerned

If the O.R.B. – Part I has not been properly completed, information on the following questions may be pertinent.

- 2.7.1 Was there a discharge (accidental or intentional) at the time indicated on the incident report?
- 2.7.2 Is the bilge discharge controlled automatically?
- 2.7.3 If so, at what time was the system last put into operation and at what time was the system last put on manual mode?
- 2.7.4 If not, what were date and time of the last bilge discharge?
- 2.7.5 What was the date of the last disposal of residue and how was disposal effected?
- 2.7.6 Is it usual to effect discharge of bilge water directly to the sea, or to store bilge water first in a collecting tank? Identify the collecting tank
- 2.7.7 Have oil fuel tanks recently been used as ballast tanks?

If the O.R.B. – Part II has not been properly completed information on the following questions may be pertinent.

- 2.7.8 What was the cargo/ballast distribution in the ship on departure from the last port?
- 2.7.9 What was the cargo/ballast distribution in the ship on arrival in the current port?
- 2.7.10 When and where was the last loading effected?
- 2.7.11 When and where was the last unloading effected?
- 2.7.12 When and where was the last discharge of dirty ballast?
- 2.7.13 When and where was the last cleaning of cargo tanks?
- 2.7.14 When and where was the last COW operation and which tanks were washed?
- 2.7.15 When and where was the last decanting of slop tanks?
- 2.7.16 What is the ullage in the slop tanks and the corresponding height of interface?
- 2.7.17 Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?

- 2.7.18 Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?

In addition the following information may be pertinent.

- 2.7.19 Details of the present voyage of the ship (previous ports, next ports, trade)
- 2.7.20 Contents of oil fuel and ballast tanks
- 2.7.21 Previous and next bunkering, type of oil fuel
- 2.7.22 Availability or non-availability of reception facilities for oily wastes during the present voyage
- 2.7.23 Internal transfer of oil fuel during the present voyage

In the case of oil tankers the following additional information may be pertinent.

- 2.7.24 The trade the ship is engaged in such as short/long distance, crude or product or alternating crude/product, lightening service, oil/dry bulk
- 2.7.25 Which tanks clean and dirty
- 2.7.26 Repairs carried out or envisaged in cargo tanks

Miscellaneous information

- 2.7.27 Comments in respect of condition of ship's equipment
- 2.7.28 Comments in respect of pollution report
- 2.7.29 Other comments

3 INVESTIGATION ASHORE

3.1 Analyses of oil samples

- 3.1.1 Indicate method and results of the samples analyses

3.2 Further information

- 3.2.1 Additional information on the ship, obtained from oil terminal staff, tank cleaning contractors or shore reception facilities may be pertinent.

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc.

4 INFORMATION NOT COVERED BY THE FOREGOING

5 CONCLUSION

- 5.1.1 Summing up of the investigator's conclusions
- 5.1.2 Indication of applicable provisions of Annex I of MARPOL 73/78 which the ship is suspected of having contravened
- 5.1.3 Did the results of the investigation warrant the filing of a deficiency report?

APPENDIX 3

GUIDELINES FOR IN-PORT INSPECTION OF CRUDE OIL WASHING PROCEDURES

1 PREAMBLE

1.1 Guidelines for the in-port inspection of crude oil washing procedures, as called for by resolution 7 of the International Conference on Tanker Safety and Pollution Prevention, 1978, are required to provide a uniform and effective control of crude oil washing to ensure compliance of ships at all times with the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)

1.2 The design of the crude oil washing installation is subject to the approval of the flag Administration. However, although the operational aspect of crude oil washing is also subject to the approval of the same Administration it might be necessary for a port State authority to see to it that continuing compliance with agreed procedures and parameters is ensured.

1.3 The COW Operations and Equipment Manual has been so specified that it contains all the necessary information relating to the operation of crude oil washing on a particular tanker. The objectives of the inspection would then be to ensure that the provisions of the Manual dealing with safety procedures and with pollution prevention are being strictly adhered to.

1.4 The method of the inspection is at the discretion of the port State authority and may cover the entire operation or only those parts of the operation which occur when the inspector is on board.

1.5 Inspection will be governed by Articles 5 and 6 of the Convention.

2 INSPECTIONS

2.1 A port State should make the appropriate arrangements so as to ensure compliance with requirements governing the crude oil washing of tankers. This is not, however, to be construed as relieving terminal operators and shipowners of their obligations to ensure that the operation is undertaken in accordance with the Regulations.

2.2 The inspection may cover the entire operation of crude oil washing or only certain aspects of it. It is thus in the interest of all concerned that the ship's records with regard to the COW operations are maintained at all times so that an inspector may verify those operations undertaken prior to his inspection.

3 SHIP'S PERSONNEL

3.1 The person in charge and the other nominated persons who have responsibilities in respect of the crude oil washing operation should be identified. They must, if required, be able to show that their qualifications meet the requirements as appropriate of paragraphs 5.2 and 5.3 of the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (resolution A.446(XI)).

3.2 The verification may be accomplished by reference to the individual's discharge papers, testimonials issued by the ship's operator or by certificates issued by a training centre approved by an Administration. The numbers of such personnel should be at least as stated in the Manual.

4 DOCUMENTATION

4.1 The following documents will be available for inspection:

- .1 the IOPP Certificate and the Record of Construction and Equipment, to determine:
 - .1.1 whether the ship is fitted with a crude oil washing system as required in Regulation 13(6) or (8) of Annex I of MARPOL 73/78;
 - .1.2 whether the crude oil washing system is according to and complying with the requirements of Regulation 13(B) of Annex I of MARPOL 73/78;
 - .1.3 the validity and date of the Operations and Equipment Manual;
 - .1.4 the validity of the Certificate;
- .2 the approved Operations and Equipment Manual;
- .3 the Oil Record Book;
- .4 the Cargo Ship Safety Equipment Certificate to confirm that the inert gas system conforms to Regulations contained in chapter II-2 of the International Convention for the Safety of Life at Sea, 1974, as amended.

5 INERT GAS SYSTEM

5.1 Inert gas system regulations require that instrumentation shall be fitted for continuously indicating and permanently recording at all times when inert gas is being supplied, the pressure and the oxygen content of the gas in the inert gas supply main. Reference to the permanent recorder would indicate if the system had been operating before and during the cargo discharge in a satisfactory manner.

5.2 If conditions specified in the Manual are not being met then the washing must be stopped until satisfactory conditions are restored.

5.3 As a further precautionary measure the oxygen level in each tank to be washed is to be determined at the tank. The meters used should be calibrated and inspected to ensure that they are in good working order. Readings from tanks already washed in port prior to inspection should be available for checking. Spot checks on readings may be instituted.

6 ELECTROSTATIC GENERATION

6.1 It should be confirmed either from the cargo log or by questioning the person in charge that presence of water in the crude oil is being minimized as required by paragraph 6.7 of the revised Specifications.

7 COMMUNICATION

7.1 It should be established that effective means of communication exist between the person in charge and the other persons concerned with the COW operation.

8 LEAKAGE ON DECK

8.1 Inspectors should ensure that the COW piping system has been operationally tested for leakage before cargo discharge and that the test has been noted in the ship's Oil Record Book.

9 EXCLUSION OF OIL FROM ENGINE ROOM

9.1 It should be ascertained that the method of excluding cargo oil from the machinery space is being maintained by inspecting the isolating arrangements of the tank washing heater (if fitted) or of any part of the tank washing system which enters the machinery space.

10 SUITABILITY OF THE CRUDE OIL

10.1 In judging the suitability of the oil for crude oil washing, the guidance and criteria contained in section 9 of the Operations and Equipment Manual should be taken into account.

11 CHECKLIST

11.1 It should be determined from the ship's records that the pre-crude oil wash operational checklist was carried out and all instruments functioned correctly. Spot checks on certain items may be instituted.

12 WASH PROGRAMMES

12.1 Where the tanker is engaged in a multiple port discharge, the Oil Record Book would indicate if tanks were crude oil washed at previous discharge ports or at sea. It should be determined that all tanks which will, or may be, used to contain ballast on the forthcoming voyage will be crude oil washed before the ship departs from the port. There is no obligation to wash any tank other than ballast tanks at a discharge port except that each of these other tanks must be washed at least in accordance with paragraph 6.1 of the Specifications. The Oil Record Book should be inspected to check that this is being complied with.

12.2 All crude oil washing must be completed before a ship leaves its final port of discharge.

12.3 If tanks are not being washed in one of the preferred orders given in the Manual the inspector should satisfy himself that the reason for this, and the proposed order of tank washing, are acceptable.

12.4 For each tank being washed it should be ensured that the operation is in accordance with the Manual in that:

- .1 the deck mounted machines and the submerged machines are operating either by reference to indicators, the sound patterns or other approved methods;
- .2 the deck mounted machines, where applicable, are programmed as stated;
- .3 the duration of the wash is as required;
- .4 the number of tank washing machines being used simultaneously does not exceed that specified.

13 STRIPPING OF TANKS

13.1 The minimum trim conditions and the parameters of the stripping operations are to be stated in the Manual.

13.2 All tanks which have been crude oil washed are to be stripped. The adequacy of the stripping is to be checked by hand dipping at least in the aftermost hand dipping location in each tank or by such other means provided and described in the Manual. It should be ascertained that the adequacy of stripping has been checked or will be checked before the ship leaves its final port of discharge.

14 BALLASTING

14.1 Tanks that were crude oil washed at sea will be recorded in the Oil Record Book. These tanks must be left empty between discharge ports for inspection at the next discharge port. Where these tanks are the designated departure ballast tanks they may be required to be ballasted at a very early stage of the discharge. This is for operational reasons and also because they must be ballasted during cargo discharge if hydrocarbon emission is to be contained on the ship. If these tanks are to be inspected when empty, then this must be done shortly after the tanker berths. If an inspector arrives after the tanks have begun accepting ballast then the sounding of the tank bottom would not be available to him. However, an examination of the surface of the ballast water is then possible. The thickness of the oil film should not be greater than that specified in paragraph 4.2.10(b) of the revised Specifications.

14.2 The tanks that are designated ballast tanks will be listed in the Manual. It is, however, left to the discretion of the master or responsible officer to decide which tanks may be used for ballast on the forthcoming voyage. It should be determined from the Oil Record Book that all such tanks have been washed before the tanker leaves its last discharge port. It should be noted that where a tanker back-loads a cargo of crude oil at an intermediate port into tanks designated for ballast then it should not be required to wash those tanks at that particular port but at a subsequent port.

14.3 It should be determined from the Oil Record Book that additional ballast water has not been put into tanks which had not been crude oil washed during previous voyages.

14.4 It should be seen that the departure ballast tanks are stripped as completely as possible. Where departure ballast is filled through cargo lines and pumps these must be stripped either into another cargo tank, or ashore by the special small diameter line provided for this purpose.

14.5 The methods to avoid vapour emission where locally required will be provided in the Manual and they must be adhered to. The inspector should ensure that this is being complied with.

14.6 The typical procedures for ballasting listed in the Manual must be observed. The inspector should ensure this is being complied with.

14.7 When departure ballast is to be shifted, the discharge into the sea must be in compliance with Regulation 9 of Annex I of MARPOL 73/78. The Oil Record Book should be inspected to ensure that the ship is complying with this.

APPENDIX 4

PORT STATE REPORT ON DEFICIENCIES

1 Reporting country:

2 Name of ship: Type of ship:^{1/}

3 Flag of ship:

4 Gross tonnage: Year of build:

5 Deadweight (where appropriate):

6 Date and place of inspection:

7 Nature of deficiency in relation to Convention requirements:

(a) Deficiency ^{2/}	(b) Convention Regulation ^{3/}
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^{1/} To indicate whether passenger ship, cargo ship, bulk carrier, tanker, ro/ro ship, fishing vessel, etc.

^{2/} Refer only to the relevant parts or equipment of the ship which were found deficient, e.g. oily-water separating equipment, crude oil washing systems, etc. as appropriate.

^{3/} Quote the relevant Convention regulation (e.g. Regulation 13(6), Regulation 16, etc. of Annex I of MARPOL 73/78).

8 Relevant Certificate(s):

(a) Title	(b) Issuing authority	(c) Dates of issue and expiry
1 to
2 to
3 to
4 to
5 to

(d) For the purpose of the issue of relevant Certificate(s) the ship was last surveyed:

1 Date: 19 ... Place:
by:
(surveying authority)

2 Date: 19 ... Place:
by:
(surveying authority)

3 Date: 19 ... Place:
by:
(surveying authority)

4 Date: 19 ... Place:
by:
(surveying authority)

5 Date: 19 ... Place:
by:
(surveying authority)

9 Brief note of action taken:^{4/}

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10 Flag State, recognized organization(s) and/or next port of call, as appropriate, notified as follows:^{5/}

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11 Supporting documentation on deficiencies or operational violations:

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^{4/} e.g. ship detained, consul informed, Certificate withdrawn/renewed/extended/provisional certificate and entry of conditions issued, next port of call informed, etc.

^{5/} Quote title and address of the authority and/or recognized organization(s).

APPENDIX 5

COMMENTS BY FLAG STATE ON DEFICIENCY REPORT

Name of ship:

Flag State:

Gross tonnage:

Deadweight (where appropriate):

Reporting country:

Date of report:

Recognized organization(s) involved:

Brief note on action taken:^{1/}

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^{1/} Indicate also action, if any, regarding the relevant Certificate(s) (e.g. extension, renewal, withdrawal, provisional and conditions).