

RESOLUTION A.447(XI)

*Adopted on 15 November 1979
Agenda item 11*

**INTERIM GUIDELINES FOR REPORTING INCIDENTS
INVOLVING HARMFUL SUBSTANCES**

THE ASSEMBLY,

RECALLING resolution A.297(VIII) by which it established the Marine Environment Protection Committee and specified the functions and responsibilities of that Committee,

RECALLING ALSO Article 8 and Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973 (1973 MARPOL Convention) by which the master of a ship has an obligation to report some incidents involving the actual or probable discharge into the sea of a harmful substance or effluents containing such a substance,

RECOGNIZING that an incident involving damage, failure or breakdown of the ship, its machinery or equipment could give rise to a significant threat of pollution to coastlines or related interests,

RECOGNIZING ALSO that States Parties to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) may take such measures on the high seas 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,

RECOGNIZING THEREFORE the need for the coastal States and other interested parties to be informed without delay of such an incident to enable them to take necessary action for preventing or mitigating pollution which might arise from the incident,

NOTING the recommendation made by the Marine Environment Protection Committee at its eighth session that all Member States should establish, for ships involved in incidents, a reporting system as laid down in Article 8 and Protocol I of the 1973 MARPOL Convention even before the Convention has entered into force,

NOTING ALSO resolution 3 of the International Conference on Maritime Search and Rescue, 1979, which requests IMCO to ensure that all reporting systems, established for purposes other than search and rescue, are as far as possible compatible in reporting format and procedures with those to be developed for the purpose of search and rescue,

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

1. ADOPTS the Interim Guidelines for Reporting Incidents Involving Harmful Substances, the text of which is set out in the Annex to the present resolution;
2. RECOMMENDS that Member Governments and Governments Parties to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (as amended in 1962 and 1969) and States Parties to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) implement the Interim Guidelines;

3. REQUESTS the Marine Environment Protection Committee to continue its work on this subject, with a view to developing comprehensive guidelines for a mandatory reporting system under the International Convention for the Prevention of Pollution from Ships, 1973, before its entry into force;
4. REQUESTS FURTHER the Maritime Safety Committee and the Marine Environment Protection Committee to co-operate in the development of any future reporting systems affecting safety and environmental matters in order to ensure the harmonization of such systems.

ANNEX

INTERIM GUIDELINES FOR REPORTING INCIDENTS INVOLVING HARMFUL SUBSTANCES

1 INTRODUCTION

1.1 Under Article 8 and Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973 (1973 MARPOL Convention), the master of a ship has under certain circumstances an obligation to report an incident involving the actual or probable discharge into the sea of a harmful substance or of effluents containing such a substance.

1.2 The intent of these provisions is to enable coastal States and other interested parties to be informed without delay of any incident giving rise to pollution, or threat of pollution, of the marine environment, so that immediate action may be taken either in accordance with the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties or otherwise, for preventing or mitigating pollution which might result from such an incident.

1.3 The Guidelines for reporting incidents contained herein should be regarded as a preliminary step in the implementation of the 1973 MARPOL Convention. They are intended to ensure uniform interpretation and application of the Convention provisions.

1.4 Pending the entry into force of the 1973 MARPOL Convention, Governments are urged to implement the provisions of the present Guidelines and to this end to issue, or cause to be issued, instructions:

- .1 to the masters of ships flying their flags to report incidents involving harmful substances; and
- .2 to the appropriate authorities and interested parties to receive and process such reports.

1.5 The present Guidelines have been drafted as an interim measure. The restrictions described in section 2, entitled "Ships to which these Guidelines apply", do not necessarily correspond to the language of the 1973 MARPOL Convention, and may have to be modified as experience with this reporting mechanism develops. In any event these Guidelines will have to be reviewed before the Convention enters into force. The intent of these Guidelines is to assist in the development of a uniform comprehensive reporting mechanism which will be of value to all parties concerned, both now and after the 1973 MARPOL Convention has entered into force.

2 SHIPS TO WHICH THESE GUIDELINES APPLY

2.1 In the interim, these Guidelines will apply to:

- .1 all ships within 200 miles of the nearest land;

- .2 all loaded oil tankers^{1/}, loaded chemical tankers^{2/}, and any other ship of 10,000 tons gross tonnage and above, wherever they may be.

3 WHEN TO MAKE REPORTS

3.1 Under Article III of Protocol I to the 1973 MARPOL Convention reports of some incidents involving harmful substances must be made whenever such incidents involve a discharge or the probability of a discharge. For the purpose of these Interim Guidelines, reports should be made when an incident involves a discharge or probable discharge as a result of damage to the ship or its equipment or for the purpose of securing the safety of a ship or saving life at sea. In judging whether there is a probability of a discharge resulting from damage to the ship or its equipment and whether the report should be made, the following factors, among others, should be taken into account:

- .1 the nature of the damage, failure or breakdown of the ship, machinery or equipment;
- .2 sea and wind state and also traffic density in the area at the time and place of the incident.

3.2 It is recognized that it would be impracticable to lay down precise definitions of all types of incidents involving probable discharge which would warrant an obligation to report. Nevertheless, as a general guideline, the master of the ship should make reports in cases of:

- .1 damage, failure or breakdown which affects the safety of ships. Examples of such incidents are collision, grounding, fire, explosion, structural failure, flooding, cargo shifting; and
- .2 failure or breakdown of machinery or equipment which results in the impairment of the safety of navigation. Examples of such incidents are failure or breakdown of steering gear, propulsion plant, electrical generating system, essential shipborne navigational aids.

4 TO WHOM TO MAKE REPORTS

4.1 The report should be transmitted by the master of the ship without delay in the following manner:

- .1 to the nearest appropriate coast radio station preceded by the safety signal (if the incident affects the safety of navigation) or by the urgency signal (if it affects the safety of ship or persons);
- .2 in a standard format on appropriate frequencies (in the bands 405–525 kHz, 1605–2850 kHz or 156–174 MHz);
- .3 on the most appropriate HF coast radio station or relevant maritime satellite communication system, if the ship is not within reach of an MF or VHF coast radio station;
- .4 when the ship is within or near an area where a ship movement reporting system has been established, to the designated shore station of that system.

4.2 The master should be aware of section 6 of these Guidelines which provide for the onward transmission of this report.

^{1/} "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" when it is carrying a cargo or part cargo of oil in bulk.

^{2/} "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" when carrying a cargo or part cargo of noxious liquid substances in bulk.

5 CONTENTS OF REPORT

5.1 The reports on incidents should contain information set out in Article IV of Protocol I to the 1973 MARPOL Convention. The master of the ship should transmit the following information immediately:

- .1 name of ship, call sign and flag;
- .2 type of ship, (e.g. oil tanker, chemical tanker, dry cargo ship) and tonnage;
- .3 cargo carried (type and quantity);
- .4 date and time of the occurrence of the incident (GMT);
- .5 position, course and speed at time of incident (as appropriate);
- .6 weather on-scene;
- .7 brief description of incident (including damage sustained);
- .8 frequency or radio channel guarded.

5.2 In accordance with Article V of Protocol I to the 1973 MARPOL Convention, subsequently, either immediately following or as soon as possible thereafter, if the situation warrants, the master of the ship should report as much as possible of the following information from the point of view of marine environmental protection:

- .1 ability to transfer cargo/ballast;
- .2 a clear indication or description of the harmful substances involved, including, if possible, the correct technical names of such substances (trade names should not be used in place of the correct technical names);
- .3 a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;
- .4 relevant information on the condition of the ship;
- .5 assistance which has been requested from, or which has been provided by, other ships or agencies;
- .6 cause of discharge;
- .7 whether discharge is continuing, and rate of release;
- .8 action being taken with regard to discharge and movement of vessel;
- .9 wind, sea, and current condition affecting spill movement;
- .10 estimate of spill movement — if possible include estimate of surface area of spill and future effects;
- .11 telegraphic name of operator, charterer, and the nearest local agent.

6 ACTION BY GOVERNMENTS AND OTHER INTERESTED PARTIES

6.1 Governments should issue appropriate instructions to coast radio stations, satellite receiving stations and designated shore stations of any ship movement reporting system to ensure that reports are relayed without delay to the officer or agency nominated by the Government to receive and process such reports, and to ensure that that officer or agency relays the report without delay to:

- .1 the Administration, as defined in Article 2 of the 1973 MARPOL Convention, of the ship involved; and
- .2 any other State which may be affected.

6.2 Affected States which may require information relevant to the incident should take into account the circumstances in which the master is placed and should endeavour to limit their requests for additional information. The master should as far as possible respond to such requests.

6.3 Cases of the non-observance of the above procedures should be communicated to the Marine Environment Protection Committee, which may transmit the relevant information to the Maritime Safety Committee, as appropriate.

6.4 Nothing in these Guidelines should be construed as derogating from the powers of any State to take measures within its jurisdiction in accordance with international law in respect of any matter to which the 1973 MARPOL Convention relates or as extending the jurisdiction of any State.