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Circular letter No. 2458
10 April 2003

To: All IMO Members and all Parties to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973

Subject: **Amendments to Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)**

1 The Secretary-General has received proposed amendments to Annex I of MARPOL 73/78 from Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden and the United Kingdom, all being Parties of the Convention.

2 As requested by those Parties, the Secretary-General has the honour to transmit herewith, in accordance with article 16(2)(a) of the Convention, the text of the proposed amendments, given at annex, with a view to their consideration for adoption, in accordance with the provisions of article 16(2)(b), (c) and (d) of the said Convention, at a session of the MEPC, which shall be held at least six months after the circulation of this Circular letter.

ANNEX

PROPOSED AMENDMENTS TO ANNEX I TO MARPOL 73/78

Note: The new text to be added is underlined, and the existing text to be deleted is ~~struck through~~

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1 *The existing text of regulation 13G is proposed to be amended as follows:*

“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; 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) For the purpose of this regulation:
- (a) *Heavy diesel oil* means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organization.*
 - (b) *Fuel oil* means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the Organization.†

* Refer to the American Society for Testing and Materials' Standard Test Method (Designation D86).

† Refer to the American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D396) or heavier.

- (3) For the purpose of this regulation, oil tankers are divided into the following categories:
- (a) “Category 1 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;
 - (b) “Category 2 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which complies with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;
 - (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 the anniversary of the date of delivery of the ship in the year specified in the following table:

Category of oil tanker	Year
Category 1	2003 for ships delivered in 1973 <u>1980</u> or earlier 2004 for ships delivered in 1974 and 1975 <u>1981</u> 2005* for ships delivered in 1976 and 1977 <u>1982 or later</u> 2006* for ships delivered in 1978, 1979 and 1980 2007* for ships delivered in 1981 or later
Category 2	2003 for ships delivered in 1973 <u>1975</u> or earlier 2004 for ships delivered in 1974 and 1975 <u>1976</u> 2005 for ships delivered in 1976 and 1977 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 <u>or later</u> 2011* for ships delivered in 1985 2012* for ships delivered in 1986 2013* for ships delivered in 1987 2014* for ships delivered in 1988 2015* for ships delivered in 1989 or later
Category 3	2003 for ships delivered in 1973 <u>1975</u> or earlier 2004 for ships delivered in 1974 and 1975 <u>1976</u> 2005 for ships delivered in 1976 and 1977 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 <u>or later</u> 2011 for ships delivered in 1985 2012 for ships delivered in 1986 2013 for ships delivered in 1987 2014 for ships delivered in 1988 2015 for ships delivered in 1989 or later

* Subject to compliance with the provisions of paragraph (76).

- (5) Notwithstanding the provisions of paragraph (4) of this regulation:
- (a) 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 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.
 - ~~(b) in the case of a Category 2 or 3 oil tanker other than that referred to in sub-paragraph (a) of this paragraph which complies with the provisions of paragraph (6)(a) or (b) of this regulation, the Administration may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that such continued operation shall not go beyond the anniversary of the date of delivery of the ship in 2017 or the date on which the ship reaches 25 years after the date of its delivery, whichever is the earlier date.~~
- ~~(6) A Category 1 oil tanker of 25 years and over after the date of its delivery shall comply with either of the following provisions:~~
- ~~(a) wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of regulation 13E(4), cover at least 30% of L_t , for the full depth of the ship on each side or at least 30% of the projected bottom shell area within the length L_t , where L_t is as defined in regulation 13E(2); or~~
 - ~~(b) the tanker operates with hydrostatically balanced loading, taking into account the guidelines developed by the Organization~~
- (76) For a Category 2 or a Category 3 oil tanker of 15 years and over after the date of its delivery, the Administration may allow continued operation of a Category 1 oil tanker beyond the anniversary of the date of delivery of the ship in 2005, and of a Category 2 oil tanker beyond the anniversary of the date of delivery of the ship in 2010, 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.

(87) (a) The Administration of a State which allows the application of paragraph (5) of this regulation, or allows, suspends, withdraws or declines the application of paragraph (76) 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 (5) 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 [27] is proposed to be added:

Regulation 27

Carriage of heavy grades of oil

(1) For the purpose 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 a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/s;
- (c) bitumen, tar and their emulsions

(2) Except as provided in paragraph (4) of this regulation, oil tankers of 600 tons deadweight and above carrying heavy grades of oil as cargo shall comply with either:

- (a) the double hull or equivalent design requirements of regulation 13F of this Annex; or
- (b) the provisions of paragraph (1)(c) of regulation 13G of this Annex.

(3) An oil tanker of less than 5000 tons deadweight shall comply with the requirements of paragraph (2) of this regulation not later than the anniversary of the date of delivery of the ship in the year 2008.

(4) The provisions of paragraph (2) of this regulation, shall not apply to oil tankers exclusively engaged in ports.

AMENDMENTS TO APPENDIX II TO ANNEX I TO MARPOL 73/78

Amendments to the Supplement to the IOPP Certificate (Form B)

3 *The existing paragraph 5.8.4 is proposed to be amended as follows:*

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

- .1 is required to comply with regulation 13F not later than
- .2 is so arranged that the following tanks or spaces are not used for the carriage of oil
- ~~.3 is provided with the operational manual approved on in accordance with resolution MEPC.64(36)~~
- .4~~3~~ is allowed to continue operation in accordance with regulation 13G(5) (a)
- ~~.5 is allowed to continue operation in accordance with regulation 13G(5)(b)~~
- .6~~4~~ is allowed to continue operation in accordance with regulation 13G(7~~6~~) ”
