

**Provisions concerning the
REPORTING OF INCIDENTS
INVOLVING HARMFUL SUBSTANCES
under MARPOL 73/78
(1999 Edition)**



IMO
London, 1999

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First published in 1986
by the INTERNATIONAL MARITIME ORGANIZATION
4 Albert Embankment, London SE1 7SR

Second edition 1990
Third edition 1999

Printed by the International Maritime Organization, London

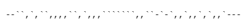
2 4 6 8 10 9 7 5 3 1

ISBN 92-801-6098-2

IMO PUBLICATION
Sales number: IMO-516E

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Foreword

1 The International Convention for the Prevention of Pollution from Ships, 1973 was adopted by the International Conference on Marine Pollution, convened by the International Maritime Organization (IMO) from 8 November to 2 December 1973. This Convention was subsequently modified by a Protocol adopted by the International Conference on Tanker Safety and Pollution Prevention, convened from 6 to 17 February 1978. The 1973 Convention, as modified by the 1978 Protocol, is known as MARPOL 73/78.

2 The MARPOL Convention recognizes that a vessel casualty or an accidental discharge from a ship may give rise to serious pollution or threat of pollution to the marine environment and provides, therefore, that such incidents should be reported without delay and to the fullest extent possible, in order to facilitate necessary counter-pollution actions by coastal States that might be affected.

3 The mandatory reporting requirements for incidents involving harmful substances are contained in article 8 of and Protocol I to MARPOL 73/78. These provisions became effective for Contracting Parties on 2 October 1983, the date on which MARPOL 73/78 entered into force.

4 However, even before the Convention had entered into force, the Marine Environment Protection Committee (MEPC) at its eighth session (December 1977) recommended that all Member States should establish, for ships involved in such incidents, voluntary compliance with the MARPOL reporting procedure. These non-mandatory reporting recommendations were taken a stage further by the MEPC at its eleventh session (June 1979), when the Committee prepared the Interim Guidelines for reporting incidents involving harmful substances. These Interim Guidelines took due cognizance of the need for coastal States and other interested parties to be informed without delay of such incidents to enable them to take necessary action for preventing or mitigating pollution which might arise from the incident. They provided uniform interpretation of the Convention provisions on reporting by specifying when and to whom reports should be made and the contents of reports.

5 The Assembly, at its eleventh session (November 1979), adopted the Interim Guidelines by resolution A.447(XI). The MEPC was requested by the Assembly to continue its work on this subject with a view to developing guidelines for a mandatory reporting system under MARPOL 73/78 before its entry into force. The Maritime Safety Committee (MSC) and MEPC were further requested 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.

6 It is pertinent to note in this context that the mandatory reporting requirements of Protocol I to MARPOL 73/78 could also be of relevance to the implementation of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) and the 1973 Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil. Both instruments provide that Parties to them 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 threat of pollution following upon a maritime casualty

which may reasonably be expected to result in major harmful consequences. Reports made in compliance with the reporting requirements of Protocol I to MARPOL 73/78 could provide early information on the basis of which Parties to the above treaties may decide on the need for measures of intervention, in accordance with the provisions of the relevant instrument.

7 In reviewing Protocol I as part of its consideration of mandatory reporting systems under MARPOL 73/78, the MEPC recognized some shortcomings in the original text. In the first place it did not specifically require that reports be made to the coastal States which might be affected by a marine casualty or a pollution incident. Additionally, it was considered necessary to provide definitions for “oil”, “noxious liquid substances” and “harmful substances in packaged form”. Some editorial changes were also considered necessary.

8 After due consideration of the various proposals, the MEPC, at its twenty-second session (December 1985), agreed upon a revised text of Protocol I to MARPOL 73/78 and formally adopted amendments giving effect to this new text by resolution MEPC.21(22); the revised Protocol entered into force on 6 April 1987. As requested by the Assembly at its fourteenth session (November 1985), the MEPC also finalized and adopted, by resolution MEPC.22(22), the new Guidelines for reporting incidents involving harmful substances which supersede the Interim Guidelines contained in resolution A.447(XI). These Guidelines were modified by the MEPC at its twenty-fifth session and adopted by resolution MEPC.30(25).

9 At its fifteenth session (November 1987), the Assembly noted the proliferation of reporting requirements placed on the master of a ship and requested the MSC and MEPC to consolidate the ship reporting requirements. The outcome of both Committees’ work was adopted by the Assembly at its sixteenth session by resolution A.648(16)), General principles for ship reporting systems and ship reporting requirements, including Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants. This resolution superseded, *inter alia*, the Guidelines adopted by resolution MEPC.30(25).

10 Resolution A.648(16) was itself superseded, in November 1997, by resolution A.851(20), which was adopted by the Assembly in response to recommendations made by the MSC at its sixty-seventh session (November 1996) and the MEPC at its thirty-ninth session (November 1996).

11 The present publication contains the texts of the following:

- .1 article 8 of MARPOL 73/78;
- .2 resolution MEPC.21(22), including amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, Protocol I – Provisions Concerning Reports on Incidents Involving Harmful Substances (in accordance with article 8 of the Convention);
- .3 resolution A.851(20).

The list of agencies or officials of Administrations responsible for receiving and processing such reports is now distributed by means of an MEPC 6 circular issued annually and assigned a consecutive number each year. The updated circular can also be found on the IMO website: <http://www.imo.org/imo/circs/contact/list.htm>.

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**Article 8 of the International Convention for
the Prevention of Pollution from Ships, 1973,
as modified by the Protocol of 1978
relating thereto**

Article 8

Reports on incidents involving harmful substances

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