

国际海事组织

73/78 防污公约

MARPOL 73/78

综合文本

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INTERNATIONAL MARITIME ORGANIZATION

MARPOL 73/78

Consolidated Edition, 1997

Articles, Protocols, Annexes, Unified Interpretations
of the International Convention for the Prevention
of Pollution from Ships, 1973, as modified by
the Protocol of 1978 relating thereto

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国际海事组织
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Introduction

The International Convention for the Prevention of Pollution from Ships, 1973, was adopted by the International Conference on Marine Pollution convened by IMO from 8 October to 2 November 1973. This Convention was subsequently modified by the Protocol of 1978 relating thereto, which was adopted by the International Conference on Tanker Safety and Pollution Prevention (TSPP Conference) convened by IMO from 6 to 17 February 1978. The Convention, as modified by the Protocol, is known as the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, or, in short form, MARPOL 73/78. Regulations covering the various sources of ship-generated pollution are contained in the five Annexes of the Convention.

The Marine Environment Protection Committee (MEPC), since its inception in 1974, has reviewed various provisions of MARPOL 73/78 which have been found to require clarification or have given rise to difficulties in implementation. In order to resolve such ambiguities and difficulties in a uniform manner, the MEPC agreed that it was desirable to develop unified interpretations. In certain cases, the MEPC recognized that there was a need to amend existing regulations or to introduce new regulations with the aim of reducing even further operational and accidental pollution from ships. These activities by the MEPC have resulted in a number of unified interpretations and amendments to the Convention.

The purpose of this publication is to provide an easy reference to the up-to-date provisions and unified interpretations of the articles, protocols and five Annexes of MARPOL 73/78, including the incorporation of all of the amendments which have been adopted by the MEPC and have entered into force, up to and including the 1995 amendments (as adopted by resolution MEPC.65(37)). It should be noted, however, that the Secretariat has no intention of changing the authentic texts editorially or otherwise. For legal purposes, the authentic texts of the provisions of MARPOL 73/78 should always be consulted.

One exception to the above is the amendments to Annexes I and II to introduce the harmonized system of survey and certification (HSSC) (as adopted on 16 March 1990 by resolution MEPC.39(29)). These amendments are to enter into force on the same date as the Protocol of 1988 to the 1974 SOLAS and 1966 Load Line Conventions, which contains corresponding provisions of these instruments, enters into force. As of the date of publication of this edition, the entry into force criteria for these amendments have not been met. It was felt, however, that the amendments might enter into force before the next revision of the present consolidated edition of MARPOL 73/78. Therefore, the text of the resolution MEPC.39(29) covering HSSC for Annexes I and II of MARPOL 73/78 requirements is reproduced as item 5 of the Additional Information section of this edition.

In addition to incorporating the applicable amendments into the texts of the Protocol and Annexes to MARPOL 73/78, the Secretariat has updated the 1991 Consolidated Edition by:

- adding, as footnotes to the existing texts of the Annexes, the titles of the guidelines and/or specifications which are otherwise only referenced within the official texts of the Annexes as guidelines and/or specifications "to be developed by the Organization";
- adding unified interpretations for Annexes I, II and III as approved by the MEPC, up to and including those approved at its thirty-eighth session (July 1996); and
- relocating all unified interpretations applicable to a particular Annex to a new section following the Annex.

For consistency in providing information, guidelines which are not made mandatory by the applicable Annex, and which are contained in another IMO publication, are omitted from the 1997 Consolidated Edition. Specifically, the General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine

pollutants (resolution A.648(16)), the Guidelines for the provisional assessment of liquids transported in bulk (MEPC/Circ.199), and the Guidelines for the implementation of Annex V of MARPOL 73/78 (MEPC 26/25, annex 7), which were included in the 1991 Consolidated Edition, are available in IMO sales publications IMO – 516E, IMO – 653E and IMO – 656E, respectively.

Annex I – Regulations for the Prevention of Pollution by Oil

Annex I entered into force on 2 October 1983 and, as between the Parties to MARPOL 73/78, supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962 and 1969, which was then in force. A number of amendments to Annex I have been adopted by the MEPC and have entered into force as summarized below:

- 1984 amendments (resolution MEPC.14(20)) on control of discharge of oil; retention of oil on board; pumping, piping and discharge arrangements of oil tankers; subdivision and stability: entered into force on 7 January 1986;
- 1987 amendments (resolution MEPC.29(25)) on designation of the Gulf of Aden as a special area: entered into force on 1 April 1989;
- 1990 amendments (resolution MEPC.42(30)) on designation of the Antarctic area as a special area: entered into force on 17 March 1992;
- 1991 amendments (resolution MEPC.47(31)) on new regulation 26, Shipboard Oil Pollution, and other amendments to Annex I: entered into force on 4 April 1993;
- 1992 amendments (resolution MEPC.51(32)) on discharge criteria of Annex I: entered into force on 6 July 1993;
- 1992 amendments (resolution MEPC.52(32)) on new regulations 13F and 13G and related amendments to Annex I: entered into force on 6 July 1993; and
- 1994 amendments (resolution 1 adopted on 2 November 1994 by the Conference of Parties to MARPOL 73/78) on port State control on operational requirements: entered into force on 3 March 1996.

Annex II – Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

To facilitate implementation of the Annex, the original text underwent amendments in 1985, by resolution MEPC.16(22), in respect of pumping, piping and control requirements. At its twenty-second session, the MEPC also decided that, in accordance with article II of the 1978 Protocol, "Parties shall be bound by the provisions of Annex II of MARPOL 73/78 as amended from 6 April 1987" (resolution MEPC.17(22)). Subsequent amendments have been adopted by the MEPC and have entered into force as summarized below:

- 1989 amendments (resolution MEPC.34(27)), which updated appendices II and III to make them compatible with chapters 17/VI and 18/VII of the IBC Code and BCH Code, respectively: entered into force on 13 October 1990;
- 1992 amendments (resolution MEPC.57(33)) on designation of the Antarctic area as a special area and lists of liquid substances in Annex II: entered into force on 1 July 1994; and

- 1994 amendments (resolution 1 adopted on 2 November 1994 by the Conference of Parties to MARPOL 73/78) on port State control on operational requirements: entered into force on 3 March 1996.

Annex III – Regulations for the Prevention of Pollution by Harmful Substances in Packaged Form

Annex III entered into force on 1 July 1992. However, long before this entry into force date, the MEPC, with the concurrence of the Maritime Safety Committee (MSC), agreed that the Annex should be implemented through the IMDG Code. The IMDG Code had amendments covering marine pollution prepared by the MSC (Amendment 25 – 89) and these amendments were implemented from 1 January 1991. Subsequent amendments have been adopted by the MEPC and have entered into force as summarized below:

- 1992 amendments (resolution MEPC.58(33)), which totally revised Annex III as a clarification of the requirements in the original version of Annex III rather than a change of substance, and incorporated the reference to the IMDG Code: entered into force on 28 February 1994; and
- 1994 amendments (resolution 2 adopted on 2 November 1994 by the Conference of Parties to MARPOL 73/78) on port State control on operational requirements: entered into force on 3 March 1996.

Annex IV – Regulations for the Prevention of Pollution by Sewage from Ships

Annex IV is not yet in force. As of 31 December 1996, the Annex has been ratified by 64 States, the combined merchant fleet of which represents approximately 41% of the gross tonnage of the world's merchant fleet. Therefore, ratification by States covering an additional 9% of the gross tonnage of the world's merchant fleet is required before the entry into force requirements of article 16(2)(f) of the Convention are satisfied.

Annex V – Regulations for the Prevention of Pollution by Garbage from Ships

Annex V entered into force on 31 December 1988. Subsequent amendments have been adopted by the MEPC and have entered into force as summarized below:

- 1989 amendments (resolution MEPC.36(28)) on designation of the North Sea as a special area and amendment of regulation 6, Exemptions: entered into force on 18 February 1991;
- 1990 amendments (resolution MEPC.42(30)) on designation of the Antarctic area as a special area: entered into force on 17 March 1992;
- 1991 amendments (resolution MEPC.48(31)) on designation of the Wider Caribbean area as a special area: entered into force on 4 April 1993;
- 1994 amendments (resolution 3 adopted on 2 November 1994 by the Conference of Parties to MARPOL 73/78) on port State control on operational requirements: entered into force on 3 March 1996; and
- 1995 amendments (resolution MEPC.65(37)) on amendment of regulation 2 and the addition of a new regulation 9 of Annex V: entered into force on 1 July 1997.

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**International Convention for the
Prevention of Pollution from Ships, 1973**

International Convention for the Prevention of Pollution from Ships, 1973

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

HAVE AGREED as follows:

Article 1

General obligations under the Convention

- (1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.
- (2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

Article 2

Definitions

For the purposes of the present Convention, unless expressly provided otherwise:

- (1) *Regulation* means the regulations contained in the Annexes to the present Convention.
- (2) *Harmful substance* means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention.

- (3) (a) *Discharge*, in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emptying or emptying;
- (b) *Discharge* does not include:
- (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or
 - (ii) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources; or
 - (iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.
- (4) *Ship* means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.
- (5) *Administration* means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.
- (6) *Incident* means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.
- (7) *Organization* means the Inter-Governmental Maritime Consultative organization.^①

Article 3

Application

- (1) The present Convention shall apply to:
- (a) ships entitled to fly the flag of a Party to the Convention; and
 - (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.
- (2) Nothing in the present article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.
- (3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

^① The name of the Organization was changed to "International Maritime Organization" by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

Article 4

Violation

- (1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.
- (2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:
 - (a) cause proceedings to be taken in accordance with its law; or
 - (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.
- (3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.
- (4) The penalties specified under the law of a Party pursuant to the present article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

Article 5

Certificates and special rules on inspection of ships

- (1) Subject to the provisions of paragraph (2) of the present article a certificate issued under the authority of a Party, to the Convention in accordance with the provisions of the regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.
- (2) A ship required to hold a certificate in accordance with the provisions of the regulations is subject, while in the ports or offshore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. 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. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection 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. 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.
- (3) If 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 the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration

when a ship does not carry a valid certificate in accordance with the provisions of the regulations.

- (4) With respect to the ship 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.

Article 6

Detection of violations and enforcement of the Convention

- (1) 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 accumulation of evidence.
- (2) A ship to which the present Convention applies may, in any port or offshore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.
- (3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the regulations. If it is practicable to do so, the competent authority of the former Party shall notify the master of the ship of the alleged violation.
- (4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.
- (5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

Article 7

Undue delay to ships

- (1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under articles 4, 5 or 6 of the present Convention.
- (2) When a ship is unduly detained or delayed under articles 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

Article 8

Reports on incidents involving harmful substances

- (1) A report of 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.

Article 9

Other treaties and interpretation

- (1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.
- (2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.
- (3) The term "jurisdiction" in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

Article 10

Settlement of disputes

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

Article 11

Communication of information