

ANNEX 12

RESOLUTION MEPC.61(34)
adopted on 9 July 1993

VISIBILITY LIMITS OF OIL DISCHARGES OF ANNEX I OF MARPOL 73/78

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(c) of the Convention on the International Maritime Organization concerning the function of the Marine Environment Protection Committee,

RECOGNIZING that 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) provides regulations for the prevention of pollution by oil from ships,

RECOGNIZING ALSO the need for strict enforcement of the regulations of Annex I in order to achieve the complete elimination of intentional pollution of the marine environment by oil,

NOTING that in executing control on compliance by ships with the discharge standards through airborne surveillance, traces of oil may be observed, both visually and with remote sensing equipment,

ALSO NOTING that most of these observed discharges are to be regarded as an alleged violation of the discharge standards for oily mixtures from machinery spaces under Annex I of MARPOL 73/78,

NOTING FURTHER that collection of sufficient information and evidence is essential to enable proceedings to be brought in respect of an alleged violation,

BEING AWARE of the difficulties which are encountered in the collection of sufficient evidence with respect to alleged violations of the discharge standards of Annex I,

BEARING IN MIND that the amended discharge standards for oily mixtures from machinery spaces under Annex I enter into force on 6 July 1993,

REALIZING THAT an observation of visible traces of oil may be indicative of an alleged violation and may require further investigation on board in order to establish whether the discharge criteria of Annex I were violated,

REALIZING FURTHER that existing ships may discharge oily mixtures from machinery spaces with an oil concentration of 100 ppm under Annex I until 6 July 1998,

1. CONCURS with the main conclusion of the investigation into the visibility limits of operational oil discharges from machinery spaces of ships (see annex), that an oily mixture with a concentration of 15 ppm cannot be observed;

2. URGES Governments to:

- (a) make use to the fullest extent possible of the conclusion of the investigation in order to improve the collection of sufficient evidence for the prosecution of violators thus enforcing the deterrence against violations; and
- (b) provide the information of the investigation to authorities in charge of detecting violations, to Prosecutors and to Courts, and urgently request these authorities to consider the principle that a visible trace of oil is one element of proof that the 15 ppm discharge standard of Annex I of the MARPOL Convention may have been violated.

ANNEX

Abstract of the investigation "Visibility
limits of oil discharges"*

"1 Summary

An investigation has been carried out in order to establish the visibility limits of discharges of oily mixtures from machinery spaces of ships into the sea.

For the purpose of the investigation, an installation was developed and constructed to simulate operational discharges of oily mixtures from ships and installed on board a seagoing vessel.

The discharges of oily mixtures from this ship into the sea were made under various circumstances with variable factors.

Observations of these discharges were made from the discharging vessel and from an aircraft. The results of the tests are presented in a report, including the conclusions.

2 Conclusions

The main significant conclusions which can be drawn from the investigation can be listed as follows:

- The investigation shows that a discharge of an oily mixture with a concentration of 15 ppm can under no circumstances be observed, either visually, or with remote sensing equipment.
- The lowest concentration of oil present in the discharge of an oily mixture where the first traces were visually observed from the aircraft was 50 ppm, irrespective of related factors, such as settings of the installation, speed of the discharging vessel, wind and wave height."

* Reference is made to MEPC 33/INF.28 "Visibility limits of oil discharges - Investigation into the limits of operational oil discharges from ships".
