

ANNEX 2

RESOLUTION MEPC.63(38)**adopted on 10 July 1996****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING
TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS, 1973
(Amendments to Protocol I)****THE MARINE ENVIRONMENT PROTECTION COMMITTEE,**

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the function of the Committee conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the 1973 Convention (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confers upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

NOTING ALSO that there is a need for more precise requirements with regard to when to make reports in article II of Protocol I, Provisions concerning Reports of Incidents Involving Harmful Substances, of the 1973 Convention,

HAVING CONSIDERED the amendments to article II of Protocol I of the 1973 Convention, agreed at its thirty-seventh session and circulated in accordance with article 16(2)(a) of the 1973 Convention,

1. ADOPTS, in accordance with article 16(2)(b) of the 1973 Convention, amendments to Protocol I of MARPOL 73/78, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 1997, unless prior to the date, not less than one-third of the Parties or the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that in accordance with article 16(2)(g)(ii) of the 1973 Convention the amendments shall enter into force on 1 January 1998 in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the Annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

ANNEX

TEXT OF AMENDMENTS TO PROTOCOL OF MARPOL 73/78

Existing text of article II(1) shall be replaced by the following:

- "(1) The report shall be made when an incident involves:
- (a) a discharge above the permitted level or probable discharge of oil or of noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or for saving life at sea; or
 - (b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or
 - (c) damage, failure or breakdown of a ship of 15 metres in length or above which:
 - (i) affects the safety of the ship; including but not limited to collision, grounding, fire, explosion, structural failure, flooding, and cargo shifting; or
 - (ii) results to impairment of the safety of navigation; including but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids; or
 - (d) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention."
