ANNEX 3

RESOLUTION LDC.20(9)

INTERIM PROVISIONS FOR THE SURVEILLANCE OF CLEANING OPERATIONS CARRIED OUT AT SEA ON BOARD INCINERATION VESSELS

THE NINTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which provides that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution in the marine environment,

RECALLING FURTHER that Regulations for the Control of Incineration of Wastes and Other Matter had been adopted at its Third Meeting as set forth in an Addendum to Annex I to the Convention and that this constitutes an integral part of that Annex,

RECOGNIZING that in issuing permits for incineration at sea Contracting Parties shall take account of Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea,

BEING AWARE that cleaning operations of incineration systems and of tanks of incineration vessels may have to take place at sea,

RECOGNIZING that the Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea provide that:

(a) tank washings and pump room bilges contaminated with wastes should be incinerated at sea in accordance with the Regulations for the Control of Incineration of Wastes and Other Matter at Sea and with the Technical Guidelines, or discharged to port facilities; and that

(b) residues remaining in the incinerator should not be dumped at sea except in accordance with the provisions of the Convention,

RECOGNIZING FURTHER that the Marine Environment Protection Committee of the International Maritime Organization is currently preparing requirements for the effective implementation of MARPOL 73/78, Annex II, and that there should be consistency on surveillance procedures developed under the London Dumping Convention and MARPOL 73/78,

CONSIDERING however that immediate action concerning the control of cleaning operations at sea is needed and that this can best be achieved by the presence of an inspector on board the incineration vessel during the whole operation of cleaning and disposal of residues,

NOTING that, in accordance with Article VII, paragraph 1(a) of the London Dumping Convention, each Contracting Party shall apply the measures required to implement the Convention to all vessels registered in its territory or flying its flag,

1. ADOPTS on a preliminary basis the interim provisions on the surveillance of cleaning operations carried out at sea on board incineration vessels as described in the Annex to the present resolution,

2. RESOLVES that Contracting Parties to the Convention should take full account of the interim provisions on the surveillance of cleaning operations carried out at sea on board incineration vessels,

3. REQUESTS the Secretariat to inform the Marine Environment Protection Committee of the International Maritime Organization of this resolution and to invite it to provide any advice it may have on this matter to the Contracting Parties to the London Dumping Convention,

4. AGREES to reconsider the interim provisions on the surveillance of cleaning operations carried out at sea on board incineration vessels in light of the advice given to it by the Marine Environment Protection Committee with a view to adopting formal requirements.

ANNEX

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1 A Contracting Party to the London Dumping Convention should, when issuing a Form of Approval in accordance with Regulation 3 of the Regulations for the Control of Incineration of Wastes and Other Matter at Sea (Addendum to Annex I to the Convention), ensure that the Form of Approval contains conditions for cases of cleaning operations carried out at sea (including the disposal of residues) such that:

- if residues are to be disposed of at sea a permit for such disposal is issued by the appropriate national authority of a Contracting Party;

- an inspector designated by the flag State of the incineration vessel is present on board during the whole operation of cleaning and disposal;

- in the case that the flag State is not a Contracting Party to the Convention, the supervision is carried out by the Contracting Party from whose port an incineration vessel departs in order to carry out a cleaning operation at sea;

- the shipowner co-operates with the competent authorities in order to safeguard adequate surveillance of cleaning operations;

- the shipowner pays the costs of such surveillance.

2 If a Contracting Party to the London Dumping Convention which pursuant to these interim provisions should supervise a cleaning operation at sea, needs assistance in meeting this interim provision, the Contracting Party which carried out the last survey for the issue of a Form of Approval should, at the request of the former, endeavour to co-operate with it in this regard.

3 The Contracting Party responsible in accordance with these interim provisions for the supervision of the cleaning operation at sea should determine the site of the operation in accordance with the "Regulations for the Control of Incineration of Wastes and Other Matter at Sea".

4 The Contracting Party responsible for the supervision of the cleaning operation should prepare a report on the operation and forward it to the Secretariat which will circulate it to the Contracting Parties to the London Dumping Convention.

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