MARITIME LAW

&

IMO CONVENTIONS

MT 292

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CHAPTER 1

Introduction to Maritime Law

1.1 Maritime Law
The maritime law is legal regulations governing maritime shipping and relevant activities, the use of the sea and the exploitation of its resources, and the protection of the marine environment.

1.2 Public Navigation
Public maritime navigation is that navigation accomplished by ships of war, government yachts patrol vessels, hospital ships, auxiliary vessels, supply ships and other craft owned or operated by the state and used at the time a cause of action arises, exclusively on governmental and non commercial service such navigation is not governed by the rules of maritime law.

These public ships have a judicial immunity; such vessels shall not be subject to seizure; attachment or detention by any legal process.

Nevertheless, claimants shall have the right of taking proceeding in the competent tribunals of the state owing or operating the vessel without that state being permitted to avail itself of its immunity

(Non immunity cases):
1- In case of actions in respect of collision or other accidents of navigation.
2- In case of actions in respect of assistance, salvage and general average.
3- In case of actions in respect of repair supplies or other contracts relating to the vessel.

The same rules shall apply to state owned cargoes carried on board the vessels herein above mentioned.

1.3 Inland Navigation
Inland or riverian navigation is that navigation accomplished in interior rivers, canal and lakes. It is ruled by the common rules and this means by civil law and commercial law.

The law of the inland navigation regulates only some administrative questions relating to that navigation such as the technical control of boats, control of licenses of navigation, control of the number and qualification of the crew.

1.4 The Combined Navigation
We are in presence of combined navigation when a part of voyage is accomplished in inland waters and the other part in the sea. An example can be given by navigation between Paris and London.

The difficulty which arise here, is to determine the law governing this navigation, is it the marine law or the common rules? Firstly we put aside the hypothesis of an application of the maritime law on the maritime part of voyage and also the application of the common rules (Civil Law and Commercial Law) on the part of riverian navigation. It is illogical to govern the same voyage by two different kinds of rules, given that difficulties shall be enormous.
So, it is settled that all voyage referring to the criteria of the most important navigation. If the most important part of navigation has been accomplished on sea, only maritime law shall be applied on all the voyages and vice versa.

1.5 Statutory Law or Statute Law

Is written law, set down by a legislature or by a legislator. Statutes may originate with national, state legislatures. Statutory laws are subordinate to the higher constitutional laws of the land. Also, it’s define as,

The body of law consisting of written laws adopted by a legislative body. Statue law is often contrasted with case law, which originates from decisions of the appellate courts; and with constitutional law, based on a country’s written constitution. The matters of safety, protection of the marine environment and conditions of employment are covered by statute law, which effected by the international maritime conventions which are signed by state, and, to implement a convention or other international agreement, a State must enact national legislation giving effect to and enforcing its provisions, and, the recommendations which are not internationally binding may be implemented by a State for ships flying its flag.

The operation of a ship is governed by the national laws and regulations of the flag State, including those laws and regulations giving effect to international conventions. The differences of detail usually exist in the national laws of different states implementing the same convention.

When serving in a ship flying a foreign flag, it is essential that the master and chief mate familiarise themselves with the laws and regulations of the flag State, when in port, a ship must also comply with the appropriate laws and regulations of the port State, the importance of keeping up to date with developments in new and amended legislation.

1.6 The Branches of the Maritime Law

Maritime regulations are of a complex nature in many respects, so, the maritime law is divided to private law and public law.

1.6.1 The private law is concerned with legal relationships between individuals or groups of individuals such as co-operations, companies, etc… and its primary purpose is the protection of individuals interests such as the acquisition and transfer of the ownership of vessels, charter-parties, bills of lading.

1.6.2 Public law concerns matters related to the distribution and exercise of power by public authorities and the legal relations between the State (and its administration) and the individuals. Public law provisions (e.g. administrative law, criminal law) are aimed at the protection of public and common interests. Maritime law rules that are of public law character regulate, the registration of vessels, most aspects of the safety of ships and safety of navigation, control of shipping operations, the movement of persons and goods in port, casually investigations and some aspects of preservation and protection of the marine environment.

Public maritime law is enforced through:

- Surveys, inspection and certification
- Penal sanctions (fines, imprisonment)
- Administrative

The public maritime law includes the following sub-divisions:

a) The public international maritime law: which governs maritime relations among states in peacetime and in war. It regulates specially the freedom of navigation and sea, the territorial sea and maritime capture.
b) The administrative maritime law: which regulates relations among states and persons working in mariners exploitation, for example, the rules concerning the control of seaworthiness ships, the control of the employment of mariners, the control of qualification of the captain, officers, engineers and other members of the crew.

c) The criminal maritime law: which determines dialects concerning the maritime navigation.

1.7 Main Sources of Maritime Law
The sources of maritime law are parliament, customs, jurisprudence (statements of judges made in the courts) and international maritime conventions. International maritime conventions are very important source of maritime law.

1.8 Originators of international conventions
The main originators of international conventions concerned with maritime law are:
- International Maritime Organisation (IMO)
- International Labour Organisation (ILO)
- Committee Maritime

1.9 Flag State jurisdiction

★ Flag States have been given the right to sail ships on the high seas and the right to fix conditions for registering ships under their flag and giving their nationality to these ships, (Art. 90 and 91 of UNCLOS 82)

★ The flag State is under the duty to exercise effective jurisdiction and control over administrative, technical and social matters on their ships on the high seas.

★ Article 94(2) expands on the obligations that the flag State needs to fulfill when allowing ships to fly its flag

★ Maintain register of ships containing particulars of ships flying its flag – Art. 94(2)(a)

★ Assume jurisdiction over the ship, the master, officers and crew - Art. 94(2)(b)

★ Take measures regarding safety of navigation and seaworthiness of the ship, in particular with respect to:
- construction and equipment of the ship -Art. 94(3)(a)
- radio communications and prevention of collision -Art. 94(3)(c)
- the pre-registration and post registration surveys of ships by approved surveyors - Art. 94(4)(a)
- the presence on board of appropriate nautical charts and publications - Art.94(4)(a)
- labor conditions and safe manning of the ship -Art. 94(3)(b)
- training and certification of officers and crew -Art. 94(4)(b)

★ Ensure that the measures taken for exercising jurisdiction and control over the ships plying its flag conform to international rules and practices –Art. 94(5)

★ Carry out an investigation whenever another state reports inadequate exercise of control or jurisdiction over any ship flying its flag and take any remedial action where appropriate – Art. 94(6)
Carry out or cooperate with other States in the carrying out of investigations in any case of marine casualty or incident of navigation – Art 94(7)

Flag state duties, with respect to ships registered under a particular flag, as listed under art. 94 are not meant to be exhaustive. They are complement by the international laws and regulations adopted by the relevant international organizations (IMO, ILO, UN).

Some duties with respect to anti pollution measures are also assigned to flag States under UNCLOS

Under Article 217 of UNCLOS the responsibility of the flag State to enforce measures and adopt laws and regulations aiming at prevention, reduction and control of pollution and ensure compliance of those vessels flying its flag with marine pollution laws.

The flag State is also under the obligation to investigate any case where any ship registered under its flag violates any international anti pollution laws.

Flag State implementation of its duties is unfortunately not effectively carried out; most flag States and especially those which have been termed as open registers or flags of convenience adopt a very lax attitude with respect to their international obligations under UNCLOS and other relevant international maritime conventions.

The implications are serious: given that flag States have the exclusive jurisdiction on ships flying their flag on the high seas, in the event of improper or inadequate exercise of its duties by the flag States, safety and security are jeopardized.

Measures have been and are still being put in place by the international community in order to make flag States shoulder their responsibilities.

However, there are still certain loopholes in the legal international framework, some of which can even be said to have been deliberately left out.

1.10 Coastal State Jurisdiction

- Coastal States can exercise their rights and jurisdiction as per, Articles 56 and 73 of UNCLOS to prevent any infringement of its laws relating to the EEZ by ships sailing into its waters
- Port States can exercise jurisdiction on those vessels calling at their ports through the port state control mechanism.

The coastal State has civil jurisdiction over foreign merchant vessels. Specifically, foreign merchant vessels are subject to the coastal State’s regulations on navigation and its sanitary, fiscal, technical and customs controls, which must be implemented without any discrimination between the vessels.

Nonetheless, when a dispute arises between crewmembers (whatever their nationality may be), the coastal State will usually not assert jurisdiction. When a dispute arises between a crewmember and a non-crewmember, the State will assert jurisdiction.

As for penal jurisdiction, the coastal State has exclusive competence over illicit acts committed on board foreign merchant vessels located within its internal waters. It can also intervene at the request of the captain of the ship or consul of the flag State. The coastal State can also enforce its legislation when its interests are engaged, when the offense affects its peace and good order or when its security is at stake. However, foreign ships will not usually be subject to coastal State jurisdiction if they entered its internal waters because of force majeure or distress.

- On the other hand, foreign warships, including government vessels used for non-commercial purposes, are exempt from the coastal State’s civil jurisdiction due
to the principle of sovereign immunity. This immunity, according to UNCLOS Article 32, is subject to the behavior of the vessel that must abstain from any hostile attitude or act of violence. Should a vessel engage in such acts, the coastal State will have a right of self defense? Thus, the coastal State will not intervene in matters exclusively regarding crewmembers of a warship, or when the offence is committed on board the vessel. But, it will be fully competent if neither the offender nor the victim is a crewmember. Similarly, the coastal State is incompetent regarding acts by officers or crewmembers accomplished as agents of the State.

Nonetheless, fiscal, navigational, sanitary and port regulations, as well as the competence of the local authorities in charge of policing and maintaining good order, have to be respected by foreign warships. Each coastal State also has specific regulations regarding the duration of stay, the number of warships simultaneously order, have to be respected by foreign warships. Each coastal State also has specific

The inspection of foreign ships in other national ports by Port State Control (PSC) officers (inspectors) for the purpose of verifying that the competency of the master and officers on board, and the condition of the ship and its equipment comply with the requirements of international conventions (e.g. SOLAS, MARPOL, STCW, etc.) and that the vessel is manned and operated in compliance with applicable international law.

By contrast to the situation with coastal State jurisdiction, the most important IMO conventions include provisions which regulate the features of port State jurisdiction and the extent to which such jurisdiction should be exercised. It should be noted that, within the context of the implementation of IMO instruments, port State jurisdiction is a concept of an essentially corrective kind: it aims to correct non-compliance or ineffective flag State enforcement of IMO regulations by foreign ships voluntarily in port.

The exercise of port State jurisdiction for the purpose of correcting deficiencies in the implementation of safety rules is established in the main IMO safety conventions, namely, Load Lines 1966, TONNAGE 1969, SOLAS 1974, SOLAS Protocol 1978 and STCW 1978. These treaties regulate the right of the port State to verify the contents of certificates issued by the flag State attesting compliance with safety provisions. They also entitle the port State to inspect the ship if the certificates are not in order or if there are clear grounds to believe that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates or if they are not properly maintained.

1.11 Port State Jurisdiction

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1.12 No more Favourable Treatment

IMO’s principle of no more favourable treatment of ships thus providing for a system that is global and does not unduly penalize vessels based upon their trading routes or flag, this clause in the SOLAS, MARPOL, STCW and ILO conventions as follow:

- SOLAS 74, Article 1/3, With respect to ships entitled to fly the flag of a State which is not a Party to the Convention and the present Protocol, the Parties to the present Protocol shall apply the requirements of the Convention and the present Protocol as may be necessary to ensure that no more favourable treatment is given to such ships.

- MARPOL74/78, Art.5/4, 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.
- STCW, One especially important feature of the Convention is that it applies to ships of non-party States when visiting ports of States which are Parties to the Convention. Article X requires Parties to apply the control measures to ships of all flags to the extent necessary to ensure that no more favourable treatment is given to ships entitled to fly the flag of a State which is not a Party than is given to ships entitled to fly the flag of a State that is a Party.

- ILO, Article V, paragraph 7, of the ILO’s Maritime Labour Convention, 2006 (MLC 2006). Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it. The idea, which is also found in IMO Conventions, is that ships must not be placed at a disadvantage because their country has ratified the new Convention. The practical consequence comes out clearly in the port State control provisions of Title 5 of the this Convention, under which ships of all countries (irrespective of ratification) will be subject to inspection in any country that has ratified the Convention, and to possible detention if they do not meet the minimum standards of the new Convention.
CHAPTER 2

International Maritime Organization (IMO)

2.1 Foundation and Purpose

The Convention establishing the International Maritime Organization was adopted on 6 March 1948 by the United Nations Maritime Conference which was convened in Geneva on 19 February 1948. The Convention, then known as the Convention on the Inter-Governmental Maritime Consultative Organization, entered into force on 17 March 1958. The new Organization was inaugurated on 6 January 1959 when the Assembly held its first session. The name of the Organization was changed to the International Maritime Organization in accordance with an amendment to the Convention which entered into force on 22 May 1982.

The purposes of the Organization, as summarized by Article 1(a) of the Convention, are “to provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships”. The Organization is also empowered to deal with administrative and legal matters related to these purposes. The Organization has 170 Member States and three Associate Members.

2.2 Structure of IMO

The Organization consists of an Assembly, a Council and four main Committees: the Maritime Safety Committee; the Marine Environment Protection Committee; the Legal Committee; and the Technical Co-operation Committee. There is also a Facilitation Committee and a number of Sub-Committees support the work of the main technical committees.

Assembly

This is the highest Governing Body of the Organization. It consists of all Member States and it meets once every two years in regular sessions, but may also meet in an extraordinary session if necessary. The Assembly is responsible for approving the work programme, voting the budget and determining the financial arrangements of the Organization. The Assembly also elects the Council.

Council

The Council is elected by the Assembly for two-year terms beginning after each regular session of the Assembly. The Council is the Executive Organ of IMO and is responsible, under the Assembly, for supervising the work of the Organization. Between sessions of the Assembly the Council performs all the functions of the Assembly, except the function of making recommendations to Governments on maritime safety and pollution prevention which is reserved for the Assembly by Article 15(j) of the Convention.

Other functions of the Council are to

(a) co-ordinate the activities of the organs of the Organization;

(b) consider the draft work programme and budget estimates of the Organization and submit them to the Assembly;
(c) receive reports and proposals of the Committees and other organs and submit them to the Assembly and Member States, with comments and recommendations as appropriate;
(d) appoint the Secretary-General, subject to the approval of the Assembly;
(e) enter into agreements or arrangements concerning the relationship of the Organization with other organizations, subject to approval by the Assembly.

Maritime Safety Committee (MSC)
The MSC is the highest technical body of the Organization. It consists of all Member States. The functions of the Maritime Safety Committee are to “consider any matter within the scope of the Organization concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigations, salvage and rescue and any other matters directly affecting maritime safety”.

The Committee is also required to provide machinery for performing any duties assigned to it by the IMO Convention or any duty within its scope of work which may be assigned to it by or under any international instrument and accepted by the Organization. It also has the responsibility for considering and submitting recommendations and guidelines on safety for possible adoption by the Assembly.

The “expanded MSC” adopts amendments to conventions such as SOLAS and includes all Member States as well as those countries which are Party to conventions such as SOLAS even if they are not IMO Member States.

The Marine Environment Protection Committee (MEPC)
The MEPC, which consists of all Member States, is empowered to consider any matter within the scope of the Organization concerned with prevention and control of pollution from ships. In particular it is concerned with the adoption and amendment of conventions and other regulations and measures to ensure their enforcement. The MEPC was first established as a subsidiary body of the Assembly and raised to full constitutional status in 1985.

Legal Committee
The Legal Committee is empowered to deal with any legal matters within the scope of the Organization. The Committee consists of all Member States of IMO.

It was established in 1967 as a subsidiary body to deal with legal questions which arose in the aftermath of the Torrey Canyon disaster.

The Legal Committee is also empowered to perform any duties within its scope which may be assigned by or under any other international instrument and accepted by the Organization.

Technical Co-operation Committee
The Technical Co-operation Committee is required to consider any matter within the scope of the Organization concerned with the implementation of technical co-operation projects for which the Organization acts as the executing or co-operating agency and any other matters related to the Organization’s activities in the technical co-operation field.

The Technical Co-operation Committee consists of all Member States of IMO, was established in 1969 as a subsidiary body of the Council, and was institutionalized by means of an amendment to the IMO Convention which entered into force in 1984.
Facilitation Committee
The Facilitation Committee is a subsidiary body of the Council. It was established in May 1972 and deals with IMO’s work in eliminating unnecessary formalities and “red tape” in international shipping. Participation in the Facilitation Committee is open to all Member States of IMO.

Secretariat
The Secretariat of IMO consists of the Secretary-General and nearly 300 personnel based at the headquarters of the Organization in London.

Sub-Committees
The MSC and MEPC are assisted in their work by a number of sub-committees which are also open to all Member States:

- Sub-Committee on Human Element, Training and Watchkeeping (HTW);
- Sub-Committee on Implementation of IMO Instruments (III);
- Sub-Committee on Navigation, Communications and Search and Rescue (NCSR);
- Sub-Committee on Pollution Prevention and Response (PPR);
- Sub-Committee on Ship Design and Construction (SDC);
- Sub-Committee on Ship Systems and Equipment (SSE); and
- Sub-Committee on Carriage of Cargoes and Containers (CCC).

(Until 2013 there were nine Sub-Committees as follows:

- Bulk Liquids and Gases (BLG)
- Carriage of Dangerous Goods, Solid Cargoes and Containers (DSC)
- Fire Protection (FP)
- Radio-communications and Search and Rescue (COMSAR)
- Safety of Navigation (NAV)
- Ship Design and Equipment (DE)
- Stability and Load Lines and Fishing Vessels Safety (SLF)
- Standards of Training and Watchkeeping (STW)
- Flag State Implementation (FSI)

Budget
Contributions to the IMO budget are based on a formula which is different from that used in other United Nations agencies: the amount paid by each Member State depends primarily on the tonnage of its merchant fleet.)
2.3 Conventions Procedures

Definition of a Convention
Maritime convention means any international agreement relating to maritime matters, concluded between two or more states in a written form and embodied in a single instrument or two or more related instruments governed by international law.

Definition of Treaty:
A formal agreement or contract between two or more states, such as an alliance or trade arrangement. A treaty may be bilateral or multilateral; it usually contains a preamble, an enumeration of the issues agreed on, and clauses that discuss its ratification procedures, lifespan, and terms for termination. Treaties may be political, commercial, constitutional, or administrative, or they may relate to criminal and civil justice or codify international law.

Importance of International Convention
1. Uniformity of maritime law.
2. Solve all maritime problems (such as safety and pollution) by same ways in all countries.
3. Saving the time and expenses of operating the ships.

Adopting a convention
This is the part of the process with which IMO as an Organization is most closely involved. IMO has six main bodies concerned with the adoption or implementation of conventions. The Assembly and Council are the main organs, and the committees involved are the Maritime Safety Committee, Marine Environment Protection Committee, Legal Committee and the Facilitation Committee. Developments in shipping and other related industries are discussed by Member States in these bodies, and the need for a new convention or amendments to existing conventions can be raised in any of them.

Normally the suggestion is first made in one of the committees, since these meet more frequently than the main organs. If agreement is reached in the committee, the proposal goes to the Council and, as necessary, to the Assembly.

If the Assembly or the Council, as the case may be, gives the authorization to proceed with the work, the committee concerned considers the matter in greater detail and ultimately draws up a draft instrument. In some cases the subject may be referred to a specialized sub-committee for detailed consideration.

Work in the committees and sub-committees is undertaken by the representatives of Member States of the Organization. The views and advice of intergovernmental and international non-governmental organizations which have a working relationship with IMO are also welcomed in these bodies. Many of these organizations have direct experience in the various matters under consideration, and are therefore able to assist the work of IMO in practical ways.

The draft convention which is agreed upon is reported to the Council and Assembly with a recommendation that a conference be convened to consider the draft for formal adoption.

Invitations to attend such a conference are sent to all Member States of IMO and also to all States which are members of the United Nations or any of its...
specialized agencies. These conferences are therefore truly global conferences open to all Governments who would normally participate in a United Nations conference. All Governments participate on an equal footing. In addition, organizations of the United Nations system and organizations in official relationship with IMO are invited to send observers to the conference to give the benefit of their expert advice to the representatives of Governments.

Before the conference opens, the draft convention is circulated to the invited Governments and organizations for their comments. The draft convention, together with the comments thereon from Governments and interested organizations is then closely examined by the conference and necessary changes are made in order to produce a draft acceptable to all or the majority of the Governments present. The convention thus agreed upon is then adopted by the conference and deposited with the Secretary-General who sends copies to Governments. The convention is opened for signature by States, usually for a period of 12 months. Signatories may ratify or accept the convention while non-signatories may accede.

The drafting and adoption of a convention in IMO can take several years to complete although in some cases, where a quick response is required to deal with an emergency situation, Governments have been willing to accelerate this process considerably.

**Entry into force**

The adoption of a convention marks the conclusion of only the first stage of a long process. Before the convention comes into force - that is, before it becomes binding upon Governments which have ratified it - it has to be accepted formally by individual Governments.

Each convention includes appropriate provisions stipulating conditions which have to be met before it enters into force. These conditions are: certain numbers of states agreed and owned certain percentage of world maritime tonnages … For example, the International Convention for the Safety of Life at Sea, 1974, (SOLAS 74) provided that entry into force requires acceptance by 25 States whose merchant fleets comprise not less than 50 per cent of the world’s gross tonnage; for the International Convention on Tonnage Measurement of Ships, 1969, (TONNAGE 69) the requirement was acceptance by 25 States whose combined merchant fleets represent not less than 65 per cent of world tonnage.

When the appropriate conditions have been fulfilled, the convention enters into force for the States which have accepted - generally after a period of grace intended to enable all the States to take the necessary measures for implementation. At present IMO conventions enter into force within an average of five years after adoption.

**Types of Acceptances:**

1- Explicit acceptance

Most conventions contain a clause providing that a State may express its consent to be bound by the instrument by signature.

In such a situation, signature alone will not suffice to bind the State, but must be followed up by the deposit of an instrument of ratification with the depositary of the
treaty, (it means that the state must clear expressed her acceptance by sending official letter to IMO secretary) for example articles and chapter I (SOLAS 74) come into force by explicit acceptance

2- Tacit acceptance

The amendment procedures contained in the first Conventions to be developed under the auspices of IMO were so slow that some amendments adopted have never entered into force. This changed with the introduction of the “tacit acceptance” procedure.

The ‘tacit’ or ‘passive’ acceptance procedure, means that the body which adopts the amendment at the same time fixes a time period within which contracting parties will have the opportunity to notify either their acceptance or their rejection of the amendment, or to remain silent on the subject. In case of silence, the amendment is considered to have been accepted by the party.

On 21 October, 1974, the International Conference on Safety of Life at Sea opened in London and on 1 November a new SOLAS Convention was adopted, which incorporated the tacit acceptance procedure, chapters from II to XII (SOLAS 74) come into force by tacit acceptance.

Enforcement

The enforcement of IMO conventions depends upon the Governments of Member Parties, contracting Governments enforce the provisions of IMO conventions as far as their own ships are concerned and also set the penalties for infringements, where these are applicable.(flag state control)

They may also have certain limited powers in respect of the ships of other Governments. (Port state control)

In some conventions, certificates are required to be carried on board ship to show that they have been inspected and have met the required standards. These certificates are normally accepted as proof by authorities from other States that the vessel concerned has reached the required standard, but in some cases further action can be taken.

The 1974 SOLAS Convention, for example, states that “the officer carrying out the control shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew”. (The Organization itself has no powers to enforce conventions)S.

However, IMO has been given the authority to vet the training, examination and certification procedures of Contracting Parties to the International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW), 1978. This was one of the most important changes made in the 1995 amendments to the Convention which entered into force on 1 February 1997. Governments will have to provide relevant information to IMO’s Maritime Safety Committee which will judge whether or not the country concerned meets the requirements of the Convention.

2.4 Relation between IMO and Specialized agencies of U.N.

Relation between IMO and International telecommunication union (ITU): GMDSS Handbook
- Relation between IMO and International Labor Organization (ILO): adopting many conventions and recommendations for seafarer and adopting the code of safety for fishermen and fishing vessels.
- Relation between IMO and International Civil Aviation Organization (ICAO): cooperation between them in search and rescue operations by ships and airplanes, and adopting manual of rescue and search (IAMSAR) International Aviation and Maritime Rescue and Search.
- Relation between IMO and International World Meteorological Organization (WMO): WMO make very good effort to development of weather forecasting services, and by cooperation with IMO, the ships gets weather reports all the times and also warnings about cyclones and severe low pressure areas.
- Relation between IMO and International Food and Agriculture Organization (FAO): put rules about fishing operations all over the oceans, and adopting the code of safety for fishermen and fishing vessels.

2.5 IMO Conventions
In order to achieve its objectives IMO has promoted the adoption of 40 conventions and protocols, nearly all of which are now in force. Conventions and protocols are binding legal instruments, and upon entry into Force their requirements must be implemented by all States which are party to them.

Safety
- International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS)
- International Convention on Load Lines, 1966 (LL)

Preventing marine pollution
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (LDC)
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78)

Liability and compensation
- Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL) 1976 Protocol (PAL PROT 1976)

Other matters
- Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL)

2.6 IMO Codes and Recommendations
In addition to conventions and other treaty instruments, IMO also adopts numerous non-treaty instruments such as codes and recommendations which are adopted by the Assembly, the Maritime Safety Committee and the Marine Environment Protection Committee. Codes and recommendations are not
mandatory instruments: although Member States are expected to implement their provisions, they are not obliged to do so. The list below gives some of the major codes, recommendations and guidelines which have been adopted over the years, with the year in which they were first adopted being given in brackets.

All codes and recommendations are subject to revision and the latest version should always be used.

- **General**
  - Code for the Investigation of Maritime Casualties and Incidents.

- **Cargoes**
  - International Maritime Dangerous Goods Code (IMDG Code)

- **Marine technology**
  - International Code of Safety for High Speed Craft (HSC Code)

- **Marine environment**
  - Manual on Chemical Pollution

- **Navigation**
  - Ships’ Routing

- **Life-saving, search and rescue**
  - Merchant Ship Search and Rescue Manual

- **Radio communications**
  - GMDSS Handbook
CHAPTER 3


3.1 Introduction


In 1956, the United Nations held its first Conference on the Law of the Sea (UNCLOS I) at Geneva, Switzerland. UNCLOS I resulted in four treaties concluded in 1958:

- Convention on the Territorial Sea and Contiguous Zone, entry into force: 10 September 1964
- Convention on the Continental Shelf, entry into force: 10 June 1964
- Convention on the High Seas, entry into force: 30 September 1962
- Convention on Fishing and Conservation of Living Resources of the High Seas, entry into force: 20 March 1966

UNCLOS came into force in 1994; a year after Guyana became the 60th nation to sign the treaty. As of October 2012, 164 countries and the European Union have joined in the Convention.

The convention introduced a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes.

3.2 Dumping” Means

(i) Any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

(ii) Any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea;

- “dumping” does not include:

(i) The disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

(ii) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

3.3 Pollution of the Marine Environment

Means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to
result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

3.4 Force Majeure
Is a common clause in contracts that essentially frees both parties from liability or obligation when an extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, or an event described by the legal term act of God (such as hurricane, flooding, earthquake, volcanic eruption, etc.), prevents one or both parties from fulfilling their obligations under the contract. In practice, most force majeure clauses do not excuse a party’s non-performance entirely, but only suspends it for the duration of the force majeure.

Force majeure is generally intended to include risks beyond the reasonable control of a party, incurred not as a product or result of the negligence or malfeasance of a party, which have a materially adverse effect on the ability of such party to perform its obligations, as where non-performance is caused by the usual and natural consequences of external forces (for example, predicted rain stops an outdoor event), or where the intervening circumstances are specifically contemplated.

3.5 The UNCLOS Convention Set the Limit of Various Areas
The areas are as follows:

Diagram of the various regions of the ocean over which a State may exercise sovereignty.

Baselines
The baseline is the boundary from which a nation may begin measurements to determine the portion of the adjacent oceans or continental shelf over which it may exercise sovereignty. Except in some special cases, the baseline is the low-water line along the coast. Detailed explanations of how baselines are determined are provided in Articles 5-7 and 9-14. Special rules have been established for determining the baselines of archipelagic nations (nations that consist of a number of small islands such as the Philippines) and can be found in Article 47.

Internal waters
According to Article 8, internal waters are those that are contained on the landward side of the baseline, including inland waters, ports, rivers, lakes and straits. These waters fall under the exclusive sovereignty of the nation in which they are contained all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.

3.6 Duties of the Coastal State According to Article 24:
1. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention.

In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal State shall not:

(a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or

(b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.
2. The coastal State shall give appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial sea.

3.7 Rights of Protection of the Coastal State According to Article 25:

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal State also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

3. The coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.

3.8 Territorial Waters

According to Article 3, out to 12 nautical miles (22 kilometres; 14 miles) from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of innocent passage through any territorial waters, with strategic straits allowing the passage of military craft as transit passage, in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. “Innocent passage” is defined by the convention as passing through waters in an expeditious and continuous manner, which is not “prejudicial to the peace, good order or the security” of the coastal state. Fishing, polluting, weapons practice, and spying are not “innocent”, and submarines and other underwater vehicles are required to navigate on the surface and to show their flag. Nations can also temporarily suspend innocent passage in specific areas of their territorial seas, if doing so is essential for the protection of its security.

3.9 Meaning of Passage According to Article 18:

1. Passage means navigation through the territorial sea for the purpose of:
   (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
   (b) proceeding to or from internal waters or a call at such roadstead or port facility.

2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

3.10 Criminal Jurisdiction on Board a Foreign Ship According to Article 8:

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:
   (a) if the consequences of the crime extend to the coastal State;
3.11 Archipelagic Waters

The convention set the definition of Archipelagic States in Part IV, which also defines how the state can draw its territorial borders. A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close to one another. All waters inside this baseline are designated Archipelagic Waters. The state has full sovereignty over these waters (like internal waters), but foreign vessels have right of innocent passage through archipelagic waters (like territorial waters).

3.12 Contiguous Zone

Beyond the 12-nautical-mile (22 km) limit, there is a further 12 nautical miles (22 km) from the territorial sea baseline limit, the contiguous zone, in which a state can continue to enforce laws in four specific areas: customs, taxation, immigration and pollution, if the infringement started within the state’s territory or territorial waters, or if this infringement is about to occur within the state’s territory or territorial waters. This makes the contiguous zone a hot pursuit area.

3.13 Exclusive Economic Zones (EEZs)

These extend from the edge of the territorial sea out to 200 nautical miles (370 kilometres; 230 miles) from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf. The EEZs were introduced to halt the increasingly heated clashes over fishing rights, although oil was also becoming important. The success of an offshore oil platform in the Gulf of Mexico in 1947 was soon repeated elsewhere in the world, and by 1970 it was technically feasible to operate in waters 4000 metres deep. Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables.

3.14 Continental Shelf

The continental shelf is defined as the natural prolongation of the land territory to the continental margin’s outer edge, or 200 nautical miles (370 km) from the coastal state’s baseline, whichever is greater. A state’s continental shelf may exceed 200 nautical miles (370 km) until the natural prolongation ends. However, it may never exceed 350 nautical miles (650 kilometres; 400 miles) from the baseline; or it may never exceed 100 nautical miles (190 kilometres; 120 miles) beyond the 2,500 meter isobaths (the line connecting the depth of 2,500 meters). Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others. Coastal states also have exclusive control over living resources “attached” to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.
3.15 Ports

According to Article 11, its constructions done by the coastal state on natural coastline to handling cargo and passengers, the water of port is Internal waters. For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works.

3.16 Roadsteads

According to Article 12, Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea.

3.17 The Straits Used for Maritime Navigation

The straits a narrow channel of the sea linking two larger areas of sea, with some conditions:
- The strait must be part from the sea.
- Formed by natural way
- His wide allows for navigation.
- Must be suitable for international navigation to ports not belongs to the coastal states formed this strait.

3.18 Right of Transit Passage

1. According to Article 37, applies to straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. Also, according to Article 38, the right all ships and aircraft enjoy of transit passage, which shall not be impeded; except that, if the strait is formed by an island of a State bordering the strait and its mainland, transit passage shall not apply if there exists seaward of the island a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics.

2. Transit passage means the exercise in accordance with this Part of the freedom of navigation and over flight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. However, the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a State bordering the strait, subject to the conditions of entry to that State.

3. Any activity which is not an exercise of the right of transit passage through a strait remains subject to the other applicable provisions of this convention.

3.19 High Seas

According to Art. 86 is all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or
in the archipelagic waters of an archipelagic State. This article does not entail any abridgement of the freedoms enjoyed by all States in the exclusive economic zone.

3.20 Freedom of the High Seas According to Art. 87:

1. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this convention and by other rules of international law. It comprises both for coastal and land-locked States:
   (a) freedom of navigation;
   (b) freedom of over flight;
   (c) freedom to lay submarine cables and pipelines, subject to Part VI;
   (d) freedom to construct artificial islands and other installations permitted under international law, subject to Part VI;
   (e) freedom of fishing, subject to the conditions laid down in section 2;
   (f) freedom of scientific research, subject to Parts VI and XIII.

2. These freedoms shall be exercised by all States with due regard for the interests of other States in their exercise of the freedom of the high seas, and also with due regard for the rights under this Convention with respect to activities in the Area.

3.20.1 Restrictions for the principle of freedom of navigation
- Prohibition of the transport of slaves
- Prohibition of the maritime piracy
- The right of suppression of illicit traffic in narcotic drugs or psychotropic substances.
- The right to suppression of illegal broadcast from high seas.
- The right of visiting and inspection by approval of United Nations.
3.21 Measures to Prevent Reduce and Control Pollution of the Marine Environment According to Art. 194 in UNCLOS

- States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.

- States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

- In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention.

3.22 Measures to Avoid Pollution Arising from Maritime Casualties According to Art. 221 in UNCLOS

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. For the purposes of this article, “maritime casualty” means a collision of vessels, stranding or other incident of navigation.
CHAPTER 4

International Convention for the Safety of Life at Sea (SOLAS), 1974

(Adoption: 1 November 1974; Entry into force: 25 May 1980)

4.1 Introduction and History

The SOLAS Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The first version was adopted in 1914, in response to the Titanic disaster, the second in 1929, the third in 1948, and the fourth in 1960. The 1974 version includes the tacit acceptance procedure - which provides that an amendment shall enter into force on a specified date unless, before that date, objections to the amendment are received from an agreed number of Parties.

As a result the 1974 Convention has been updated and amended on numerous occasions. The Convention in force today is sometimes referred to as SOLAS, 1974, as amended.

4.2 Technical Provisions

The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. Control provisions also allow Contracting Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention - this procedure is known as port State control.

The current SOLAS Convention includes:

Part 1:
- Articles setting out general obligations, amendment procedure and so on, followed by an Annex divided into 12 Chapters.

Part 2
- Annex 1 Resolution A.883(21): Global and uniform implementation of the harmonized system of survey and certification (HSSC)
- Annex 2 Certificates and documents required to be carried on board ships
- Annex 3 List of resolutions adopted by the SOLAS Conferences
- Annex 4 Regulation 12-2 of chapter II-1 of SOLAS.

4.3 CHAPTER 1 General Provisions

Application and definitions

Unless expressly provided otherwise, SOLAS applies only to ships engaged on an ‘international voyage’ – which is defined as ‘a voyage from a country to which the present Convention applies to a port outside such country, or
conversely'. (Note that it is ‘expressly provided in the first part of each chapter gives the details of which types of ship the chapter will apply).

A ‘passenger ship’ is a ship which carries more than twelve passengers.

A ‘cargo ship’ is any ship which is not a passenger ship.

The regulations, unless expressly provided otherwise, do not apply to:

i. Ships of war and troopships.
ii. Cargo ships of less than 500 gross tons.
iii. Ships not propelled by mechanical means.
iv. Wooden ships of primitive build.
v. Pleasure yachts not engaged in trade.
vi. Fishing vessels.

**Surveys and Certificates**

This section (Regulations 6 – 20) deals with Safety Certificates - who inspects, the types of Certificates issued, the duration, and measures to be taken in the case that deficiencies are found.

The inspections and surveys are to be carried out by officers of the Administration, or surveyors nominated by them. In either case, the Administration assumes full responsibility for the certificates.

A Passenger Ship Safety Certificate shall be issued for a period not exceeding 12 months. A Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Radio Certificate Shall be issued for a period specified by the Administration which shall not exceed five years. An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers, all Safety Certificates cease to be valid on change of flag.

Regulation 19 authorizes officers duly appointed by Governments to control visiting ships (Port State Control), the circumstances under which ships may be detained, and points out that all possible efforts shall be made to avoid a ship being unduly detained or delayed. Ships which are unduly detained or delayed shall be entitled to compensation for any loss or damage suffered.

**Casualties.**

This part contains only Regulation 21, which obliges Administrations to conduct investigations of any casualty when it judges that it may assist in determining any changes in the regulations, each Contracting Government undertakes to supply the Organization with pertinent information concerning the findings of such investigations.
CHAPTER 5
International Convention on Load Lines (LL 66)

Introduction
Adoption: 5 April 1966; Entry into force: 21 July 1968.

It has long been recognized that limitations on the draft to which a ship may be loaded make a significant contribution to her safety. These limits are given in the form of freeboards, which constitute, besides external weathertight and watertight integrity, the main objective of the Convention.

The first International Convention on Load Lines, adopted in 1930, was based on the principle of reserve buoyancy, although it was recognized then that the freeboard should also ensure adequate stability and avoid excessive stress on the ship’s hull as a result of overloading.

5.1 International Convention on Load Lines is an International Convention on Load Lines (CLL), adopted by IMO and signed in London on 5 April 1966, amended by the 1988 Protocol and further revised in 2003. The 1988 Protocol was adopted in order to harmonize the survey and certification requirement of the 1966 Convention with those contained in the International Convention for the Safety of Life at Sea (SOLAS) and MARPOL 73/78. The provisions in the 1966 Load Lines convention are made to determining the freeboard of ships by subdivision and damage stability calculations. The regulations take into account the potential hazards present in different zones and different seasons. The technical annex contains several additional safety measures concerning doors, freeing ports, hatchways and other items. The main purpose of these measures is to ensure the watertight integrity of ships’ hulls below the freeboard deck.

All assigned load lines must be marked amidships on each side of the ship, together with the deck line. Ships intended for the carriage of timber deck cargo are assigned a smaller freeboard as the deck cargo provides protection against the impact of waves.

This Convention provides for the terms of ship’s surveys, issuance, duration, validity and acceptance of International Load Line Certificates, as well as relevant State control measures, agreed exemptions and exceptions. Annexes to the Convention contain various regulations for determining load lines, including details of marking and verification of marks, conditions of assignment of freeboard, freeboard tables and corrections, special provisions for ships intended for the carriage of timber and the prescribed form of International Load Line Certificates.

According to the Annexes to the Convention, also taken into account are the potential hazards present in different zones and different seasons and additional safety measures concerning doors, hatchways etc.

5.2 Purpose of Convention

To establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for
safeguarding life and property at sea the convention assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability of the ship and the avoidance of excessive structural stress.

5.3 The present Convention shall not apply to:
   (a) ships of war;
   (b) new ships of less than 24 meters (79 feet) in length;
   (e) existing ships of less than 150 gross tonnage;
   (d) pleasure yachts not engaged in trade;
   (e) fishing vessels.

(2) Nothing herein shall apply to ships solely navigating:
   (a) the Great Lakes of North America and the River St. Lawrence as far east, as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63[3] W;
   (b) the Caspian Sea;
   (c) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Norte, Argentina, and Punta del Este, Uruguay.

5.4 The surveys and Inspections of An International Load Line Certificate
According to Article 14, A ship shall be subjected to the surveys and inspections specified below:
   (a) Initial survey: this survey before the ship is put in service, which shall include a complete inspection of its structure and equipment in so far as the ship is covered by the present Convention. This survey shall be such as to ensure that the arrangements, material, and scantlings fully comply with the requirements of the present Convention.
   (b) Renewal survey: this survey at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, arrangements, material and scantlings fully comply with the requirements of the present Convention and issued new certificate.
   (c) Annual survey : this survey within three months either way of each annual anniversary date of the certificate, to ensure that alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line and so as to ensure the maintenance in an effective condition of fittings and appliances for:
      (i) protection of openings;
      (ii) guard rails;
      (iii) freeing ports; and
      (iv) means of access to crew’s quarters.

5.4 An International Load Line Certificate
An International Load Line Certificate (1966) shall be issued (according to Art. 16) to every ship which has been surveyed and marked in accordance with the present Convention, such certificates shall be issued by the Administration
or by any person or organization duly authorized by it, An International Load Line Certificate (1966) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue., this certificate assume that:

(a) the ship is not loaded beyond the limits allowed by the certificate;
(b) the position of the load line of the ship corresponds with the certificate; and

A certificate issued to a ship by an Administration shall cease to be valid upon the transfer of such a ship to the flag of another State.

5.5 An International Load Line Exemption Certificate shall be issued to any ship to which an exemption has been granted under and in accordance with paragraph (2) or (4) of Article 6.

No ship to which the Convention applies may proceed to sea on an international voyage unless it has been surveyed, marked and provided with an International Load Line Certificate (1966) or an International Load Line Exemption Certificate, if appropriate.

The duration of an International Load Line Exemption Certificate issued by an Administration to a ship exempted shall not exceed five years from the date of issue. Such certificate shall be subject to a renewal, endorsement and cancellation procedure similar to that provided for an International Load Line Certificate (1966) under this Article.

The duration of an International Load Line Exemption Certificate issued to a ship exempted under paragraph (4) of Article 6 shall be limited to the single voyage for which it is issued.

The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of this Convention the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements, which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship.

A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present Convention, provided that it complies with safety requirements which, in the opinion of that Administration, are adequate for the voyage which is to be undertaken by the ship.

- A certificate issued to a ship by an Administration shall cease to be valid upon the transfer of such a ship to the flag of another State.

5.7 Control
According to Art. 21

(1) Ships holding a certificate issued under Article 16 or Article 17 are subject, when in the ports of other Contracting Governments, to
control by officers duly authorized by such Governments. Contracting Governments shall ensure that such control is exercised as far as is reasonable and practicable with a view to verifying that there is on board a valid certificate under the present Convention. If there is a valid International Load Line Certificate (1966) on board the ship, such control shall be limited to the purpose of determining that:

(a) the ship is not loaded beyond the limits allowed by the certificate;
(b) the position of the load line of the ship corresponds with the certificate; and
(c) the ship has not been so materially altered in respect of the matters set out in sub-paragraphs (a) and (b) of paragraph (3) of Article 19 that the ship is manifestly unfit to proceed to sea without danger to human life.

If there is a valid International Load Line Exemption Certificate on board, such control shall be limited to the purpose of determining that any conditions stipulated in that certificate are complied with.

(2) If such control is exercised under sub-paragraph (c) of paragraph (1) of this Article, it shall only be exercised in so far as may be necessary to ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew.

(3) In the event of the control provided for in this Article giving rise to intervention of any kind, the officer carrying out the control shall immediately inform in writing the Consul or the diplomatic representative of the State whose flag the ship is flying of this decision and of all the circumstances in which intervention was deemed to be necessary.

- the International Load Line Certificate (1966) will not be delivered to a ship until the surveyor has certified that the marks are correctly and permanently indicated on the ship’s sides.

5.8 Some Definitions According to Annex I Chapter I

(1) Freeboard. The freeboard assigned is the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

(2) Freeboard Deck. The freeboard deck is normally the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing. In a ship having a discontinuous freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck. At the option of the owner and subject to the approval of the Administration, a lower deck may be designated as the freeboard deck provided it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships. When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck...
is taken as the freeboard deck. When a lower deck is designated as the freeboard deck, that part of the hull which extends above the freeboard deck is treated as a superstructure so far as concerns the application of the conditions of assignment and the calculation of freeboard. It is from this deck that the freeboard is calculated.

(3) Superstructure
   
   (a) A superstructure is a decked structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4 per cent of the breadth (B). A raised quarter deck is regarded as a superstructure.
   
   (b) An enclosed superstructure is a superstructure with:
      
      (i) enclosing bulkheads of efficient construction;
      
      (ii) access openings, if any, in these bulkheads fitted with doors complying with the requirements of Regulation 12;
      
      (iii) all other openings in sides or ends of the superstructure fitted with efficient weathertight means of closing.

   A bridge or poop shall not be regarded as enclosed unless access is provided for the crew to reach machinery and other working spaces inside these superstructures by alternative means which are available at all times when bulkhead openings are closed.

   (c) The height of a superstructure is the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams.

   (d) The length of a superstructure (S) is the mean length of the part of the superstructure which lies within the length (L).

(11) Flush Deck Ship. A flush deck ship is one which has no superstructure on the freeboard deck.

(12) Weathertight. Weathertight means that in any sea conditions water will not penetrate into the ship.

5.9 Load Line Mark

The Load Line Mark shall consist of a ring 300 millimetres (12 inches) in outside diameter and 25 millimetres (1 inch) wide which is intersected by a horizontal line 450 millimetres (18 inches) in length and 25 millimetres (1 inch) in breadth, the upper edge of which passes through the centre of the ring.
Fig. 2. Load Line Mark and lines to be used with this mark

Lines to be used with the Load Line Mark

(1) The lines which indicate the load line assigned in accordance with these Regulations shall be horizontal lines 230 millimetres (9 inches) in length and 25 millimetres (1 inch) in breadth which extend forward of, unless expressly provided otherwise, and at right angles to, a vertical line 25 millimetres (1 inch) in breadth marked at a distance 540 millimetres (21 inches) forward of the centre of the ring (as illustrated in Figure 2).

(2) The following load lines shall be used:

(a) The Summer Load Line indicated by the upper edge of the line which passes through the centre of the ring and also by a line marked S.
(b) The Winter Load Line indicated by the upper edge of a line marked W.
(c) The Winter North Atlantic Load Line indicated by the upper edge of a line marked WNA.
(d) The Tropical Load Line indicated by the upper edge of a line marked T.
(e) The Fresh Water Load Line in summer indicated by the upper edge of a line marked F. The Fresh Water Load Line in summer is marked abaft the vertical line. The difference between the Fresh Water Load Line in summer and the Summer Load Line is the allowance to be made for loading in fresh water at the other load lines.
(f) The Tropical Fresh Water Load Line indicated by the upper edge of a line marked TF, and marked abaft the vertical line.

(3) If timber freeboards are assigned in accordance with these Regulations, the timber load lines shall be marked in addition to ordinary load lines. These lines shall be horizontal lines 230 millimetres (9 inches) in length and 25 millimetres (1 inch) in breadth which extend abaft unless expressly provided otherwise, and are at right angles to, a vertical line 25 millimetres
(1 inch) in breadth marked at a distance 540 millimetres (21 inches) abaft the centre of the ring (as illustrated in Figure 3).

(4) The following timber load lines shall be used:
   (a) The Summer Timber Load Line indicated by the upper edge of a line marked LS.
   (b) The Winter Timber Load Line indicated by the upper edge of a line marked LW.
   (c) The Winter North Atlantic Timber Load Line indicated by the upper edge of a line marked LWNA.
   (d) The Tropical Timber Load Line indicated by the upper edge of a line marked LT.
   (e) The Fresh Water Timber Load Line in summer indicated by the upper edge of a line marked LF and marked forward of the vertical line. The difference between the Fresh Water Timber Load Line in summer and the Summer Timber Load Line is the allowance to be made for loading in fresh water at the other timber load lines.
   (f) The Tropical Fresh Water Timber Load Line indicated by the upper edge of a line marked LTF and marked forward of the vertical line.

(5) Where the characteristics of a ship or the nature of the ship’s service or navigational limits make any of the seasonal lines inapplicable, these lines may be omitted.

(6) Where a ship is assigned a greater than minimum freeboard so that the load line is marked at a position corresponding to, or lower than, the lowest seasonal load line assigned at minimum freeboard in accordance with the present Convention, only the Fresh Water Load Line need be marked.

(7) On sailing ships only the Fresh Water Load Line and the Winter North Atlantic Load Line need be marked (as illustrated in Figure 4).

(8) Where a Winter North Atlantic Load Line is identical with the Winter Load Line corresponding to the same vertical line, this load line shall be marked W.

(9) Additional load lines required by other international conventions in force may be marked at right angles to and abaft the vertical line specified in paragraph (1) of this Regulation.
Mark of Assigning Authority

The mark of the Authority by whom the load lines are assigned may be indicated alongside the load line ring above the horizontal line which passes through the centre of the ring, or above and below it. This mark shall consist of not more than four initials to identify the Authority’s name, each measuring approximately 115 millimetres (4 1/2 inches) in height and 75 millimetres (3 inches) in width.
Details of Marking

The ring, lines and letters shall be painted in white or yellow on a dark ground or in black on a light ground. They shall also be permanently marked on the sides of the ships to the satisfaction of the Administration. The marks shall be plainly visible and, if necessary, special arrangements shall be made for this purpose.

Position of Hatchways, Doorways and Ventilators

For the purpose of the Regulations, two positions of hatchways, doorways and ventilators are defined as follows:

Position 1 - Upon exposed freeboard and raised quarter decks, and upon exposed superstructure decks situated forward of a point located a quarter of the ship’s length from the forward perpendicular.

Position 2 - Upon exposed superstructure decks situated abaft a quarter of the ship’s length from the forward perpendicular.

Protection of the Crew

(1) The strength of the deckhouses used for the accommodation of the crew shall be to the satisfaction of the Administration.

(2) Efficient guard rails or bulwarks shall be fitted on all exposed parts of the freeboard and superstructure decks. The height of the bulwarks or guard rails shall be at least 1 metre (39 1/2 inches) from the deck, provided that where this height would interfere with the normal operation of the ship, a lesser height may be approved if the Administration is satisfied that adequate protection is provided.

(3) The opening below the lowest course of the guard rails shall not exceed 230 millimetres (9 inches). The other courses shall be not more than 380 millimetres (15 inches) apart. In the case of ships with rounded gunwales the guard rail supports shall be placed on the flat of the deck.

(4) Satisfactory means (in the form of guard rails, life lines, gangways or under deck passages etc.) shall be provided for the protection of the crew in getting to and from their quarters, the machinery space and all other parts used in the necessary work of the ship.

(5) Deck cargo carried on any ship shall be so stowed that an opening which is in way of the cargo and which gives access to and from the crew’s quarters, the machinery space and all other parts used in the necessary work of the ship, can be properly closed and secured against the admission of water. Effective protection for the crew in the form of guard rails or life lines shall be provided above the deck cargo if there is no convenient passage on or below the deck of the ship.

- Deck cargo should be so stowed as to allow for the closing of openings giving access to crew’s quarters, machinery space and other parts used in the necessary work of the ship.
CHAPTER 6

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW78/95/2010)

6.1 Introduction


The 1978 STCW Convention was the first to establish basic requirements on training, certification and watchkeeping for seafarers on an international level. Previously the standards of training, certification and watchkeeping of officers and ratings were established by individual governments, usually without reference to practices in other countries. As a result standards and procedures varied widely, even though shipping is the most international of all industries.

The Convention prescribes minimum standards relating to training, certification and watchkeeping for seafarers which countries are obliged to meet or exceed.

The 1995 amendments, adopted by a Conference, represented a major revision of the Convention, in response to a recognized need to bring the Convention up to date and to respond to critics who pointed out the many vague phrases, such as “to the satisfaction of the Administration”, which resulted in different interpretations being made.

The 1995 amendments entered into force on 1 February 1997. One of the major features of the revision was the division of the technical annex into regulations, divided into Chapters as before, and a new STCW Code, to which many technical regulations were transferred. Part A of the Code is mandatory while Part B is recommended.

Dividing the regulations up in this way makes administration easier and it also makes the task of revising and updating them simpler: for procedural and legal reasons there is no need to call a full conference to make changes to Codes.

Another major change was the requirement for Parties to the Convention are required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention. This represented the first time that IMO had been called upon to act in relation to compliance and implementation - generally, implementation is down to the flag States, while port State control also acts to ensure compliance. Under Chapter I, regulation I/7 of the revised Convention, Parties are required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention, education and training courses, certification procedures and other factors relevant to implementation. The information is reviewed by panels of competent persons, nominated by Parties to the STCW Convention, who report on their findings to the IMO Secretary-General, who, in turn, reports to the Maritime Safety Committee (MSC) on the Parties which fully comply. The MSC then produces a list (the so called “white list”) of “confirmed Parties” in compliance with the STCW Convention.
6.2 STCW Convention Chapters

Chapter I: General provisions
Chapter II: Master and deck department
Chapter III: Engine department
Chapter IV: Radiocommunication and radio personnel
Chapter V: Special training requirements for personnel on certain types of ships
Chapter VI: Emergency, occupational safety, medical care and survival functions
Chapter VII: Alternative certification
Chapter VIII: Watchkeeping

6.3 The STCW Code

The regulations contained in the Convention are supported by sections in the STCW Code. Generally speaking, the Convention contains basic requirements which are then enlarged upon and explained in the Code. Part A of the Code is mandatory. The minimum standards of competence required for seagoing personnel are given in detail in a series of tables. Part B of the Code contains recommended guidance which is intended to help Parties implement the Convention. The measures suggested are not mandatory and the examples given are only intended to illustrate how certain Convention requirements may be complied with. However, the recommendations in general represent an approach that has been harmonized by discussions within IMO and consultation with other international organizations.

6.4 Manila amendments to the STCW Convention and Code were adopted on 25 June 2010, marking a major revision of the STCW Convention and Code. The 2010 amendments are set to enter into force on 1 January 2012 under the tacit acceptance procedure and are aimed at bringing the Convention and Code up to date with developments since they were initially adopted and to enable them to address issues that are anticipated to emerge in the foreseeable future.

Amongst the amendments adopted, there are a number of important changes to each chapter of the Convention and Code, including:

· Improved measures to prevent fraudulent practices associated with certificates of competency and strengthen the evaluation process (monitoring of Parties’ compliance with the Convention);
· Revised requirements on hours of work and rest and new requirements for the prevention of drug and alcohol abuse, as well as updated standards relating to medical fitness standards for seafarers;
· New certification requirements for able seafarers;
· New requirements relating to training in modern technology such as electronic charts and information systems (ECDIS);
· New requirements for marine environment awareness training and training in leadership and teamwork;
· New training and certification requirements for electrotechnical officers;
· Updating of competence requirements for personnel serving on board all types of tankers, including new requirements for personnel serving on liquefied gas tankers;
· New requirements for security training, as well as provisions to ensure that seafarers are properly trained to cope if their ship comes under attack by pirates;
· Introduction of modern training methodology including distance learning and web-based learning;
· New training guidance for personnel serving on board ships operating in polar waters; and
· New training guidance for personnel operating Dynamic Positioning Systems.

6.5 Definitions
For the purpose of the Convention, unless expressly provided otherwise:
· Party means a State for which the Convention has entered into force;
· Administration means the Government of the Party whose flag the ship is entitled to fly;
· Certificate means a valid document, by whatever name it may be known, issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or as authorized by national regulations;
· Certificated means properly holding a certificate;
· Organization means the Inter-Governmental Maritime Consultative Organization (IMCO);* (The name of the Organization was changed to “International Maritime Organization (IMO) which entered into force on 22 May 1982.)
· Secretary-General means the Secretary—General of the Organization;
· Seagoing ship means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
· Fishing vessel means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
· Radio Regulations means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention which may be in force at any time.
· Certificate of proficiency: A certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the convention have been met.
· Certificate of Competency is a valid document issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or as authorized by national regulations.
6.6 Application

The Convention shall apply to seafarers serving on board seagoing ships entitled to fly the flag of a Party except to those serving on board:

(a) warships, naval auxiliaries or other ships owned or operated by a State and engaged only on governmental 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 the persons serving on board such ships meet the requirements of the Convention so far as is reasonable and practicable;

(b) fishing vessels;

(c) pleasure yachts not engaged in trade; or

(d) wooden ships of primitive build.

6.7 Certificates

(The issue of certificates and their endorsement by the issuing Administration)

(1) Certificates for masters, officers or ratings shall be issued to those candidates who, to the satisfaction of the Administration, meet the requirements for service, age, medical fitness, training, qualification and examinations in accordance with the appropriate provisions of the annex to the Convention.

(2) Certificates for masters and officers issued in compliance with this article shall be endorsed by the issuing Administration in the form as prescribed in regulation 1/2 of the annex. If the language used is not English, the endorsement shall include a translation into that language.

6.8 Dispensation

(The conditions under which dispensations may be granted)

(1) In circumstances of exceptional necessity, Administrations, if in their opinion this does not cause danger to persons, property or the environment, may issue a dispensation permitting a specified seafarer to serve in a specified ship for a specified period not exceeding six months in a capacity, other than that of the radio officer or radiotelephone operator, except as provided by the relevant Radio Regulations, for which he does not hold the appropriate certificate, provided that the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post in a safe manner, to the satisfaction of the Administration. However, dispensations shall not be granted to a master or chief engineer officer except in circumstances of force majeure and then only for the shortest possible period.

(2) Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below. Where certification of the post below is not required by the Convention, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Administration, of a clear equivalence to the requirements for the post to be filled, provided that, if such a person holds no appropriate certificate, he shall be required to pass a test accepted by the Administration as demonstrating that such a dispensation may safely be issued. In addition,
Administrations shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

(3) Parties shall, as soon as possible after 1 January of each year, send a report to the Secretary-General giving information of the total number of dispensations in respect of each capacity for which a certificate is required that have been issued during the year to seagoing ships, together with information as to the numbers of those ships above and below 1,600 gross register tons respectively.

6.9 Control

(The ships, when in a port of a party to the Convention, are subject to control to verify that all seafarers serving on board who are required to be certificated are so certificated or hold a valid dispensation)

(1) Ships, except those excluded by article III, are subject, while in the ports of a Party, to control by officers duly authorized by that Party to verify that all seafarers serving on board who are required to be certificated by the Convention are so certificated or hold an appropriate dispensation. Such certificates shall be accepted unless there are clear grounds for believing that a certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom that certificate was originally issued.

(2) In the event that any deficiencies are found under paragraph (1) or under the procedures specified in regulation 1/4, “Control procedures”, the officer carrying out the control shall forthwith inform, in writing, the master of the ship and the Consul or, in his absence, the nearest diplomatic representative or the maritime authority of the State whose flag the ship is entitled to fly, so that appropriate action may be taken. Such notification shall specify the details of the deficiencies found and the grounds on which the Party determines that these deficiencies pose a danger to persons, property or the environment.

(3) In exercising the control under paragraph (1), if, taking into account the size and type of the ship and the length and nature of the voyage, the deficiencies referred to in paragraph (3) of regulation 1/4 are not corrected and it is determined that this fact poses a danger to persons, property or the environment, the Party carrying out the control shall take steps to ensure that the ship will not sail unless and until these requirements are met to the extent that the danger has been removed. The facts concerning the action taken shall be reported promptly to the Secretary—General.

(4) When exercising control under this article, all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is so detained or delayed it shall be entitled to compensation for any loss or damage resulting therefrom.

(5) This article shall be applied as may be necessary to ensure that no more favourable treatment is given to ships entitled to fly the flag of a non-Party than is given to ships entitled to fly the flag of a Party.
6.10 Principles governing near-coastal voyages

Near-coastal voyages means voyages in the vicinity of a Party as defined by that Party, (the ship which extends its voyage beyond what is defined as a near-coastal voyage by a Party must fulfill the requirements of the Convention without the relaxation allowed for near-coastal voyages)

With respect to ships entitled to fly the flag of a Party regularly engaged on near-coastal voyages off the coast of another Party, the Party whose flag the ship is entitled to fly shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Party off whose coast the ship is engaged, provided that they do not exceed the requirements of the Convention in respect of ships not engaged on near-coastal voyages. Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Party and enters waters not covered by that definition shall fulfill the appropriate competency requirements of the Convention.
CHAPTER 7
International Convention for the Prevention of Pollution From Ships
MARPOL 73/78

7.1 Introduction
MARPOL 73/78 is the International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. (“MARPOL” is short for marine pollution and 73/78 short for the years 1973 and 1978.)
MARPOL 73/78 is one of the most important international marine environmental conventions. It was designed to minimize pollution of the seas, including dumping, oil and exhaust pollution. Its stated object is: to preserve the marine environment through the complete elimination of pollution by oil and other harmful substances and the minimization of accidental discharge of such substances.
The original MARPOL Convention was signed on 17 February 1973, but did not come into force. The current Convention is a combination of 1973 Convention and the 1978 Protocol. It entered into force on 2 October 1983. As of 31 December 2005, 136 countries, representing 98% of the world’s shipping tonnage, are parties to the Convention, there are 152 countries party to the agreement MARPOL 73/78 (Annex I/II) as of August 31, 2012.
All ships flagged under countries that are signatories to MARPOL are subject to its requirements, regardless of where they sail and member nations are responsible for vessels registered under their respective nationalities.

- MARPOL contains two instruments, legal and technical:
  2- Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973
  4- Protocol 11: Arbitration
  5- Protocol 1997 for some additional amendments.
  6- 6 annexes.

- MARPOL contains 6 annexes, concerned with preventing different forms of marine pollution from ships:
  • Annex I - Oil
  • Annex II - Noxious Liquid Substances carried in Bulk
  • Annex III - Harmful Substances carried in Packaged Form
  • Annex IV - Sewage
  • Annex V - Garbage
  • Annex VI - Air Pollution
7.2 Annex I – Oil

Covers prevention of pollution by oil from operational measures as well as from accidental discharges, bunker, lubrication oil, cargo (crude oil, products), this annex apply to every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage.

Special Areas:

Special area means a sea area where for recognized technical reasons in relation to its oceanographically and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required.

The special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the “Gulfs area”, the Gulf of Aden area and the Antarctic area, the North West European waters, the gulf of Oman, Southern south African waters.

Exceptions

Regulations 9 and 10 of this Annex shall not apply to:
(a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or
(b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:
(c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Certificates and Documents for applying this annex

An International Oil Pollution Prevention Certificate shall be issued, after survey in accordance with the provisions of regulation 4 of this Annex, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, for a period specified by the Administration, which shall not exceed five years from the date of issue.

A certificate shall cease to be valid

1- If significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings.
2- If intermediate surveys are not carried out.
3- Upon transfer of the ship to the flag of another State.
4- In case of big accidents.

Types of surveys

Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:
(a) An initial survey before the ship is put in service or before the Certificate required under regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

(b) Periodical surveys at intervals specified by the Administration but not exceeding five years, which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex, and, if issued anew certificate can call it Renewal survey.

(c) A minimum of one intermediate survey during the period of validity of the Certificate which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is earned out in any one Certificate validity period, it shall be held not before six months prior to, nor later than six months after the half-way date of the Certificate’s period of validity. Such intermediate surveys shall be endorsed on the Certificate issued under regulation 5 of this Annex.

FormField: Equipment for applying of certificate requirements

- Oily water separator, this device separating the oil from the water in any oily water per million. (15 part of oil to million part of water)

A- Documents to be carried in all ship other than oil tanker

1- Oil record book No. A
   for machinery space operations (all ships):
   (i) ballasting or cleaning of oil fuel tanks;
   (ii) discharge of dirty ballast or cleaning water from tanks referred to under (i) of the subparagraph;
   (iii) disposal of oily residues (sludge);
   (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces.

The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

2- Engine room Log Book
3- Tank Sounding Book
4- Instruction manual for operating Oily water separator device
5- Shipboard Oil Pollution Emergency Plan (SOPEP)
Shipboard oil pollution emergency plan

(1) Every oil tanker of 150 tons gross tonnage and above and every ship other than an oil tanker of 400 tons gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration.

(2) Such a plan shall be in accordance with guidelines developed by the Organization and written in the working language of the master and officers. The plan shall consist at least of-

(a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident.

(b) the list of authorities or persons to be contacted in the event of an oil pollution incident;

(c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and

(d) the procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution.

B- Documents to be carried in oil tanker

In addition to all documents carried in pervious paragraph, the oil tanker has to carry:

6- Oil record book no. B

for cargo/ballast operations (oil tankers):

(i) loading of oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) unloading of oil cargo;

(iv) ballasting of cargo tanks and dedicated clean ballast tanks;

(v) cleaning of cargo tanks including crude oil washing;

(vi) discharge of ballast except from segregated ballast tanks;

(vii) discharge of water from slop tanks;

(viii) closing of all applicable valves or similar devices after slop tank discharge operations;

(ix) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;

(x) disposal of residues.

The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

Control of discharge of oil

Any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:
(a) For an oil tanker:
   (i) the tanker is not within a special area;
   (ii) the tanker is more than 50 nautical miles from the nearest land;
   (iii) the tanker is proceeding en route;
   (iv) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;
   (v) the total quantity of oil discharged into the sea does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and
   (vi) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulation 15 of this Annex.

(b) From a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue:
   (i) the ship is not within a special area;
   (ii) the ship is proceeding en route;
   (iii) the oil content of the effluent without dilution does not exceed 15 parts per million; and
   (iv) The ship has in operation equipment.

Report for oil pollution
In case of oil pollution, ship’s master has to inform the competent authorities without delay and send the Report for oil pollution to nearest coastal authority. Otherwise subjected to criminal punishment according to the law of the State which the pollution happened in its waters.

General Data report for oil pollution
a) identity of ships involved;
   b) time, type and location of incident;
   c) time, type and location of View incident,
   d) sea, wind and current condition,
   e) ship’s position,
   f) details of ship’s condition.

Particulars data
a) Data about cargo (commercial and chemical names),
   b) Amount that spilled and its concentration,
   c) Description of packs and its marks,
   d) Name of consignee and shipper and factory,
   e) Any other data requested by received authority.
7.3 Annex II: Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

Details the discharge criteria and measures for the control of pollution by noxious liquid substances carried in bulk; some 250 substances (divided to 4 categories X, Y, Z, and OS) were evaluated and included in the list appended to the Convention; the discharge of their residues is allowed only to reception facilities until certain concentrations and conditions (which vary with the category of substances) are complied with. In any case, no discharge of residues containing noxious substances is permitted within 12 miles of the nearest land.

Application: This Annex shall apply to all ships carrying noxious liquid substances in bulk.

Special area means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances is required. Special areas shall be:

(a) the Baltic Sea area,
(b) the Black Sea area,
(c) the Antarctic area

An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS)

An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued, after an initial or renewal survey in accordance with the provisions of regulation 10 of this Annex, to any ship carrying noxious liquid substances in bulk and which is engaged in voyages to ports or terminals under the jurisdiction of other Parties to the Convention. Such Certificate shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued for a period specified by the Administration which shall not exceed 5 years, and annual survey.

Equipment for applying of certificate requirements

Not found in this annex any specified devices, but must found any way to measurement the concentration of ballast water, tank washings, or other residues or mixtures, or by report from specialist expert.

Documents to be carried

1- Cargo record book
2- Tank Sounding Book
3- Instruction manual for measurement device
4- Shipboard Emergency Plan (SOPEP)

The general conditions for discharge of noxious liquid substances:

(a) the ship is proceeding en route at a speed of at least 7 knots in the case
of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 m.

7.4 Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form

Annex III contains general requirements for the issuing of detailed standards on packing, marking, labeling, documentation, stowage, quantity limitations, exceptions and notifications for preventing pollution by harmful substances, Which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) which has, since 1991, included marine pollutants.

The carriage of harmful substances is prohibited, except in accordance with the provisions of this Annex.

For the purposes of this Annex, empty packagings which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment.

The requirements of this Annex do not apply to ship’s stores and equipment.

Documentation

(1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words “MARINE POLLUTANT”.

(2) The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labeled or placarded as appropriate and in proper condition for carriage to minimize the hazard to the marine environment.

(3) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of the harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded. A copy of one of these documents shall be made available before departure to the person or organization designated by the port State authority.

(4) When the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea, 1974, as amended, the documents required by this regulation may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Annex.
(5) IMDG code.
(6) Bill of Lading for dangerous cargo.
(7) Certification or declaration from marine expert showing that loading and stowage done in proper way according to IMDG code.

Certificates

Some states not allowed for any ship to loading or discharging dangerous cargo unless the ship carry certificate giving the right to this ship to load or unload this kind of cargo.

This certificate issued for sound scientific and technical reasons, such as need to be prohibited for carriage or be limited the quantity which may be carried aboard any one ship. In limiting the quantity, due consideration shall be given to size, construction and equipment of the ship, as well as the packaging and the inherent nature of the substances.

Not allowed to discharge these harmful substances covered by this Annex in the sea except in case of intentional dumping in order to save the ship or souls in danger.

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

This annex contains requirements to control pollution of the sea by sewage coming from accommodation and clinic or hospital on board ship, which her gross tonnage 200 ton or more and carry 10 persons or more.

- The discharge of sewage into the sea is prohibited, except when the ship has in operation an approved sewage treatment plant or when the ship is discharging comminuted and disinfected sewage using an approved system at a distance of more than 4 nautical miles from the nearest land; sewage which is not comminuted or disinfected has to be discharged at a distance of more than 12 nautical miles from the nearest land, at speed not less than 3 knots.

In July 2011, IMO adopted the most recent amendments to MARPOL Annex IV which are expected to enter into force on 1 January 2013. The amendments introduce the Baltic Sea as a special area under Annex IV and add new discharge requirements for passenger ships while in a special area.

An International Sewage Pollution Prevention Certificate

An International Sewage Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of regulation 3 of this Annex, to any ship which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention.

This certificate shall be drawn up in an official language of the issuing country in the form corresponding to the model given in the appendix to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

The International Sewage Pollution Prevention Certificate shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, and subject to annual survey.
Equipments
the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements of this Annex, and , Holding tank.

Documents
In case of the ship has an approved sewage treatment plant, so, must found instruction manual.

7.6 Annex V: Regulations for the Prevention of Pollution by Garbage from Ships
This annex deals with different types of garbage and specifies the distances from land and the manner in which they may be disposed of; the most important feature of the Annex is the complete ban imposed on the disposal into the sea of all forms of plastics.

Types of garbage
1- All plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues.
2- Dunnage, lining and packing materials which will float;
3- Food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;
4- All wastes from engine room.

Special areas
the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the “Gulfs area”, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea.

Equipments
- A comminuter or grinder for food wastes, and all other garbage except plastic.
- An Incinerator to burn all garbage except plastic.
- Separated boxes for collecting each different type of garbage.

Documents
- Manual for operating the devices.
- Garbage management plan.
- Garbage record.
- Receipts for delivering the garbage to port reception facilities.
- Placards which notify the crew and passengers of the disposal requirements.

Garbage management plan
- Every ship of 400 tons gross tonnage and above, and every ship which is certified to carry 15 persons or more, shall carry a garbage management plan which the crew shall follow. This plan shall provide written procedures for collecting, storing, processing and disposing of garbage, including
the use of the equipment on board. It shall also designate the person in charge of carrying out the plan. Such a plan shall be in accordance with the guidelines developed by the Organization and written in the working language of the crew.

**Garbage Record Book**

- Every ship of 400 tons gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record Book. The Garbage Record Book whether as a part of the ship's official log-book or otherwise, shall be in the form specified in the appendix to this Annex. Each discharge operation, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the incineration or discharge by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be at least in English, French or Spanish, where the entries are also made in an official language of the State whose flag the ship is entitled to fly.

**Disposal of garbage**

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues, is prohibited; either inside special areas or outside it.

(b) 25 nautical miles for Dunnage, lining and packing materials which will float; outside special areas only.

(c) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse; outside the special areas.

(d) disposal into the sea of garbage specified in subparagraph(c) may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 mm, outside special area.

(e) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

### 7.7 Annex VI Regulations for the Prevention of Air Pollution from Ships

The Protocol adopted in 1997 included the new Annex VI of MARPOL 73/78, which entered into force on 19 May 2005.

MARPOL Annex VI sets limits on sulphur oxide and nitrogen oxide emissions from ship exhausts and prohibits deliberate emissions of ozone depleting substances. The annex includes a global cap of 4.5% m/m on the sulphur content of fuel oil and calls on IMO to monitor the worldwide average sulphur content of fuel.
Annex VI contains provisions allowing for special SOx Emission Control Areas (SECAS) to be established with more stringent controls on sulphur emissions. In these areas, the sulphur content of fuel oil used onboard ships must not exceed 1.5% m/m. Alternatively, ships must fit an exhaust gas cleaning system or use any other technological method to limit SOx emissions. The Baltic Sea Area is designated as a SOx Emission Control area in the Protocol.

Annex VI prohibits deliberate emissions of ozone depleting substances, which include halons and chlorofluorocarbons (CFCs). New installations containing ozone-depleting substances are prohibited on all ships. But new installations containing hydro-chlorofluorocarbons (HCFCs) are permitted until 1 January 2020.

Annex VI also sets limits on emissions of nitrogen oxides (NOx) from diesel engines. A mandatory NOx Technical Code, which defines how this shall be done, was adopted by the Conference under the cover of Resolution 2. The Annex also prohibits the incineration onboard ship of certain products, such as contaminated packaging materials and polychlorinated biphenyls (PCBs).

※ This annex consists of e chapters and some appendixes as following:

Chapter I - General
Chapter II - Survey, certification and means of control
Chapter III - Requirements for control of emissions from ships
Appendix I Form of IAPP Certificate
Appendix II Test cycles and weighting factors
Appendix III Criteria and procedures for designation of SOx emission control areas
Appendix IV Type approval and operating limits for shipboard incinerators
Appendix V Information to be included in the bunker delivery note.
Chapter 8

International Convention for the Control and Management of Ship’s Ballast Water and Sediments, 2004

AND

International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001

8.1 International Convention for the Control and Management of Ship’s Ballast Water and Sediments, 2004

※ Introduction

Adoption: 13 February 2004; Entry into force: 12 months after ratification by 30 States, representing 35 per cent of world merchant shipping tonnage (Not yet at force until 31 July 2013, 37 states representing 30.2 per cent of world merchant shipping tonnage)

Invasive aquatic species present a major threat to the marine ecosystems, and shipping has been identified as a major pathway for introducing species to new environments. The problem increased as trade and traffic volume expanded over the last few decades, and in particular with the introduction of steel hulls, allowing vessels to use water instead of solid materials as ballast. The effects of the introduction of new species have in many areas of the world been devastating. Quantitative data show the rate of bio-invasions is continuing to increase at an alarming rate. As the volumes of seaborne trade continue overall to increase, the problem may not yet have reached its peak. However, the Ballast Water Management Convention, adopted in 2004, aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships’ ballast water and sediments.

Under the Convention, all ships in international traffic are required to manage their ballast water and sediments to a certain standard, according to a ship-specific ballast water management plan. All ships will also have to carry a ballast water record book and an international ballast water management certificate. The ballast water management standards will be phased in over a period of time. As an intermediate solution, ships should exchange ballast water mid-ocean. However, eventually most ships will need to install an on-board ballast water treatment system.

A number of guidelines have been developed to facilitate the implementation of the Convention.

The Convention will require all ships to implement a Ballast Water and Sediments Management Plan. All ships will have to carry a Ballast Water Record Book and will be required to carry out ballast water management procedures to a given standard. Existing ships will be required to do the same, but after a phase-in period.
Parties to the Convention are given the option to take additional measures which are subject to criteria set out in the Convention and to IMO guidelines. The Convention is divided into Articles; and an Annex which includes technical standards and requirements in the Regulations for the control and management of ships’ ballast water and sediments.

Definitions

1. **Ballast Water.** means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship.

2. **Ballast Water Management.** means mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of Harmful Aquatic Organisms and Pathogens within Ballast Water and Sediments.

3. **Sediments.** means matter settled out of Ballast Water within a ship.

Application

1. Except as expressly provided otherwise in this Convention, this Convention shall apply to:
   (a) ships entitled to fly the flag of a Party; and
   (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

2. This Convention shall not apply to:
   (a) ships not designed or constructed to carry Ballast Water;
   (b) ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
   (c) ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that this Convention applies to such ship;
   (d) ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to sub-paragraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent of other States;
   (e) 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 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 practical, with this Convention; and

(f) permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

※ MANAGEMENT AND CONTROL REQUIREMENTS FOR SHIPS

1- Ballast Water Management Plan

Each ship shall have on board and implement a Ballast Water Management plan. Such a plan shall be approved by the Administration taking into account Guidelines developed by the Organization. The Ballast Water Management plan shall be specific to each ship and shall at least:

1- Detail safety procedures for the ship and the crew associated with Ballast Water Management as required by this Convention;

2- Provide a detailed description of the actions to be taken to implement the Ballast Water Management requirements and supplemental Ballast Water Management practices as set forth in this Convention;

3- Detail the procedures for the disposal of Sediments:
   .1 at sea; and
   .2 to shore;

4- Include the procedures for coordinating shipboard Ballast Water Management that involves discharge to the sea with the authorities of the State into whose waters such discharge will take place;

5- Designate the officer on board in charge of ensuring that the plan is properly implemented;

6- Contain the reporting requirements for ships provided for under this Convention;

and

7- Be written in the working language of the ship. If the language used is not English, French or Spanish, a translation into one of these languages shall be included.

2- Ballast Water Record Book

1- Each ship shall have on board a Ballast Water record book that may be an electronic record system, or that may be integrated into another record book or system and, which shall at least contain the information specified in Appendix II.

2- Ballast Water record book entries shall be maintained on board the ship for a minimum period of two years after the last entry has been made and thereafter in the Company’s control for a minimum period of three years.

3- In the event of the discharge of Ballast Water pursuant to regulations A-3, A-4 or B-3.6 or in the event of other accidental or exceptional discharge of Ballast Water not otherwise exempted by this Convention, an entry shall be made in the Ballast Water record book describing the circumstances of, and the reason for, the discharge.
4- The Ballast Water record book shall be kept readily available for inspection at all reasonable times and, in the case of an unmanned ship under tow, may be kept on the towing ship.

5- Each operation concerning Ballast Water shall be fully recorded without delay in the Ballast Water record book. Each entry shall be signed by the officer in charge of the operation concerned and each completed page shall be signed by the master. The entries in the Ballast Water record book shall be in a working language of the ship. If that language is not English, French or Spanish the entries shall contain a translation into one of those languages. When entries in an official national language of the State whose flag the ship is entitled to fly are also used, these shall prevail in case of a dispute or discrepancy.

6- Officers duly authorized by a Party may inspect the Ballast Water record book on board any ship to which this regulation applies while the ship is in its port or offshore terminal, and may make a copy of any entry, and require the master to certify that the copy is a true copy. Any copy so certified shall be admissible in any judicial proceeding as evidence of the facts stated in the entry.

The inspection of a Ballast Water record book and the taking of a certified copy.

3-Ballast Water Management for Ships
1- A ship constructed before 2009:
   .1 With a Ballast Water Capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until 2014, after which time it shall at least meet the standard described in regulation D-2;
   .2 With a Ballast Water Capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until 2016, after which time it shall at least meet the standard described in regulation D-2.

2- A ship to which paragraph 1 applies shall comply with paragraph 1 not later than the first intermediate or renewal survey, whichever occurs first, after the anniversary date of delivery of the ship in the year of compliance with the standard applicable to the ship.

3- A ship constructed in or after 2009 with a Ballast Water Capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.

4- A ship constructed in or after 2009, but before 2012, with a Ballast Water Capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.

5- A ship constructed in or after 2012 with a Ballast Water Capacity of 5000 cubic metres or more shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.
6 - The requirements of this regulation do not apply to ships that discharge Ballast Water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.

7 - Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

4 - Ballast Water Exchange

1 - A ship conducting Ballast Water exchange to meet the standard in regulation D-1 shall:

.1 whenever possible, conduct such Ballast Water exchange at least 200 nautical miles from the nearest land and in water at least 200 metres in depth, taking into account the Guidelines developed by the Organization;

.2 in cases where the ship is unable to conduct Ballast Water exchange in accordance with paragraph 1.1, such Ballast Water exchange shall be conducted taking into account the Guidelines described in paragraph 1.1 and as far from the nearest land as possible, and in all cases at least 50 nautical miles from the nearest land and in water at least 200 metres in depth.

2 - In sea areas where the distance from the nearest land or the depth does not meet the parameters described in paragraph 1.1 or 1.2, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct Ballast Water exchange, taking into account the Guidelines described in paragraph 1.1.

3 - A ship shall not be required to deviate from its intended voyage, or delay the voyage, in order to comply with any particular requirement of paragraph 1.

4 - A ship conducting Ballast Water exchange shall not be required to comply with paragraphs 1 or 2, as appropriate, if the master reasonably decides that such exchange would threaten the safety or stability of the ship, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other extraordinary condition.

5 - When a ship is required to conduct Ballast Water exchange and does not do so in accordance with this regulation, the reasons shall be entered in the Ballast Water record book.

5 - Sediment Management for Ships

1 - All ships shall remove and dispose of Sediments from spaces designated to carry Ballast Water in accordance with the provisions of the ship’s Ballast Water Management plan.

2 - Ships described in regulation B-3.3 to B-3.5 should, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of Sediments, facilitate removal of Sediments, and provide
safe access to allow for Sediment removal and sampling, taking into account guidelines developed by the Organization. Ships described in regulation B-3.1 should, to the extent practicable, comply with this paragraph.

6- Duties of Officers and Crew
Officers and crew shall be familiar with their duties in the implementation of Ballast Water Management particular to the ship on which they serve and shall, appropriate to their duties, be familiar with the ship’s Ballast Water Management plan.

7- Ballast Water Exchange Standard
1- Ships performing Ballast Water exchange in accordance with this regulation shall do so with an efficiency of at least 95 percent volumetric exchange of Ballast Water.
2- For ships exchanging Ballast Water by the pumping-through method, pumping through three times the volume of each Ballast Water tank shall be considered to meet the standard described in paragraph 1. Pumping through less than three times the volume may be accepted provided the ship can demonstrate that at least 95 percent volumetric exchange is met.

8.2 International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001

∗ International Convention on the Control of Harmful Anti-fouling Systems on Ships, Adoption: 5 October 2001; Entry into force: 17 September 2008

The Convention prohibits the use of harmful organotins in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems.

Anti-fouling paints are used to coat the bottoms of ships to prevent sealife such as algae and molluscs attaching themselves to the hull – thereby slowing down the ship and increasing fuel consumption.

∗ General Obligations
(1) Each Party to this Convention undertakes to give full and complete effect to its provisions in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems.
(2) The Annexes form an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to its Annexes.
(3) No provision of this Convention shall be interpreted as preventing a State from taking, individually or jointly, more stringent measures with respect to the reduction or elimination of adverse effects of anti-fouling systems on the environment, consistent with international law.
(4) Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.
(5) The Parties undertake to encourage the continued development of anti-
fouling systems that are effective and environmentally safe.

Anti-fouling system means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

Controls of Annex 1 Waste Materials
Taking into account international rules, standards and requirements, a Party shall take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system controlled in Annex 1 are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.
CHAPTER 9

Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea (PAL 1974) and International Convention on Tonnage Measurement of Ships, 1969

9.1 Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL)


※ Introduction

The Convention was adopted at a Conference, convened in Athens in 1974 and was designed to consolidate and harmonize two earlier Brussels conventions dealing with passengers and luggage and adopted in 1961 and 1967 respectively.

The Convention establishes a regime of liability for damage suffered by passengers carried on a seagoing vessel. It declares a carrier liable for damage or loss suffered by a passenger if the incident causing the damage occurred in the course of the carriage and was due to the fault or neglect of the carrier.

※ Definitions

In this Convention the following expressions have the meaning hereby assigned to them:

1. (a) ‘carrier’ means a person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by that person or by a performing carrier;

   (b) ‘performing carrier’ means a person other than the carrier, being the owner, charterer or operator of a ship, who actually performs the whole or a part of the carriage;

   (c) ‘carrier who actually performs the whole or a part of the carriage’ means the performing carrier, or, in so far as the carrier actually performs the carriage, the carrier;

2. ‘contract of carriage’ means a contract made by or on behalf of a carrier for the carriage by sea of a passenger or of a passenger and his luggage, as the case may be;

3. ‘ship’ means only a seagoing vessel, excluding an air-cushion vehicle;

4. ‘passenger’ means any person carried in a ship:

   (a) under a contract of carriage; or

   (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods not governed by this Convention;

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5. ‘luggage’ means any article or vehicle carried by the carrier under a contract of carriage, excluding:
   (a) articles and vehicles carried under a charter party, bill of lading or other contract primarily concerned with the carriage of goods; and
   (b) live animals;
6. ‘cabin luggage’ means luggage which the passenger has in his cabin or is otherwise in his possession, custody or control. Except for the application of paragraph 8 of this Article and Article 8, cabin luggage includes luggage which the passenger has in or on his vehicle;
7. ‘loss of or damage to luggage’ includes pecuniary loss resulting from the luggage not having been re-delivered to the passenger within a reasonable time after the arrival of the ship on which the luggage has been or should have been carried, but does not include delays resulting from labour disputes;
8. ‘carriage’ covers the following periods:
   (a) with regard to the passenger and his cabin luggage, the period during which the passenger and/or his cabin luggage are on board the ship or in the course of embarkation or disembarkation, and the period during which the passenger and his cabin luggage are transported by water from land to the ship or vice-versa, if the cost of such transport is included in the fare or if the vessel used for this purpose of auxiliary transport has been put at the disposal of the passenger by the carrier. However, with regard to the passenger, carriage does not include the period during which he is in a marine terminal or station or on a quay or in or on any other port installation
   (b) with regard to cabin luggage, also the period during which the passenger is in a marine terminal or station or on a quay or in or on any other port installation if that luggage has been taken over by the carrier or his servant or agent and has not been re-delivered to the passenger;
   (c) with regard to other luggage which is not cabin luggage, the period from the time of its taking over by the carrier or his servant or agent on shore or on board until the time of its re-delivery by the carrier or his servant or agent;
9. ‘international carriage’ means any carriage in which, according to the contract of carriage, the place of departure and the place of destination are situated in two different States, or in a single State if, according to the contract of carriage or the scheduled itinerary, there is an intermediate port of call in another State;
10. ‘Organization’ means the International Maritime Organization;
11. ‘Secretary-General’ means the Secretary-General of the Organization.

※ Application
1. This Convention shall apply to any international carriage if:
   (a) the ship is flying the flag of or is registered in a State Party to this Convention; or
(b) the contract of carriage has been made in a State Party to this Convention; or
(c) the place of departure or destination, according to the contract of carriage, is in a State Party to this Convention.

2. Notwithstanding paragraph 1 of this Article, this Convention shall not apply when the carriage is subject, under any other international convention concerning the carriage of passengers or luggage by another mode of transport, to a civil liability regime under the provisions of such convention, in so far as those provisions have mandatory application to carriage by sea.

※ Main Rights and Duties of the Parties
A- Duties of the Carrier
1) To ensure that the ship is seaworthy both at the beginning of the voyage and during it.
2) To provide passengers with conditions of hygiene appropriate to the sea transport and such comforts as they are described in the contract or as considered indispensable for marine carriage.
3) The carrier is forbidden to discriminate between passengers on the grounds of color, race or ethnic or national origins.
4) To issue a ticket to the passenger, the ticket evidences of the conclusion of the contract of passage and evidence the payment of a fare (passage money).
5) To undertake the voyage with due dispatch by the contractually determined route, if there is a delay during the voyage, the carrier may be responsible for the carriage of passengers to their destination in a suitable manner.

B- Carrier’s Rights
The carrier has the benefit of a statutory lien on the luggage for securing claims arising from the contract of passage.

C- Passenger’s Duties
1) The passenger is bound to observe the routine in force on board and to follow all rules of orders of the master as given for the purpose of ensuring safety and order on board.
2) The main duty of passengers is to pay the passage money.

※ Compulsory insurance
When passengers are carried on board a ship registered in a State Party that is licensed to carry more than 12 passengers, and this Convention applies, any carrier who actually performs the whole or a part of the carriage shall maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover liability under this Convention in respect of the death of and personal injury to passengers. The limit of the compulsory insurance or other financial security shall not be less than 250 000 units of account per passenger on each distinct occasion.

※ Limitation of Liability of the Carrier
• The carrier is entitled to the benefit of the limitation of liability. The concept of limitation is based on amounts in Poincare francs for:
a) Death or personal injury  
b) Loss or damage to cabin luggage  
c) Loss or damage to a vehicle and luggage in or on it  
d) Loss or damage to other luggage or for valuables deposited with the carrier.

- The liability of the carrier for the loss of or damage to cabin luggage is limited to 2,250 SDR per passenger, per carriage.
- Liability of the carrier for the loss of or damage to vehicles including all luggages carried in or on the vehicle is limited to 12,700 SDR per vehicle, per carriage.
- Liability of the carrier for the loss of or damage to other luggage is limited to 3,375 SDR per passenger, per carriage.

The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 330 SDR in the case of damage to a vehicle and not exceeding 149 SDR per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

※ Valuables
The carrier shall not be liable for the loss of or damage to monies, negotiable securities, gold, silverware, jewellery, ornaments, works of art, or other valuables, except where such valuables have been deposited with the carrier for the agreed purpose of safe-keeping in which case the carrier shall be liable up to the limit provided for in paragraph 3 of Article 8 unless a higher limit is agreed upon in accordance with paragraph 1 of Article 10.

- ARTICLE 8/3. The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 shall in no case exceed 3,375 units of account per passenger, per carriage.
- ARTICLE 10/1. The carrier and the passenger may agree, expressly and in writing, to higher limits of liability than those prescribed in Articles 7 and 8.

※ In the Egyptian law:
a) Maximum 150,000 E.P are paid for the death of or personal injury to a passenger.  
b) Maximum 5000 E.P for the loss of or damage to the cabin luggage per passenger, per carriage.  
c) Max. 50,000 E.P for the loss of or damage to vehicles including all luggage carried in or on the vehicle.

※ Contributory fault
If the carrier proves that the death or personal injury to a passenger or the loss of or damage to his luggage was caused or contributed to by the fault or neglect of the passenger, the Court seized of the case may exonerate the carrier wholly or partly from his liability in accordance with the provisions of the law of that court.

※ Defences and limits for carriers’ servants
If an action is brought against a servant or agent of the carrier or of the performing carrier arising out of damage covered by this Convention, such
servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the defences and limits of liability which the carrier or the performing carrier is entitled to invoke under this Convention.

※ Loss of right to limit liability
1. The carrier shall not be entitled to the benefit of the limits of liability prescribed in Articles 7 and 8 and paragraph 1 of Article 10, if it is proved that the damage resulted from an act or omission of the carrier done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.
2. The servant or agent of the carrier or of the performing carrier shall not be entitled to the benefit of those limits if it is proved that the damage resulted from an act or omission of that servant or agent done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Adoption: 23 June 1969; Entry into force: 18 July 1982
※ Introduction
The Convention, adopted by IMO in 1969, was the first successful attempt to introduce a universal tonnage measurement system.
Previously, various systems were used to calculate the tonnage of merchant ships. There were considerable differences between them and it was recognized that there was a great need for one single international system.
The provisions of the Convention prescribe the procedure and methods with respect to the determination of the gross and net tonnage of ships in a uniform and internationally acceptable manner and, in addition, the certificates issued in respect of each ship shall be internationally recognized.
※ Definitions
(1) “Administration” means the Government of the State whose flag the ship is flying;
(2) “International voyage” means a sea voyage from a country to which the present Convention applies to a port outside such country, or conversely.
For this purpose, every territory for the international relations of which a Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country;
(3) “New ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the present Convention;
(4) “Existing ship” means a ship which is not a new ship;
※ Application
(1) The present Convention shall apply to the following ships engaged on international voyages:
(a) Ships registered in countries the Governments of which are Contracting Governments;
(b) Ships registered in territories to which the present Convention is extended under Article 20; and
(c) Unregistered ships flying the flag of a State, the Government of which is a Contracting Government.

(2) The present Convention shall apply to:
(a) New ships;
(b) Existing ships which undergo alterations or modifications which the Administration deems to be a substantial variation in their existing gross tonnage;
(c) Existing ships if the owner so requests; and
(d) all existing ships, twelve years after the date on which the Convention comes into force, except that such ships, apart from those mentioned in (b) and (c) of this paragraph, shall retain their then existing tonnages for the purpose of the application to them of relevant requirements under other existing International Conventions.

(3) Existing ships to which the present Convention has been applied in accordance with sub-paragraph (2) (c) of this Article shall not subsequently have their tonnages determined in accordance with the requirements which the Administration applied to ships on international voyages prior to the coming into force of the present Convention.

※ Exceptions
(1) The present Convention shall not apply to:
(a) Ships of war; and
(b) Ships of less than 24 metres (79 feet) in length.

(2) Nothing herein shall apply to ships solely navigating:
(a) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63°W,
(b) The Caspian Sea; or
(c) The Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta

※ Ship`s Tonnages
It is important to distinguish between two entirely different classes of tonnage:
1-Weight tonnage: measured by metric tonne which equal 1000KG, such as: Light displacement: is the displacement of the ship’s hull and engine without anything else, sometimes call it light weight.
Load displacement: is the displacement at any loaded condition including light displacement and all other variable weights such as crew, passengers, cargo, fuel, water, and stores.
Dead weight tonnage: is the displacement at any loaded condition minus the lightship weight. It includes the crew, passengers, cargo, fuel, water, and stores.
2- Measurement tonnage: measured by volume or standard tonne tonne which equal 2.83 cubic meter or 100 cubic feet. such as:

Under deck tonnage: volume of space under deck tonnage.
Gross tonnage: represents the total internal volume of a vessel.
Net tonnage: the volume of the ship available for transporting cargo or passengers.

※ Importance of tonnages

Gross tonnage is used as basis for pilotage and dry dock, and sometimes tonnage dues. Most harbours dues are calculated on the basis of net tonnage.

※ Issue of certificate

(1) An International Tonnage Certificate (1969) shall be issued to every ship, the gross and net tonnages of which have been determined in accordance with the present Convention.

(2) Such certificate shall be issued by the Administration or by any person or organization duly authorized by it. In every case, the Administration shall assume full responsibility for the certificate.

(3) The certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.

(4) The form of the certificate shall correspond to that of the model given in Annex II.

(5) The certificate shall be contains ship’s name, port of registry, registration number, gross and net tonnages according to present convention without word ‘tons’.

(6) This certificate permanent not have expiry date, but, ceased to be valid in case of major changes in hull or machinery or any big accidents.

※ Inspection

(1) A ship flying the flag of a State the Government of which is a Contracting Government shall be subject, when in the ports of other Contracting Governments, to inspection by officers duly authorized by such Governments. Such inspection shall be limited to the purpose of verifying:

(a) That the ship is provided with a valid International Tonnage Certificate (1969); and

(b) That the main characteristics of the ship correspond to the data given in the certificate.

(2) In no case shall the exercise of such inspection cause any delay to the ship.

(3) Should the inspection reveal that the main characteristics of the ship differ from those entered on the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage.
CHAPTER 10

International Safety Management Code (ISM Code)

10.1 Objectives

The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment and to property.

Safety management objectives of the Company should:
- provide for safe practices in ship operation and a safe working environment;
- assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards; and
- Continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection.

- The safety management system should ensure:
  - compliance with mandatory rules and regulations; and
  - That applicable code, guidelines and standards recommended by the Organization, Administrations, classification societies and maritime industry organizations are taken into account.

ISM code included in chapter 9 in SOLAS.

10.2 Functional requirements for a safety management system (Items of ISM)

Every Company should develop, implement and maintain a safety management system which includes the following functional requirements:

1. a safety and environmental-protection policy;
2. instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation;
3. defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
4. procedures for reporting accidents and non-conformities with the provisions of this Code;
5. procedures to prepare for and respond to emergency situations; and
6. procedures for internal audits and management reviews.
7. The Company should establish a safety and environmental-protection policy.
8. The Company should ensure that the policy is implemented and maintained at all levels of the organization, both ship-based and shore-based.
9. If the entity who is responsible for the operation of the ship is other than the owner, the owner must report the full name and details of such entity to the Administration.
10. The Company should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

11. The Company is responsible for ensuring that adequate resources and shore-based support are provided to enable the designated person or persons to carry out their functions.

10.3 The purpose of establish a safety management system
This Guidelines steps to help companies in the development of safety management systems and emphasis on the importance of the relationship between the company and the master thereby reducing wrong individual human decisions in normal or emergency conditions on the ship.

10.4 Advantages of establish a safety management system
- Improve the awareness of safety Affairs.
- Encouragement for continuous improvement in safety standards and environmental protection.
- Increase the morale of individuals
- Increase the confidence of the insurance companies.
- Cost savings.
- Reduced exposure to claims in maritime accidents.

10.5 DESIGNATED PERSON(S)
To ensure the safe operation of each ship and to provide a link between the Company and those on board, every Company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons should include monitoring the safety and pollution-prevention aspects of the operation of each ship and ensuring that adequate resources and shore-based support are applied, as required.

10.5 MASTER’S RESPONSIBILITY AND AUTHORITY
- The Company should clearly define and document the master’s responsibility with regard to:
  1. implementing the safety and environmental-protection policy of the Company;
  2. motivating the crew in the observation of that policy;
  3. issuing appropriate orders and instructions in a clear and simple manner;
  4. verifying that specified requirements are observed; and
  5. periodically reviewing the safety management system and reporting its deficiencies to the shore-based management.
- The Company should ensure that the safety management system operating on board the ship contains a clear statement emphasizing the master’s authority. The Company should establish in the safety management system that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the Company’s assistance as may be necessary.
10.6 CERTIFICATION AND PERIODICAL VERIFICATION

1. The ship should be operated by a Company which has been issued with a Document of Compliance or with an Interim Document of Compliance in accordance with paragraph 14.1, relevant to that ship.

2. The Document of Compliance should be issued by the Administration, by an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government to the Convention to any Company complying with the requirements of this Code for a period specified by the Administration which should not exceed five years. Such a document should be accepted as evidence that the Company is capable of complying with the requirements of this Code.

3. The Document of Compliance is only valid for the ship types explicitly indicated in the document. Such indication should be based on the types of ships on which the initial verification was based. Other ship types should only be added after verification of the Company’s capability to comply with the requirements of this Code applicable to such ship types. In this context, ship types are those referred to in regulation IX/1 of the Convention.

4. The validity of a Document of Compliance should be subject to annual verification by the Administration or by an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government within three months before or after the anniversary date.

5. The Document of Compliance should be withdrawn by the Administration or, at its request, by the Contracting Government which issued the Document when the annual verification required in paragraph 13.4 is not requested or if there is evidence of major non-conformities with this Code.

6. A copy of the Document of Compliance should be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Administration or by an organization recognized by the Administration or for the purposes of the control referred to in regulation IX/6.2 of the Convention. The copy of the Document is not required to be authenticated or certified.

7. The Safety Management Certificate should be issued to a ship for a period which should not exceed five years by the Administration or an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government. The Safety Management Certificate should be issued after verifying that the Company and its shipboard management operate in accordance with the approved safety management system. Such a Certificate should be accepted as evidence that the ship is complying with the requirements of this Code.

8. The validity of the Safety Management Certificate should be subject to at least one intermediate verification by the Administration or an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government. If only one intermediate verification is to be carried out and the period of validity of the Safety Management Certificate is five years, it should take place between the second and third anniversary dates of the Safety Management Certificate.
9. In addition to the requirements of paragraph 13.5.1, the Safety Management Certificate should be withdrawn by the Administration or, at the request of the Administration, by the Contracting Government which has issued it when the intermediate verification required in paragraph 13.8 is not requested or if there is evidence of major non-conformity with this Code.

10. Notwithstanding the requirements of paragraphs 13.2 and 13.7, when the renewal verification is completed within three months before the expiry date of the existing Document of Compliance or Safety Management Certificate, the new Document of Compliance or the new Safety Management Certificate should be valid from the date of completion of the renewal verification for a period not exceeding five years from the date of expiry of the existing Document of Compliance or Safety Management Certificate.

11. When the renewal verification is completed more than three months before the expiry date of the existing Document of Compliance or Safety Management Certificate, the new Document of Compliance or the new Safety Management Certificate should be valid from the date of completion of the renewal verification for a period not exceeding five years from the date of completion of the renewal verification.

12. When the renewal verification is completed after the expiry date of the existing Safety Management Certificate, the new Safety Management Certificate should be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing Safety Management Certificate.

13. If a renewal verification has been completed and a new Safety Management Certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or organization recognized by the Administration may endorse the existing certificate and such a certificate should be accepted as valid for a further period which should not exceed five months from the expiry date.

14. If a ship at the time when a Safety Management Certificate expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the Safety Management Certificate, but this extension should be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified, and then only in cases where it appears proper and reasonable to do so. No Safety Management Certificate should be extended for a period of longer than three months, and the ship to which an extension is granted should not, on its arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new Safety Management Certificate. When the renewal verification is completed, the new Safety Management Certificate should be valid to a date not exceeding five years from the expiry date of the existing Safety Management Certificate before the extension was granted.

15. An Interim Document of Compliance may be issued to facilitate initial implementation of this Code when:
1. Company is newly established; or
2. New ship types are to be added to an existing Document of Compliance.

16. Interim Safety Management Certificate may be issued:
   . to new ships on delivery;
   . when a Company takes on responsibility for the operation of a ship which is new to the Company; or
   . When a ship changes flag.

10.7 Risk assessment in the safety management system
   - Is an effective way allow to improvement of level safety of the ship’s vision to study the dangers and preparedness and readiness
   - A safety valve for the assessment and control of new risk
   - Study the expected cost expected to confront the dangers.

10.8 Steps of risk assessment
   - Identify and a good knowledge of the dangers
   - To assess the degree of seriousness of these threats and the possibility of occurrence and how to address them.
   - Assessment of risk management options in terms of cost-effectiveness.
   - Decision-making regarding the options available to enter into.
References

1. W.W.W.UN.ORG
2. W.W.W. IMO.ORG
4. International Convention for the Safety of Life at Sea (SOLAS), 1974
5. International Convention on Load Lines
7. International Convention for the Prevention of Pollution From Ships MARPOL
9. Model Course – Officer in Charge of a Navigational Watch STW 44/3/5 25 January 2013