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TENTH MEETING OF THE PARTIES TO
THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete
THE OZONE LAYER
Cairo, 23-24 November 1998

**AMENDMENT TO THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS**

Note by the Secretariat

1. The International Maritime Organization (IMO) convened a Conference of the Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, for the purpose of amending the Convention, in London from 15 to 26 September 1997.

2. Among the objectives of the 1997 amendment to the Convention is to prevent and control air pollution from ships using ozone-depleting substances, in accordance with the current control measures to phase out ozone-depleting substances (CFCs and halons) under the Montreal Protocol. Accordingly, regulation 12, on ozone-depleting substances, in the new Annex VI to the Convention, entitled "Regulations for the prevention of air pollution from ships", provides as follows:

"(1) Subject to the provisions of regulation 3, any deliberate emissions of ozone depleting substances shall be prohibited. Deliberate emissions include emissions occurring in the course of maintaining, servicing, repairing or disposing of systems or equipment, except that deliberate emissions do not include minimal releases associated with the recapture or recycling of an ozone depleting substance. Emissions arising from leaks of an ozone depleting substance, whether or not the leaks are deliberate, may be regulated by Parties to the Protocol of 1997.

"(2) New installations which contain ozone depleting substances shall be prohibited on all ships, except that new installations containing hydro-chlorofluorocarbons (HCFCs) are permitted until 1 January 2020.

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"(3) The substances referred to in this regulation, and equipment containing such substances, shall be delivered to appropriate reception facilities when removed from ships."

3. On the other hand, regulation 3, on general exceptions, of Annex VI provides as follows:

"Regulations of this Annex shall not apply to:

"(a) any emission necessary for the purpose of securing the safety of a ship or saving life at sea; or

"(b) any emission resulting from damage to a ship or its equipment:

"(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the emission for the purpose of preventing or minimizing the emission; and

"(ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result."

4. This note is for the general information and attention of the Parties to the Montreal Protocol.

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