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NINTH MEETING OF THE PARTIES TO
THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete
THE OZONE LAYER
Montreal, 15-17 September 1997

CONFERENCE TO AMEND THE INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS

Note by the Secretariat

1. The International Maritime Organization (IMO) will be convening a Conference to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, in London from 15 to 26 September 1997. The purpose of the amendment is to introduce a new annex to the Convention which, it is hoped, will be adopted as a protocol thereto.
2. Among the objectives of the 1997 draft protocol 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 under the Montreal Protocol. Regulation 12 of the draft protocol relating to ozone-depleting substances 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 this Annex.

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- "(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.
- "(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 of the draft protocol, on general exceptions, 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.
