



MARINE ENVIRONMENT PROTECTION
COMMITTEE
56th session
Agenda item 8

MEPC 56/WP.9
12 July 2007
Original: ENGLISH

IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS

Report of the Informal Technical Group on Special Areas under MARPOL and PSSAs

1 INTRODUCTION

1.1 The Informal Technical Group on Special Areas under MARPOL and PSSAs met on 11 and 12 July 2007, under the Chairmanship of Ms. Annaliese Caston (Australia).

1.2 Representatives from the following delegations participated in the Informal Technical Group: Australia, Barbados, Canada, Croatia, India, Italy, Islamic Republic of Iran, Marshall Islands, Mexico, Nigeria, Qatar, Singapore, Spain, United States, and observers from ROPME, IUCN, and WWF.

Terms of Reference

1.3 The Informal Technical Group was instructed to:

- .1 review the proposal by the United States for the designation of the Papahānaumokuākea Marine National Monument (North-western Hawaiian Islands or NWHI) as a Particularly Sensitive Sea Area (MEPC 56/8 and MEPC 56/INF.2), and determine whether it meets the provisions of the Revised PSSA Guidelines (resolution A.982(24));
- .2 review and finalize the MEPC resolution on the establishment of the date on which the amendments to regulation 1.11 of MARPOL Annex I in respect of the Southern South African waters Special Area shall take effect;
- .3 review the information concerning the Gulfs area as a Special Area under MARPOL Annexes I and V and, if the criteria have been met, prepare an MEPC resolution on the establishment of the date on which regulation 1.11.5 of MARPOL Annex I and regulation 5(1)(e) of MARPOL Annex V in respect of the "Gulfs area" as a Special Area, shall take effect; and
- .4 provide a written report to plenary on Friday, 13 July 2007.

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2 DISCUSSION AND RESULTS

Review of the proposal to designate the Papahānaumokuākea Marine National Monument as a Particularly Sensitive Sea Area

2.1 The Group took note of a power point presentation delivered by the United States which highlighted key elements of the proposal. Additionally, consistent with the Revised PSSA Guidelines, the United States presented a chart on which the proposed PSSA with its associated protection measures (APMs) were marked.

2.2 The Group also examined the submission by the United States (MEPC 56/8) against the questions posed in the PSSA Proposal Review Form and discussed each element. The outcome of this analysis is shown at annex 1 to this report.

2.3 The Group, having reviewed the submission by the United States for the designation of the Papahānaumokuākea Marine National Monument (located in the North-western Hawaiian Islands) as a PSSA and considering the information provided verbally to the Group, agreed that the submission met the requirements of the Revised PSSA Guidelines (resolution A.982(24)). In its decision, the Group also noted that the United States had submitted detailed proposals for the APMs to NAV 53 for its consideration in July 2007.

2.4 In particular, the Group concluded that:

- .1 the proposed area fulfilled the ecological criteria, noting in particular the information relating to dependency and diversity criterion. The dependency attribute occurs throughout the proposed PSSA with coral reefs forming the foundation of an ecosystem that culminates at its apex in wide-ranging, top predators such as sharks, jacks, and groupers, and also the breeding, feeding and pupping areas of the Hawaiian monk seal, which stretch from Nihoa to Kure. Diversity is evident from the large number of marine species and seabirds throughout the extent of the proposed PSSA as well as the diversity of habitats. The Group also noted that in addition to the dependency and diversity criterion, the submission included information on all three of the required criteria in the Revised PSSA Guidelines;
- .2 there are factors relating to vessel traffic characteristics and natural conditions that result in the recognized attributes of the proposed area being vulnerable to damage from international shipping activities passing through or adjacent to the area. While the amount of international ship traffic through this area is relatively low, the Group noted that a single maritime incident could have a devastating effect on this area; and
- .3 the associated protective measures proposed are appropriate and specifically tailored to meet the need of the proposed area to prevent, reduce, or eliminate the identified vulnerability of the area from international shipping activities. The ATBAs serve to keep ships away from the navigation hazards, allow any spilled cargo an opportunity to disperse before coming ashore, and provide time to mount a response to a developing maritime emergency. The ship reporting system will provide mariners with critical alerts and other urgent information to assist them in navigating safely through the area. It will also provide information on vessel traffic, thus facilitating the ability to respond to developing maritime emergencies.

2.5 In the course of the discussion, the Group noted that it would be useful for future proposals to include more detailed information, if available, estimating the potential impact of the APMs on safety and efficiency of navigation (e.g., increased distance or time for course alteration).

2.6 The Group noted that the other information provided by the United States in section 4.9 of document MEPC 56/8 was useful in giving a clearer understanding of the negative impact of international shipping activities in the proposed PSSA area, in particular regarding shipwrecks, pollution incidents, response operations, introduction of alien species and marine debris.

2.7 It was noted that although designation of the area as a PSSA could have been based on the existing measure, the United States sought designation to allow all of the proposed APMs to be considered before the PSSA designation takes effect. Additionally the United States wanted the proposal to serve as a model for the entire PSSA process, since this is the first proposal submitted in accordance with the revised PSSA Guidelines.

2.8 The Group recommended that the Committee approve, in principle, the designation of the Papahānaumokuākea Marine National Monument as a PSSA and inform the Sub-Committee on Safety of Navigation (NAV) accordingly.

3 Southern South African waters Special Area under MARPOL Annex I

3.1 The Group, as instructed, reviewed and finalized the MEPC resolution on the establishment of the date on which the amendments to regulation 1.11 of MARPOL Annex I in respect of the Southern South African waters Special Area shall take effect. The date agreed by the Group for the discharge requirements in regulations 15 and 34 of MARPOL Annex I is 1 August 2008 to allow sufficient time for the Secretariat to notify Parties to MARPOL.

3.2 The Group recommended that in accordance with regulation 38.6.1 of MARPOL Annex I, the Secretariat be instructed to notify all Parties of the date of entry into force as soon as possible, but not later than 31 July 2007.

3.3 The Group reviewed and finalized the draft MEPC resolution on the establishment of the date on which regulation 1.11.5 of MARPOL Annex I in respect of the Southern South African waters Special Area shall take effect. The Group recommended that the Committee approve the MEPC resolution as shown at annex 2 to this report.

4 The “Gulfs area” as a Special Area under MARPOL Annexes I and V

4.1 As instructed the Group reviewed the information concerning the Gulfs area as a Special Area under MARPOL Annexes I and V and concluded that the criteria regarding the provision of adequate reception facilities by all States bordering the Special Area, in accordance with regulations 38.4 of MARPOL Annex I and 5(4)(b) of MARPOL Annex V, have been met. The Group also agreed that the date on which the discharge requirements for the Special Area shall take effect is 1 August 2008.

4.2 The Group recommended that in accordance with regulation 38.6.1 of MARPOL Annex I and regulation 5(4)(b) of MARPOL Annex V, the Secretariat be instructed to notify all Parties of the date of entry into force as soon as possible, but not later than 31 July 2007.

4.3 The Group subsequently prepared a draft MEPC resolution on the establishment of the date on which regulation 1.11.5 of MARPOL Annex I and regulation 5(1)(e) of MARPOL Annex V in respect of the “Gulfs area” as a Special Area shall take effect and recommended that the Committee approve the MEPC resolution as shown at annex 3 to this report.

5 ACTION REQUESTED OF THE COMMITTEE

5.1 The Committee is invited to consider this report and take action as appropriate and, in particular:

- .1 approve, in principle, the designation of the Papahānaumokuākea Marine National Monument as a Particularly Sensitive Sea Area noting that the United States had submitted detailed proposals for the APMs to NAV 53 and that the Committee inform the Sub-Committee on Safety of Navigation (NAV) accordingly and consider final designation at MEPC 57;
- .2 adopt the draft MEPC resolution on the establishment of the date on which the amendments to regulation 1.11 of MARPOL Annex I in respect of the Southern South African waters Special Area shall take effect, as shown at annex 2 to this report; and
- .3 adopt the draft MEPC resolution on the establishment of the date on which regulation 1.11.5 of MARPOL Annex I and regulation 5(1)(e) of MARPOL Annex V in respect of the “Gulfs area” as a Special Area shall take effect, as shown in annex 3 of this report.

ANNEX 1

PSSA PROPOSAL REVIEW FORM

**Proposal to designate the Papahānaumokuākea Marine National Monument as a
Particularly Sensitive Sea Area
(MEPC 56/8 and MEPC 56/INF.2 (United States))**

The Informal Technical Group noted the following responses from the United States to the issues raised below, including the appropriate citations to its submission. This, in combination with comments and information offered by other Member Governments regarding the proposed PSSA, enabled a thorough discussion and assessment of the proposal by the Informal Technical Group.¹

Note: All references below in bold italics are to sections or paragraphs of document MEPC 56/8.

1 General

1.1 Name of area proposed to be designated as a PSSA: ***Papahānaumokuākea Marine National Monument***

1.2 Proposing Member Government(s): ***United States***

1.3 Document containing proposal: ***MEPC 56/8, MEPC 56/INF.2***

1.4 Related documents:

Resolutions A.982(24), A.885(21) and A.720(17); MEPC 56/INF.2; MSC XLIII/16/1; NAV 53/3/4 (ATBA document); NAV 53/3/5 (ship reporting system proposal); NAV 38/3/2; NAV XXIII/13; and NAV XXI/4/6

1.5 Navigational chart numbers which depict area:

United States 19016, 19019, and 19022 (2007 editions)

2 Summary of the Proposal and Other Necessary Background Information

2.1 What are the objectives of the proposed designation? (paragraph 7.4)²

Increased maritime safety, protection of the fragile environment, preservation of cultural resources and areas of cultural importance significant to Native Hawaiians, and facilitation of the ability to respond to developing maritime emergencies.

¹ As with the PSSA Guidelines, references to “Member Government” and “measure” are in the singular and it is intended that such usage encompasses both the singular and plural of these terms.

² The paragraphs in parenthesis are citations to the appropriate paragraphs in the Revised PSSA Guidelines.

- 2.2 Is the description of the area complete and is it, and the existing or proposed associated protective measure (APM), clearly depicted on a chart or chartlet? (paragraph 7.5.1.1)

Yes. See paragraphs 1.3, 1.4, section 2 and annex 2.

- 2.3 Does the application provide an adequate summary of the need for protection, including a demonstration of the identified vulnerability to international shipping? (paragraph 7.4)

Yes. See paragraphs 1.2, 1.3, and 3.10.3.

- 2.4.1 Is the APM adequately described, including how it will address the identified vulnerability? (paragraph 7.4)

Yes. See paragraphs 1.3, 1.4 and section 5.

- 2.5 Are the reasons included as to why the APM is the preferred method for providing protection? (paragraph 7.4)

Yes. See paragraphs 1.2 – 1.4, 5.2, 5.8, 5.14 and 5.16.

- 2.6 Are there other Member States that have a common interest in the proposed area? (paragraph 3.1)

No. See paragraph 1.5.

- 2.7 If the answer to 2.6 is yes, have they been consulted to formulate a coordinated proposal, with integrated measures and procedures for cooperation? (paragraph 3.1)

Not applicable.

3 Ecological, Socio-economic, or Scientific Criteria (Guidelines Section 4)

Do the supporting documentation and references establish that the area is vulnerable to damage or the identified threat of damage from international shipping activities for at least one of the following reasons? (paragraph 4.1)

(In addressing this point, at least one of the criteria needs to exist throughout the entire proposed area, though the same criterion need not be present throughout the entire area.) (paragraph 4.4)

The United States advised that they would address the ecological criteria (see section 3), and focus in particular on dependency and diversity.

Ecological criteria (beginning at paragraph 4.4.1)

- 3.1 Uniqueness or rarity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.2 Critical habitat: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.3 Dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Yes. See section 3.4 for detail. The United States elaborated on the presence of the Hawaiian monk seal, high incidence of apex predators, fish assemblage throughout the depths, and an estimated 14 million seabirds.

- 3.4 Representativeness: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.5 Diversity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Yes. See section 3.5 for detail. The United States elaborated on the more than 7,000 marine species and the coral reef ecosystem in the area, and 100 new species that were found in 2006. The rich diversity of the area is due to its isolation and relative lack of adverse impacts from humans.

- 3.6 Productivity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.7 Spawning or breeding grounds: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.8 Naturalness: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.9 Integrity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.10 Fragility: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.11 Bio-geographic importance: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Social, cultural, and economic criteria (beginning at paragraph 4.4.12)

- 3.12 Social or economic dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.13 Human dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.14 Cultural heritage: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Scientific and educational criteria (beginning at paragraph 4.4.15)

- 3.15 Research: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.16 Baseline for monitoring studies: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.17 Education: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Conclusion: Does the proposed area fulfil at least one of the above criteria in section 3 throughout the entire proposed area? If so, which criterion, why, and based on what information? The Technical Group should provide a brief summary of this element in its report to the Committee.

Yes. The Group noted that the proposed area fulfilled the ecological criteria, in particular the information relating to dependency and diversity criterion. The dependency attribute occurs throughout the proposed PSSA with coral reefs forming the foundation of an ecosystem that culminates at its apex in wide-ranging, top predators such as sharks, jacks, and groupers, and also the breeding, feeding and pupping areas of the Hawaiian monk seal, which stretch from Nihoa to Kure. Diversity is evident from the large number of marine species and seabirds throughout the extent of the proposed PSSA as well as the diversity of habitats. The Group also noted that in addition to the dependency and diversity criterion, the submission included information on all three of the required criteria in the PSSA guidelines.

4 Vulnerability to Impacts from International Shipping (Guidelines, Section 5)

Do the supporting documentation and references support that the area is vulnerable to damage or the identified threat of damage from international shipping? In addressing this question, the following factors, as well as the time for which the information applies, should be considered:

Vessel traffic characteristics

- 4.1 Operational factors: What types of maritime activities exist in the area that may reduce the safety of navigation? (paragraph 5.1.1)

See section 4.2.

- 4.2 Vessel types: What types of vessels pass through or adjacent to the area? (paragraph 5.1.2)

See section 4.3. The Group noted that despite the relatively low number of known vessels passing through or near the area, there had been a significant number of incidents. The United States advised that as the figures provided were based on data collected as part of a WMO voluntary observing ship scheme, the actual number of transiting vessels was likely to be higher.

- 4.3 Traffic characteristics: What are the data provided on the vessel traffic characteristics (e.g., volume or concentration of traffic, vessel interactions, distance offshore, other dangers to navigation)? (paragraph 5.1.3)

See paragraphs 4.4 and 5.8.

- 4.4 Harmful substances: What information is there on harmful substances being carried? (paragraph 5.1.4)

See section 4.5. The United States advised that there were significant quantities of heavy fuel oil being carried on vessels in the area, and there had been pollution incidents involving other substances.

Natural factors

- 4.5 Hydrographic conditions: What information is provided on the hydrographical conditions? (paragraph 5.1.5)

See section 4.6. The United States advised that the hydrographic features in the area are a challenge to navigation.

- 4.6 Meteorological conditions: What information is provided on the meteorological conditions? (paragraph 5.1.6)

See section 4.7.

- 4.7 Oceanographic conditions: What information is provided on the oceanographic conditions? (paragraph 5.1.7)

See section 4.8. The United States advised that local effects of the islands, large scale oscillation patterns may result in the accumulation of pollution.

Conclusion: Are there factors relating to vessel traffic characteristics and natural conditions that result in the attributes of the proposed area being vulnerable to damage from international shipping and if so, what are they and based on what information? The Technical Group should provide a short summary of the information provided and its assessment.

Yes. There are factors relating to vessel traffic characteristics and natural conditions that result in the recognized attributes of the proposed area being vulnerable to damage from international shipping activities. While the amount of known international ship traffic through this area is relatively low, the Group noted that a single maritime incident could have a devastating effect on this area.

5 Associated Protective Measure Proposed to Protect the Area from the Identified Vulnerability (Sections 6 and 7)

5.1 Is there an IMO measure already in place to protect the area from the identified vulnerability? (paragraphs 7.2 and 7.5.2.1)

Yes. See paragraph 5.2 and Annex 3 chartlet.

5.1.1 If so, how does it protect the attributes of the area from the identified vulnerability by international shipping? (paragraph 7.2)

See section 5.2.

5.2 Is there a new IMO measure being proposed to protect the area? (paragraphs 7.1 and 7.5.2)

Yes. See sections 5.3 – 5.14.

5.2.1 Is there a draft of the proposal for such a measure appended to the submission? (paragraph 7.5.2.2)

Yes. See Annexes IV and V. (NAV 53/3/4 and NAV 53/3/5)

If yes, what is the measure?

Amendment and expansion of existing ATBAs. Establishment of ship reporting system.

5.2.2 What is its legal basis? (paragraphs 7.1, 7.5.2.2, 7.5.2.3)

- 1. ATBA - See section 5.3. UNCLOS and general principles of international law, SOLAS Chapter V Regulation 10, General Provisions on Ships Routing.**
- 2. Ship Reporting System - See section 5.10. UNCLOS and general principles of international law, SOLAS Chapter V Regulation 11, Guidelines and Criteria for Ship Reporting Systems.**

5.2.2.1 Is it:

- .1 An existing IMO measure? (paragraph 7.5.2.3(i))

Yes.

If so, under what IMO instrument is it being proposed? (paragraph 7.6.1)

SOLAS Chapter V, Regulations 10 and 11

- .2 A measure that does not yet exist at IMO, but could become available through amendment of an IMO instrument or adoption of a new IMO instrument? (paragraph 7.5.2.3(ii))

If so, what steps have been set forth in its application that the proposing Member Government has taken or will take to have the amendment or instrument approved or adopted by IMO? (paragraphs 7.1 and 7.5.2.3(ii)) Is the measure proposed consistent with the requirements being proposed? (paragraph 7.6.1)

- .3 A measure proposed for adoption in the territorial sea or by IMO pursuant to UNCLOS Article 211(6) where generally applicable measures would not adequately address the particularized need of the proposed area? (paragraph 7.5.2.3(iii))

If it is a measure under Article 211(6), what steps have been set forth in its application that the proposing Member Government has taken or will take to obtain adoption of this measure? Is the measure proposed consistent with the requirements of this Article? (paragraph 7.6.1)

- 5.2.2.2 Is the proposed measure consistent with the legal instrument under which the APM is being proposed? (paragraph 7.6.1)

Yes. See paragraphs 5.3 and 5.10. The United States also noted that this issue will be thoroughly considered by NAV 53.

- 5.2.2.3 How does the associated protective measure provide the needed protection from the threats of damage to the attributes of the area posed by international shipping activities and is it specifically tailored to do so? (paragraph 7.5.2.4)

See paragraphs 5.8 and 5.14.

- 5.3 To what category or categories of ships does the APM apply? (paragraph 7.5.2.5)

See paragraphs 5.3, 5.4 and 5.10. The United States advised that the sovereign immunity provisions of SOLAS apply.

- 5.4 Are there any possible impacts of the proposed measure on the safety and efficiency of navigation? (paragraph 7.6)

Yes. The measures will improve and facilitate safety. The Group saw this as a positive initiative for the area.

- 5.5 Is there a possibility that the existing or proposed APM might result in undesirable adverse effects by international shipping on the environment outside of the proposed PSSA? (paragraph 8.2.2)

No. See paragraph 5.15.

- 5.6 After considering the full range of protective measures available and reviewing the existing or proposed associated protective measure, are there any other more appropriate APMs than that being proposed to address the identified vulnerability (e.g., more environmentally protective or having less impact on international shipping)? (paragraph 8.2.1)

The United States advised that they examined a wide range of measures and considered that the proposed APMs were appropriate for the protection of this area.

Conclusion: Is the proposed APM the appropriate measure to address the identified vulnerability to the attributes of the area and if so, why? (paragraph 8.2.3) Is there an identified legal basis for this measure and what is it? The Technical Group should provide a short summary of its assessment of the APM and the linkage among the three elements of the PSSA proposal (i.e., the attributes of the area, the identified vulnerability and the APM).

Yes. The recognized attributes of the proposed PSSA are vulnerable to physical damage and damage from pollution by international shipping passing through or adjacent to the area. The associated protective measures proposed are specifically tailored to meet the need of the proposed area to prevent, reduce, or eliminate the identified vulnerability of the area from international shipping activities. The ATBAs serve to keep ships away from the navigation hazards, allow any spilled cargo an opportunity to disperse before coming ashore, and provide time to mount a response to a developing maritime emergency. The ship reporting system will provide mariners with critical alerts and other urgent information to assist them in navigating safely through the area. It will also provide information on vessel traffic, thus facilitating the ability to respond to developing maritime emergencies.

6 Miscellaneous Issues

- 6.1 Is the size of the area commensurate with that necessary to address the identified need? (paragraph 8.2.3)

Yes. See section 6.2.

- 6.2 Has the Member Government taken steps to date to protect the area (e.g., with respect to its vessels, as a condition of port entry, or intended to apply to vessels in the area, consistent with international law)? (paragraph 7.8)

Yes. See paragraph 2.3 and section 6.3.

- 6.3 What are the enforcement actions that may be taken pursuant to domestic law for the failure of a ship to comply with an APM? (paragraph 7.9)

See section 6.5. The United States advised that most of the APMs are recommendatory in nature. For the mandatory elements of the ship reporting system, the United States, based on previous experience, would most likely start with outreach and education before imposition of fines. The United State stated that any actions taken would be consistent with international law.

- 6.4 Does the area include a buffer zone? Why is a buffer zone necessary? How were the boundaries of the buffer zone drawn? (paragraph 6.3)

No.

- 6.5 If the answer to 6.4 is yes, how does it directly contribute to the protection of the area? (paragraph 6.3)

Not applicable.

- 6.6 Has the area been declared a World Heritage Site, a Biosphere Reserve, or included on a list of areas of international, regional, or national importance or is the area the subject of international, regional, or national conservation action or agreements? (paragraph 6.2) If so, please describe.

See section 6.4. The United States stated that they are exploring the possibility of proposing the designation of the area as a UNESCO World Heritage site.

7 Conclusion

The Technical Group's report should contain a recommendation to the Committee, based on its assessment of the proposal, regarding whether the proposed area should be designated as a PSSA "in principle", while awaiting action by the appropriate Subcommittee or Committee on the APM. If the PSSA is based on an existing measure, the Group – again, after its assessment - may recommend to the Committee that it designate the area as a PSSA. Finally, if the Group decides to recommend against designation, it should provide the Committee with a statement of reasons for its recommendation and, if appropriate, request additional information.

The Group recommended that the Committee approve, in principle, the designation of the Papahānaumokuākea Marine National Monument as a PSSA and inform the Sub-Committee on Safety of Navigation (NAV) accordingly and consider final designation at MEPC 57.

ANNEX 2

**RESOLUTION MEPC...(56)
adopted on ... July 2007**

**ESTABLISHMENT OF THE DATE ON WHICH THE AMENDMENTS TO
REGULATION 1.11 OF MARPOL ANNEX I IN RESPECT OF THE SOUTHERN
SOUTH AFRICAN WATERS SPECIAL AREA SHALL TAKE EFFECT**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING resolution MEPC.154(55) by which the Committee adopted amendments to regulation 1.11 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), to designate the Southern South African waters as a Special Area,

NOTING ALSO the definition of the Special Area under MARPOL Annex I, i.e. a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of pollution of the sea by oil is required,

NOTING FURTHER the information provided in document MEPC 54/8, submitted by South Africa as the sole State bordering the Southern South African waters Special Area, that adequate reception facilities are provided in all major ports within the said Special Area, in accordance with the provisions of regulation 38.4 of MARPOL Annex I,

TAKING INTO ACCOUNT that the Committee, at its fifty-fifth session, had agreed to issue MEPC.1/Circ.543 on the Early and effective implementation of the Southern South African waters as a Special Area, pending its entry into force, whereby it requested Member Governments and industry groups to comply with the Special Area requirements immediately on a voluntary basis and, in particular, to urge oil tankers to refrain from washing their cargo tanks in the Southern South African waters, pending the entry into force of the Special Area requirements,

HAVING CONSIDERED the matter to establish the date, on which the discharge requirements of regulation 1.11 of MARPOL Annex I in respect of the Southern South African waters Special Area shall take effect,

1. DECIDES that the discharge requirements for Special Areas in regulations 15 and 34 of MARPOL Annex I for the Southern South African waters Special Area shall take effect on 1 August 2008, with the proviso that the aforesaid amendments to regulation 1.11 of MARPOL Annex I enter into force on 1 March 2008;
2. REMINDS Member Governments and industry groups of the MEPC.1/Circ.543 which requested them to comply on a voluntary basis with the requirements immediately for the Southern South African waters Special Area;

3. REQUESTS the Secretary-General to notify, in conformity with regulation 38.6 of MARPOL Annex I, all Parties to MARPOL 73/78 of the aforementioned decision by 31 July 2007; and

4. FURTHER REQUESTS the Secretary-General to notify all Members of the Organization of the aforementioned decision.

ANNEX 3

**RESOLUTION MEPC...(56)
adopted on ... July 2007****ESTABLISHMENT OF THE DATE ON WHICH THE AMENDMENTS TO
REGULATION 1.11.5 OF MARPOL ANNEX I
AND AMENDMENTS TO REGULATION 5(1)(e) OF MARPOL Annex V
IN RESPECT OF THE GULFS AREA SPECIAL AREA SHALL TAKE EFFECT**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING regulation 1.11.5 of Annex I and regulation 5(1)(e) of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), define the Gulfs area as a Special Area under Annex I and V respectively, as adopted in 1973,

NOTING ALSO the definition of the Special Area under MARPOL Annex I and V, i.e. a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of pollution of the sea by oil and by garbage, respectively, is required,

NOTING FURTHER the information provided in document MEPC 56/8/2, submitted by Bahrain, Islamic Republic of Iran, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, representing all States bordering Gulfs area Special Area, that adequate reception facilities are provided in all major ports within the said Special Area, in accordance with the provisions of regulation 38.4 of MARPOL Annex I and regulation 5(4)(a) of MARPOL Annex V,

HAVING CONSIDERED the matter to establish the date, on which the discharge requirements of regulation 1.11.5 of MARPOL Annex I and regulation 5(1)(e) of MARPOL Annex V in respect of the Gulfs area Special Area shall take effect,

1. DECIDES that the discharge requirements for Special Areas in regulations 15 and 34 of MARPOL Annex I and regulation 5 of MARPOL Annex V for the Gulfs area Special Area shall take effect on 1 August 2008, in accordance with the requirements set out in regulation 38.6.1 of MARPOL Annex I and regulation 5(4)(b) of MARPOL Annex V;
2. ENCOURAGES Member Governments and industry groups to comply immediately on a voluntary basis with the Special Area requirements for the Gulfs area;
3. REQUESTS the Secretary-General to notify, in conformity with regulation 38.6 of MARPOL Annex I and regulation 5(4)(b) of MARPOL Annex V, all Parties to MARPOL 73/78 of the aforementioned decision 31 July 2007; and
4. FURTHER REQUESTS the Secretary-General to notify all Members of the Organization of the aforementioned decision.