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CONSEIL D'ETAT
LEGISLATION

05-06-2018

RAAD VAN STATE
WETGEVING

VOORONTWERP VAN ORDONNANTIE

AVANT-PROJET D'ORDONNANCE

houdende instemming met:

portant assentiment à:

Bepaalde wijzigingen bij het Internationaal Verdrag van 1973 ter voorkoming van verontreiniging door schepen, opgemaakt te Londen op 2 november 1973 (MARPOL), aangenomen op basis van artikel 16 van dit verdrag.

Certaines modifications à la Convention internationale de 1973 pour la prévention de la pollution par les navires, faite à Londres le 2 novembre 1973 (MARPOL), adoptées sur la base de l'article 16 de ladite convention.

De Brusselse Hoofdstedelijke Regering,

Le Gouvernement de la Région de Bruxelles-Capitale,

Op voorstel van de Minister van Externe Betrekkingen,

Sur la proposition du Ministre des Relations extérieures,

Na beraadslaging,

Après délibération,

BESLUIT

ARRETE

De Minister van Financiën, Begroting, Externe Betrekkingen en Ontwikkelings-samenwerking is ermee belast bij het Brussels Hoofdstedelijk Parlement het ontwerp van ordonnantie in te dienen waarvan de tekst hierna volgt:

Le Ministre des Finances, du Budget, des Relations extérieures et de la Coopération au Développement est chargé de présenter au Parlement de la Région de Bruxelles-Capitale, le projet d'ordonnance dont la teneur suit:

Artikel 1. Deze ordonnantie regelt een aangelegenheid als bedoeld in artikel 39 van de Grondwet.

Article 1er. La présente ordonnance règle une matière visée à l'article 39 de la Constitution.

Art. 2:

Zullen volkomen gevolg hebben:

1° de reeds aangenomen wijzigingen van het Protocol van 1978 bij het Internationaal Verdrag van 1973 ter voorkoming van verontreiniging door schepen, opgemaakt te Londen op 17 februari 1978, hierna het Protocol van 1978, aangenomen op basis van artikel 16 van het Internationaal Verdrag van 1973, die zijn opgenomen in hoofdstuk 1 van de bijlage van deze ordonnantie;

2° de reeds aangenomen wijzigingen van het Protocol van 1997 tot wijziging van het Internationaal Verdrag van 1973 ter voorkoming van verontreiniging door schepen, zoals gewijzigd door het Protocol van 1978, opgemaakt te Londen op 26 september 1997, hierna het Protocol van 1997, aangenomen op basis van artikel 16 van het Internationaal Verdrag van 1973, die zijn opgenomen in hoofdstuk 2 van de bijlage van deze ordonnantie.

Art. 3:

Onder voorbehoud van het derde lid zullen de wijzigingen van de hierna vermelde internationale akten die tot stand komen zonder dat België zich verzet tegen de goedkeuring ervan en die ten aanzien van België in werking treden, volkomen gevolg hebben:

1° de wijzigingen van het Protocol van 1978, aangenomen op basis van artikel 16 van het Internationaal Verdrag van 1973;

2° de wijzigingen van het Protocol van 1997, aangenomen op basis van artikel 16 van het Internationaal Verdrag van 1973.

Art. 2:

Sortiront leur plein et entier effet:

1° les modifications déjà adoptées au Protocole de 1978 à la Convention internationale de 1973 pour la prévention de la pollution par les navires, fait à Londres le 17 février 1978, ci-après le Protocole de 1978, adoptées sur la base de l'article 16 de la Convention internationale de 1973, qui sont reprises dans le chapitre 1er de l'annexe à la présente ordonnance ;

2° les modifications déjà adoptées au Protocole de 1997 modifiant la Convention internationale de 1973 pour la prévention de la pollution par les navires, telle que modifiée par le Protocole de 1978, fait à Londres le 26 septembre 1997, ci-après le Protocole de 1997, adoptées sur la base de l'article 16 de la Convention internationale de 1973, qui sont reprises dans le chapitre 2 de l'annexe à la présente ordonnance.

Art. 3:

Sou réserve du paragraphe 3, les modifications aux instruments internationaux énumérés ci-dessous qui ont été conclues sans que la Belgique y ait fait opposition et qui entrent en vigueur à l'égard de la Belgique, sortiront leur plein et entier effet :

1° les modifications au Protocole de 1978, adoptées sur la base de l'article 16 de la Convention internationale de 1973 ;

1° les modifications au Protocole de 1997, adoptées sur la base de l'article 16 de la Convention internationale de 1973 ;

De Brusselse Regering deelt elke aangenomen wijziging als vermeld in het eerste lid, aan het Brussels Parlement zodra ze in kennis is gesteld van de aanneming ervan.

Binnen een termijn die de Brusselse Regering in deze mededeling aangeeft, maar ten laatste één maand voor het verstrijken van de verzetstermijn die door de wijziging zelf wordt voorzien, kan het Brussels Parlement zich ertegen verzetten dat deze wijziging volkomen gevolg zal hebben.

Brussel,

De Minister-Voorzitter belast met Plaatselijke Besturen, Territoriale Ontwikkeling, Stedelijk Beleid, Monumenten en Landschappen, Studentenaangelegenheden, Toerisme, Openbaar Ambt, Wetenschappelijk Onderzoek en Openbare Netheid,

Le Gouvernement bruxellois communique au Parlement bruxellois toute modification conclue, tel que mentionné au premier paragraphe, dès qu'il a été informé de son adoption.

Dans le délai indiqué par le Gouvernement bruxellois dans sa communication, mais au plus tard un mois avant l'expiration du délai d'opposition prévu par la modification elle-même, le Parlement bruxellois peut s'opposer à ce que cette modification sorte son plein et entier effet.

Bruxelles, le

Le Ministre-Président chargé des Pouvoirs locaux, du Développement territorial, de la Politique de la Ville, des Monuments et Sites, des Affaires étudiantes, du Tourisme, de la Fonction publique, de la Recherche scientifique et de la Propreté publique,

Rudi VERVOORT

De Minister belast met Financiën, Begroting, Externe Betrekkingen en Ontwikkelingssamenwerking,

Le Ministre chargé des Finances, du Budget, des Relations extérieures et de la Coopération au Développement,



Guy VANHENGEL

**Bijlage. Reeds aangenomen
wijzigingen aan het Protocol van 1978
en het Protocol van 1997.**

Hoofdstuk 1. Wijzigingen van het
Protocol van 1978, aangenomen op
basis van artikel 16 van het
Internationaal Verdrag van 1973

De resoluties met de volgende
referentienummers:

- 1° MEPC.14(20)
- 2° MEPC.16(22)
- 3° MEPC.21(22)
- 4° MEPC.29(25)
- 5° MEPC.32(27)
- 6° MEPC.33(27)
- 7° MEPC.34(27)
- 8° MEPC.36(28)
- 9° MEPC.39(29)
- 10° MEPC.40(29)
- 11° MEPC.41(29)
- 12° MEPC.42(30)
- 13° MEPC.47(31)
- 14° MEPC.48(31)
- 15° MEPC.51(32)
- 16° MEPC.52(32)
- 17° MEPC.55(33)
- 18° MEPC.56(33)
- 19° MEPC.57(33)
- 20° MEPC.58(33)
- 21° 1 tot 3 van de Conferentie van
Verdragsluitende Regeringen van 2
november 1994
- 22° MEPC.65(37)
- 23° MEPC.68(38)
- 24° MEPC.69(38)
- 25° MEPC.70(38)
- 26° MEPC.73(39)
- 27° MEPC.75(40)
- 28° MEPC.78(43)
- 29° MEPC.79(43)
- 30° MEPC.80(43)
- 31° MEPC.84(44)
- 32° MEPC.89(45)
- 33° MEPC.90(45)
- 34° MEPC.94(46)
- 35° MEPC.91(45)
- 36° MEPC.95(46)
- 37° MEPC.99(48)
- 38° MEPC.111(50)
- 39° MEPC.112(50)
- 40° MEPC.115(51)
- 41° MEPC.116(51)

**Annexe. Modifications déjà adoptées
au Protocole de 1978 et au Protocole
de 1997**

Chapitre 1er. Modifications au Protocole
de 1978, adoptées sur la base de l'article
16 de la Convention internationale de
1973

Les résolutions avec les numéros de
références suivants:

- 1° MEPC.14(20)
- 2° MEPC.16(22)
- 3° MEPC.21(22)
- 4° MEPC.29(25)
- 5° MEPC.32(27)
- 6° MEPC.33(27)
- 7° MEPC.34(27)
- 8° MEPC.36(28)
- 9° MEPC.39(29)
- 10° MEPC.40(29)
- 11° MEPC.41(29)
- 12° MEPC.42(30)
- 13° MEPC.47(31)
- 14° MEPC.48(31)
- 15° MEPC.51(32)
- 16° MEPC.52(32)
- 17° MEPC.55(33)
- 18° MEPC.56(33)
- 19° MEPC.57(33)
- 20° MEPC.58(33)
- 21° 1 à 3 de la Conférence des
Gouvernements contractants du 2
novembre 1994
- 22° MEPC.65(37)
- 23° MEPC.68(38)
- 24° MEPC.69(38)
- 25° MEPC.70(38)
- 26° MEPC.73(39)
- 27° MEPC.75(40)
- 28° MEPC.78(43)
- 29° MEPC.79(43)
- 30° MEPC.80(43)
- 31° MEPC.84(44)
- 32° MEPC.89(45)
- 33° MEPC.90(45)
- 34° MEPC.94(46)
- 35° MEPC.91(45)
- 36° MEPC.95(46)
- 37° MEPC.99(48)
- 38° MEPC.111(50)
- 39° MEPC.112(50)
- 40° MEPC.115(51)
- 41° MEPC.116(51)

42° MEPC.117(52)
43° MEPC.118(52)
44° MEPC.119(52)
45° MEPC.131(53)
46° MEPC.141(54)
47° MEPC.143(54)
48° MEPC.144(54)
49° MEPC.154(55)
50° MEPC.155(55)
51° MEPC.156(55)
52° MEPC.164(56)
53° MEPC.166(56)
54° MEPC.186(59)
55° MEPC.187(59)
56° MEPC.189(60)
57° MEPC.193(61)
58° MEPC.200(62)
59° MEPC.201(62)
60° MEPC.216(63)
61° MEPC.225(64)
62° MEPC.235(65)
63° MEPC.236(65)
64° MEPC.238(65)
65° MEPC.246(66)
66° MEPC.248(66)
67° MEPC.256(67)
68° MEPC.257(67)
69° MEPC.265(68)
70° MEPC.266(68)

Hoofdstuk 2. Wijzigingen van het Protocol van 1997, aangenomen op basis van artikel 16 van het Internationaal Verdrag van 1973

De resoluties met de volgende referentienummers:

1° MEPC.132(53)
2° MEPC.176(58)
3° MEPC.177(58)
4° MEPC.190(60)
5° MEPC.194(61)
6° MEPC.202(62)
7° MEPC.203(62)
8° MEPC.217(63)
9° MEPC.247(66)
10° MEPC.251(66)
11° MEPC.258(67)

42° MEPC.117(52)
43° MEPC.118(52)
44° MEPC.119(52)
45° MEPC.131(53)
46° MEPC.141(54)
47° MEPC.143(54)
48° MEPC.144(54)
49° MEPC.154(55)
50° MEPC.155(55)
51° MEPC.156(55)
52° MEPC.164(56)
53° MEPC.166(56)
54° MEPC.186(59)
55° MEPC.187(59)
56° MEPC.189(60)
57° MEPC.193(61)
58° MEPC.200(62)
59° MEPC.201(62)
60° MEPC.216(63)
61° MEPC.225(64)
62° MEPC.235(65)
63° MEPC.236(65)
64° MEPC.238(65)
65° MEPC.246(66)
66° MEPC.248(66)
67° MEPC.256(67)
68° MEPC.257(67)
69° MEPC.265(68)
70° MEPC.266(68)

Chapitre 2. Modifications au Protocole de 1997, adoptées sur la base de l'article 16 de la Convention internationale de 1973

Les résolutions avec les numéros de références suivants:

1° MEPC.132(53)
2° MEPC.176(58)
3° MEPC.177(58)
4° MEPC.190(60)
5° MEPC.194(61)
6° MEPC.202(62)
7° MEPC.203(62)
8° MEPC.217(63)
9° MEPC.247(66)
10° MEPC.251(66)
11° MEPC.258(67)

MEMORIE VAN TOELICHTING

I. Inleiding

Binnen de Internationale Maritieme Organisatie (IMO) kwam een groot aantal belangrijke verdragen tot stand, met talrijke bijlagen die gespecialiseerde en technische voorschriften bevatten. Die bijlagen verwijzen bovendien naar een steeds toenemend aantal gespecialiseerde technische codes, aangenomen door de IMO onder de vorm van resoluties. Die technische bijlagen en codes zijn heel omvangrijk en vereisen geregeld wijzigingen om ze aan te passen aan de snelle technologische evoluties in de scheepvaart. Eén van die verdragen is MARPOL, het Internationaal Verdrag van 2 november 1973 ter voorkoming van verontreiniging door schepen.

Normaal gesproken wordt een internationaal verdrag gewijzigd door de aanneming van een wijzigend verdrag of protocol. Een dergelijke werkwijze brengt met zich mee dat staten telkens het wijzigende verdrag of protocol moeten ratificeren om uitwerking te verlenen aan de wijzigingen. Deze werkwijze is echter onverenigbaar met de noodzaak om de betrokken verdragen en protocollen frequent te wijzigen. Niet alleen zou ze resulteren in achterstand van de regelgeving, ze zou ook een onwerkbare fragmentatie van de regelgeving en de partijen bij een verdrag of protocol veroorzaken. Om dat te vermijden hebben de betrokken verdragen en protocollen van de IMO meestal vereenvoudigde wijzigingsprocedures ingesteld. Voor MARPOL is dat artikel 16. Een bijzonder kenmerk van die procedures is de automatische inwerkingtreding van de wijzigingen tegenover alle partijen bij het betrokken verdrag of protocol. Dit op basis van stilzwijgende instemming en door verloop van een bepaalde termijn, zonder dat de betrokken partijen de aangenomen wijziging hoeven te ratificeren.

Theoretisch is het zo dat de vereenvoudigde wijzigingsprocedures van de betrokken verdragen en protocollen, en dus ook die van MARPOL, voorzien in de mogelijkheid voor een staat om verzet aan te tekenen tegen een bepaalde wijziging zodat deze niet voor hem in werking treedt.

EXPOSE DES MOTIFS

I. Introduction

L'Organisation maritime internationale (OMI) a été l'instigatrice d'un grand nombre de conventions majeures, accompagnées de nombreuses annexes contenant des prescriptions spécialisées et techniques. Ces annexes renvoient par ailleurs à un nombre sans cesse croissant de codes techniques spécialisés, adoptés par l'OMI sous la forme de résolutions. Ces annexes et codes techniques sont très volumineux et nécessitent régulièrement des modifications pour être adaptés aux évolutions technologiques rapides dans la navigation. Une de ces conventions est MARPOL, la Convention internationale du 2 novembre 1973 pour la prévention de la pollution par les navires.

En temps normal, une convention internationale est modifiée par l'adoption d'une convention ou d'un protocole modificatif. Ce procédé oblige les Etats à ratifier chaque fois les conventions ou protocoles modificatifs afin de donner effet aux modifications. Ce procédé est toutefois inconciliable avec la nécessité de modifier fréquemment les conventions et protocoles concernés. Il en résulterait non seulement un retard dans la réglementation, mais il engendrerait également une fragmentation ingérable de la réglementation et des parties prenantes d'une convention ou d'un protocole. Pour éviter cela, les conventions et protocoles concernés de l'OMI font pour la plupart l'objet de procédures de modification simplifiées. Pour MARPOL, il s'agit de l'article 16. Une caractéristique particulière de ces procédures simplifiées est l'entrée en vigueur automatique des modifications pour l'ensemble des parties prenantes de la convention ou du protocole concerné, et ce, sur la base d'un accord tacite et de l'arrivée à échéance d'un certain délai, évitant aux parties prenantes de devoir ratifier la modification adoptée.

En théorie, les procédures de modification simplifiées des conventions et protocoles concernés, donc également celle de MARPOL, prévoient la possibilité pour un Etat de s'opposer à une modification donnée de sorte que celle-ci n'entre pas en vigueur pour cet Etat.

Echter is het verzet door een afzonderlijke staat enkel van theoretische aard. Gezien het internationaal karakter van het maritiem vervoer is het niet wenselijk om zonder zeer gegronde redenen afbreuk te doen aan de internationale juridische en technische uniformiteit die door de betrokken verdragen en protocollen wordt geboden. Bovendien zouden in de praktijk de schepen die de vlag voeren van een staat die een bepaalde wijziging niet aanvaardt, dat gewijzigde voorschrift toch moeten naleven omdat ze havens aandoen van andere staten die de betrokken wijziging wel hebben aanvaard.

Krachtens artikel 167 van de Grondwet hebben verdragen pas gevolg in onze interne rechtsorde nadat zij de instemming van de bevoegde wetgevende vergaderingen hebben verkregen. De aard en de termijnen van de vereenvoudigde wijzigingsprocedures, vastgesteld door de betrokken verdragen en protocollen, zijn er echter niet mee gebaat dat voor elke afzonderlijke wijziging, die op basis van deze wijzigingsprocedures wordt aangenomen, de instemming van de bevoegde parlementen zou moeten bekomen worden.

Het voorliggende ontwerp van ordonnantie beoogt dan ook de instemming te bekomen van het Brussels Parlement met de wijzigingen aan MARPOL die aangenomen worden op basis van de daarin ingestelde vereenvoudigde wijzigingsprocedure, zowel voor die uit het verleden als voor die in de toekomst, op een wijze die is afgestemd op de aard en de kenmerken van deze vereenvoudigde wijzigingsprocedure. Aldus wordt vermeden dat voor elke wijziging een apart instemmingsordonnantie nodig is. Deze ordonnantie vult, wat het Brussels Gewest betreft, de wet van 27 mei 2014 tot instemming met bepaalde wijzigingen van verscheidene internationale akten aangenomen onder de auspiciën van de Internationale Maritieme Organisatie (BS 17 juni 2014, ed. 2, add. 25 augustus 2014) aan. Hierin werd de instemming voor de federale aspecten van dit verdrag reeds gegeven.

Met de wet van 24 april 2014 betreffende de bekendmaking van verscheidene internationale akten houdende technische voorschriften inzake schepen en de zeevaart (BS 16 mei 2014) heeft de federale wetgever voorts voorzien in een bijzondere bekendmakings-regeling die erop neerkomt dat kan worden volstaan met een bericht in het Belgisch Staatsblad waarin wordt gepreciseerd op welke wijze de integrale versie van de betrokken internationale normen kan worden geraadpleegd.

Toutefois l'opposition d'un Etat individuellement est purement théorique. Vu la nature internationale du transport maritime, il n'est pas souhaitable de porter préjudice sans raison fondée à l'uniformité juridique et technique internationale offerte par les conventions et protocoles concernés. Qui plus est, dans la pratique, les navires portant le drapeau d'un Etat ayant refusé une certaine modification devraient tout de même respecter cette prescription modifiée, car ils font escale dans des ports d'Etats qui ont, eux, accepté la modification en question.

En vertu de l'article 167 de la Constitution, les traités n'ont d'effet dans notre ordre juridique interne qu'après avoir reçu l'assentiment des assemblées législatives compétentes. Vu la nature et les délais des procédures de modification simplifiées, définies par les conventions et protocoles concernés, il serait préjudiciable que chacune des modifications, adoptées sur la base de ces procédures de modification, nécessitent l'assentiment des parlements compétents.

C'est pourquoi le présent projet d'ordonnance vise à obtenir l'assentiment du Parlement bruxellois concernant les modifications apportées à MARPOL sur la base de la procédure de modification simplifiée prévue dans ladite convention, que ce soit pour les modifications passées ou à venir, d'une façon qui soit adaptée à la nature et aux caractéristiques de cette procédure de modification simplifiée. Nous évitons ainsi de devoir disposer d'une ordonnance d'assentiment distinct pour chaque modification. Cette ordonnance complète, en ce qui concerne la Région bruxelloise, la loi du 27 mai 2014 portant approbation de certaines modifications de divers actes internationaux adoptés sous les auspices de l'Organisation maritime internationale (MB 17 juin 2014, éd. 2, add. 25 août 2014), dans lequel cet assentiment est déjà donné pour les aspects fédéraux de ce traité mixte.

Par la loi du 24 avril 2014 relative à la publication de divers actes internationaux portant des prescriptions techniques en matière de navires et de navigation maritime (MB 16 mai 2014), le législateur fédéral a par ailleurs prévu une mesure de publication particulière selon laquelle une publication au Moniteur belge, précisant la manière dont la version intégrale des normes internationales concernées peut être consultée, est suffisante.

II. Inhoud van het MARPOL-Verdrag

Het MARPOL-Verdrag is de belangrijkste internationale overeenkomst inzake het voorkomen van vervuiling van het mariene milieu door schepen in het kader van hun reguliere operaties (bijvoorbeeld ladingsresten, resten van brandstof en smeerolie, afvalwater, vuilnis, luchtverontreiniging) of bij ongevallen.

Het protocol van 1978 was een antwoord op een toename van ongevallen met tankers in die periode. Aangezien het oorspronkelijk verdrag op dat ogenblik nog niet in werking was getreden, versmolten het moederverdrag en het protocol tot één instrument dat op 2 oktober 1983 in werking trad (voor België gebeurde de instemming bij wet van 17 januari 1984).

In 1997 werd een nieuw protocol aangenomen dat het verdrag amendeerde en een nieuwe bijlage VI toevoegde, die op 19 mei 2005 in werking trad (Ordonnantie 1 april 2004, *BS* 26 april 2004).

Doorheen de jaren zijn er tot nu toe 81 wijzigingen, via resolutie, aangebracht aan MARPOL.

Het MARPOL-verdrag bevat regels die verontreiniging door schepen voorkomen en beperken en omvat momenteel zes afzonderlijke bijlagen:

- bijlage I: regels voor het voorkomen van verontreiniging door olie;
- bijlage II: regels voor het beperken van verontreiniging door schadelijke vloeibare stoffen in bulk;
- bijlage III: regels voor het voorkomen van verontreiniging door schadelijke stoffen die in verpakte vorm over zee worden vervoerd;
- bijlage: regels voor het voorkomen van verontreiniging door afvalwater van schepen;
- bijlage V: regels voor het voorkomen van vervuiling door afval van schepen;
- bijlage VI: regels voor het voorkomen van luchtvervuiling door schepen.

II. Contenu de la Convention MARPOL

La Convention MARPOL est le principal accord international en matière de prévention de la pollution du milieu marin par les navires dans le cadre de leurs opérations régulières (par exemple restes de chargements, restes de carburant et d'huile moteur, eaux usées, ordures, pollution de l'air) ou en cas d'accidents.

Le protocole de 1978 était une réponse à la hausse des accidents impliquant des navires citernes durant cette période. Étant donné que la convention d'origine n'était pas encore entrée en vigueur à ce moment-là, la convention mère et le protocole ont fusionné en un seul instrument qui est entré en vigueur le 2 octobre 1983 (pour la Belgique, l'assentiment avait été donné par la loi du 17 janvier 1984).

En 1997, un nouveau protocole a été adopté, amendant la convention et ajoutant une nouvelle annexe VI, prenant effet le 19 mai 2005 (Ordonnance 1^{er} avril 2004, *MB* 26 avril 2004).

Au fil des ans, MARPOL a jusqu'à présent fait l'objet de 81 modifications, par résolution.

La convention MARPOL contient des règles qui préviennent et limitent la pollution causée par les navires, et comprend actuellement six annexes séparées :

- annexe I : règles pour la prévention de la pollution par hydrocarbures;
- annexe II: règles pour le contrôle de la pollution par des substances liquides nocives;
- annexe III: prévention de la pollution par des substances toxiques transportées par mer sous forme de colis;
- annexe IV: prévention de la pollution par les eaux usées des navires;
- annexe V: prévention de la pollution par les ordures des navires;
- Annexe VI : prévention de la pollution de l'air par les navires.

III. Gemengd karakter

In zijn vergadering van 17 juli 2009 legde de Werkgroep Gemengde Verdragen (WGGV), adviesorgaan van de Interministeriële Conferentie voor Buitenlands Beleid (ICBB), het gemengde karakter vast van het MARPOL-verdrag van 1973 en van het protocol van 1978 bij dit verdrag. Eerder al, op 22 maart 2002, had de WGGV het gemengd karakter van het MARPOL-protocol van 1997 vastgelegd. Zowel de federale overheid als de gewesten zijn dus bevoegd verklaard.

IV. Toelichting bij de ordonnantie

Door artikel 2 wordt ingestemd met alle reeds bestaande wijzigingen aan MARPOL die bij Protocol van 1978 en 1997 zijn aangebracht. De reeds doorgevoerde wijzigingen in het Protocol van 1978 (onder 1°) en het Protocol 1997 (onder 2°) zijn verduidelijkt in de hoofdstukken 1 en 2 van de bijlage, met telkenmale verwijzing naar de concrete resoluties die in het kader van de IMO zijn aangenomen.

Artikel 3 handelt over de toekomstige wijzigingen die volgens de vereenvoudigde wijzigingsprocedure uit artikel 16 van het MARPOL-verdrag van 1973 zullen worden aangenomen.

Behalve wanneer het Brussels Parlement er zich uitdrukkelijk tegen verzet overeenkomstig het bepaalde in het derde lid, zullen deze wijzigingen volkomen gevolg hebben.

Elke door de IMO aangenomen wijziging aan de MARPOL-protocollen moet de Brusselse Regering ter kennis brengen van het Brussels Parlement, althans voor zover natuurlijk de Brusselse Regering hierover zelf is geïnformeerd. In haar mededeling aan het parlement moet de Brusselse Regering uitdrukkelijk aangeven welke de termijn is waarbinnen het nog op nuttige wijze bezwaar kan maken. Als het parlement zich binnen de vastgestelde termijn verzet tegen een voorgestelde verdragswijziging, wordt de voorafgaande instemming opgeheven en heeft de verdragswijziging, bij gebrek aan parlementaire goedkeuring, internrechtelijk geen gevolgen.

III. Caractère mixte

Lors de sa réunion du 17 juillet 2009, le Groupe de travail Traités mixtes (GTTM), organe consultatif de la Conférence interministérielle de Politique étrangère (CIPE), a établi le caractère mixte de la Convention MARPOL de 1973 et du protocole de 1978 de cette convention. Le 22 mars 2002, le GTTM avait déjà établi le caractère mixte du protocole MARPOL de 1997. Cela signifie que l'autorité fédérale et les régions ont toutes été déclarées compétentes.

IV. Commentaire de l'ordonnance

Par l'article 2, il est consenti à l'ensemble des modifications déjà existantes apportées à MARPOL par les protocoles de 1978 et 1997. Les modifications déjà effectuées dans le protocole de 1978 (sous 1°) et dans le protocole de 1997 (sous 2°) sont spécifiées aux chapitres 1 et 2 de l'annexe, renvoyant chaque fois aux résolutions concrètes adoptées dans le cadre de l'OMI.

L'article 3 traite des modifications futures qui seront adoptées suivant la procédure de modification simplifiée expliquée à l'article 16 de la convention MARPOL de 1973

Sauf si le Parlement bruxellois s'y oppose expressément conformément aux dispositions précisées au troisième alinéa, ces modifications sortiront leur plein et entier effet.

Toute modification apportée aux protocoles MARPOL et adoptée par l'OMI doit être portée à la connaissance du Parlement bruxellois par le Gouvernement bruxellois, pour autant que le Gouvernement bruxellois lui-même en soit informé. Dans sa communication au Parlement, le Gouvernement bruxellois doit explicitement indiquer le délai dans lequel il peut utilement émettre des réserves. Si le Parlement s'oppose dans le délai défini à une proposition de modification à la convention, l'assentiment préalable est retiré et la modification à la convention, en l'absence d'approbation parlementaire, n'a aucune conséquence d'ordre juridique interne.

De Brusselse Regering moet dan bezwaar aantekenen tegen dit voorstel om te vermijden dat het Brussels Gewest internationaalrechtelijk gebonden zou zijn door deze wijziging.

Bijlage

De bij deze ordonnantie toegevoegde bijlage vermeldt nominatief alle wijzigingen aan MARPOL die het *Marine Environment Protection Committee* (MEPC) van de IMO tot op heden bij resolutie heeft aangenomen.

In de geconsolideerde versie, die geregeld wordt geactualiseerd, zitten alle wijzigingen die het MEPC bij resolutie heeft aangenomen, verwerkt. De tekst is te raadplegen op de officiële website van de IMO: <http://www.imo.org/en/Publications/Documents/Newsletters%20and%20Mailers/Mailers/IE520E.pdf>

De Minister-Voorzitter belast met Plaatselijke Besturen, Territoriale Ontwikkeling, Stedelijk Beleid, Monumenten en Landschappen, Studentenaangelegenheden, Toerisme, Openbaar Ambt, Wetenschappelijk Onderzoek en Openbare Netheid,

Le Gouvernement bruxellois doit alors émettre une objection à cette proposition afin d'éviter que la Région bruxelloise ne soit liée à cette modification par le droit international.

Annexe

L'annexe jointe à la présente ordonnance mentionne nominativement toutes les modifications à MARPOL adoptées jusqu'à présent par le *Marine Environment Protection Committee* (MEPC) de l'OMI par résolution.

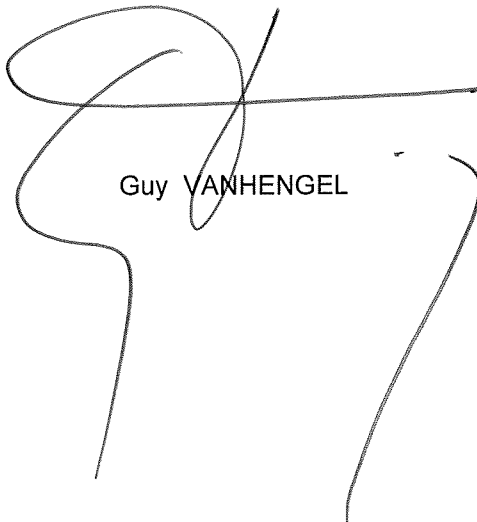
La version consolidée, qui est régulièrement mise à jour, reprend l'ensemble des modifications que le CPMM a adoptées par résolution. Le texte peut être consulté sur le site internet officiel de l'OMI : <http://www.imo.org/en/Publications/Documents/Newsletters%20and%20Mailers/Mailers/IE520E.pdf>

Le Ministre-Président chargé des Pouvoirs locaux, du Développement territorial, de la Politique de la Ville, des Monuments et Sites, des Affaires étudiantes, du Tourisme, de la Fonction publique, de la Recherche scientifique et de la Propreté publique,

Rudi VERVOORT

De Minister belast met Financiën, Begroting, Externe Betrekkingen en Ontwikkelings-samenwerking,

Le Ministre chargé des Finances, du Budget, des Relations extérieures et de la Coopération au Développement,



Guy VANHENGEL

**INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS, 1973**

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

HAVE AGREED as follows:

ARTICLE 1

General Obligations under the Convention

- (1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.
- (2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

ARTICLE 2

Definitions

For the purposes of the present Convention, unless expressly provided otherwise:

- (1) "Regulations" means the Regulations contained in the Annexes to the present Convention.

(2) "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention.

(3) (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

(4) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

(5) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(6) "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

(7) "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE 3

Application

(1) The present Convention shall apply to:

(a) ships entitled to fly the flag of a Party to the Convention; and

(b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

(2) Nothing in the present Article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.

(3) The present Convention shall not apply to 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 the 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 practicable, with the present Convention.

ARTICLE 4

Violation

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

ARTICLE 5

Certificates and Special Rules on Inspection of Ships

(1) Subject to the provisions of paragraph (2) of the present Article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the Regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

(2) A ship required to hold a certificate in accordance with the provisions of the Regulations is subject, while in the ports or off-shore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment

does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship entry to the ports or off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.

(4) With respect to the ships 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.

ARTICLE 6

Detection of Violations and Enforcement of the Convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the Regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the Regulations. If it is practicable to do so, the competent authority of the former Party shall notify the Master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or off-shore terminals under its jurisdiction, if a request for an

investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

ARTICLE 7

Undue Delay to Ships

- (1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 4, 5 or 6 of the present Convention.
- (2) When a ship is unduly detained or delayed under Article 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

ARTICLE 8

Reports on Incidents Involving Harmful Substances

- (1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention.
- (2) Each Party to the Convention shall:
 - (a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and
 - (b) notify the Organization with complete details of such arrangements for circulation to other Parties and Member States of the Organization.
- (3) Whenever a Party receives a report under the provisions of the present Article, that Party shall relay the report without delay to:
 - (a) the Administration of the ship involved; and
 - (b) any other State which may be affected.
- (4) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol I to the present Convention. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other party concerned.

ARTICLE 9

Other Treaties and Interpretation

- (1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.

(2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(3) The term "jurisdiction" in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

ARTICLE 10

Settlement of Disputes

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

ARTICLE 11

Communication of Information

(1) The Parties to the Convention undertake to communicate to the Organization:

- (a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;
- (b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;
- (c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;
- (d) a list of reception facilities including their location, capacity and available facilities and other characteristics;
- (e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and
- (f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

(2) The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under sub-paragraphs (1)(b) to (f) of the present Article.

ARTICLE 12

Casualties to Ships

- (1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the Regulations if such casualty has produced a major deleterious effect upon the marine environment.
- (2) Each Party to the Convention undertakes to supply the Organization with information concerning the findings of such investigation, when it judges that such information may assist in determining what changes in the present Convention might be desirable.

ARTICLE 13

Signature, Ratification, Acceptance, Approval and Accession

- (1) The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall thereafter remain open for accession. States may become Parties to the present Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
- (2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.
- (3) The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

ARTICLE 14

Optional Annexes

- (1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as "Optional Annexes") of the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.
- (2) A State which has declared that it is not bound by an Optional Annex may at any time accept such Annex by depositing with the Organization an instrument of the kind referred to in Article 13(2).
- (3) A State which makes a declaration under paragraph (1) of the present Article in respect of an Optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of the present Article shall not be under any obligation nor entitled to claim any privileges under the present Convention in

respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.

(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under the present Article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of the present Article.

ARTICLE 15

Entry into Force

(1) The present Convention shall enter into force twelve months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with Article 13.

(2) An Optional Annex shall enter into force twelve months after the date on which the conditions stipulated in paragraph (1) of the present Article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the present Convention or acceded to it of the date on which it enters into force and of the date on which an Optional Annex enters into force in accordance with paragraph (2) of the present Article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any Optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

(6) After the date on which all the conditions required under Article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

ARTICLE 16

Amendments

(1) The present Convention may be amended by any of the procedures specified in the following paragraphs.

(2) Amendments after consideration by the Organization:

- (a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;
- (b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;
- (d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;
- (e) if adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet;
 - (ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f)(iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;
 - (iii) an amendment to an Appendix to an Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one-third of the Parties or by the Parties the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled;
 - (iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in sub-paragraphs (f)(ii) or (f)(iii) above;

- (v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to an Article of the Convention, as provided for in sub-paragraph (f)(i) above;
 - (g) the amendment shall enter into force under the following conditions:
 - (i) in the case of an amendment to an Article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under the procedure specified in sub-paragraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;
 - (ii) in the case of an amendment to Protocol I, to an Appendix to an Annex or to an Annex to the Convention under the procedure specified in sub-paragraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under sub-paragraph (f)(ii), that their express approval is necessary.
- (3) Amendment by a Conference:
- (a) Upon the request of a Party, concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.
 - (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)(f) and (g) above.
- (4)
- (a) In the case of an amendment to an Optional Annex, a reference in the present Article to a "Party to the Convention" shall be deemed to mean a reference to a Party bound by that Annex.
 - (b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that Amendment.
- (5) The adoption and entry into force of a new Annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an Article of the Convention.
- (6) Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.

(7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the Articles of the present Convention.

(8) The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present Article, together with the date on which each such amendment enters into force.

(9) Any declaration of acceptance or of objection to an amendment under the present Article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties to the Convention.

ARTICLE 17

Promotion of Technical Co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for reception and monitoring;
- (c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and
- (d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

ARTICLE 18

Denunciation

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

ARTICLE 19

Deposit and Registration

- (1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.
- (2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 20

Languages

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON this second day of November, one thousand nine hundred and seventy-three.