

PROTOCOL 1

Provisions Concerning Reports on Incidents Involving Harmful Substances (In accordance with article 8 of the Convention)

Article I

Duty to report

- (1) The master or other person having charge of any ship involved in an incident referred to in article II of this Protocol shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.
- (2) In the event of the ship referred to in paragraph (1) of this article being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible, assume the obligations placed upon the master under the provisions of this Protocol.

Article II

When to make reports

- (1) The report shall be made when an incident involves:
- (a) a discharge above the permitted level or probable discharge of oil or of noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or for saving life at sea; or
 - (b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or
 - (c) damage, failure or breakdown of a ship of 15 metres in length or above which:
 - (i) affects the safety of the ship; including but not limited to collision, grounding, fire, explosion, structural failure, flooding and cargo shifting; or
 - (ii) results in impairment of the safety of navigation; including but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids; or
 - (d) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.

(2) For the purposes of this Protocol:

- (a)** *Oil* referred to in subparagraph (1)(a) of the article means oil as defined in regulation 1.1 of Annex I of the Convention.
- (b)** *Noxious liquid substances* referred to in subparagraph (1)(a) of this article means noxious liquid substances as defined in regulation 1.10 of Annex II of the Convention.
- (c)** *Harmful substances* in packaged form referred to in subparagraph (1)(b) of this article means substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).

Article III

Contents of report

Reports shall in any case include:

- (a)** identity of ships involved;
- (b)** time, type and location of incident;
- (c)** quantity and type of harmful substance involved;
- (d)** assistance and salvage measures.

Article IV

Supplementary report

Any person who is obliged under the provisions of this Protocol to send a report, shall, when possible:

- (a)** supplement the initial report, as necessary, and provide information concerning further developments; and
- (b)** comply as fully as possible with requests from affected States for additional information.

Article V

Reporting procedures

- (1)** Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State.
- (2)** In order to implement the provisions of this Protocol, Parties to the present Convention shall issue, or cause to be issued, regulations or instructions on the procedures to be followed in reporting incidents involving harmful substances, based on guidelines developed by the Organization.*

* Refer to the General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting incidents involving Dangerous Goods, Harmful Substances and/or Marine Pollutants adopted by the Organization by resolution A.851(20), as amended by resolution MEPC.138(53); see IMO publication, sales number IA516E.