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MULTILATERAL

International Convention on oil pollution preparedness, response and cooperation, 1990 (with annex and procès-verbal of rectification). Concluded at London on 30 November 1990

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.

Registered by the International Maritime Organization on 18 October 1995.

MULTILATÉRAL

Convention internationale de 1990 sur la préparation, la lutte et la coopération en matière de pollution par les hydrocarbures (avec annexe et procès-verbal de rectification). Conclue à Londres le 30 novembre 1990

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.

Enregistrée par l'Organisation maritime internationale le 18 octobre 1995.

INTERNATIONAL CONVENTION¹ ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990

THE PARTIES TO THE PRESENT CONVENTION,

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

RECOGNIZING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities,

¹ Came into force on 13 May 1995 in respect of the following States, i.e., 12 months after the date on which not less than 15 States had either signed it without reservation as to ratification, acceptance or approval, or deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the International Maritime Organization, in accordance with article 16 (1):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification, accession (a) or approval (AA)</i>
Australia	6 July 1992 <i>a</i>
Canada	7 March 1994 <i>a</i>
Egypt	29 June 1992
Finland	21 July 1993 <i>AA</i>
France	6 November 1992 <i>AA</i>
Iceland	21 June 1993
Mexico	13 May 1994 <i>a</i>
Nigeria	25 May 1993 <i>a</i>
Norway	8 March 1994
Pakistan	21 July 1993 <i>a</i>
Senegal	24 March 1994
Seychelles	26 June 1992 <i>a</i>
Spain	12 January 1994
Sweden	30 March 1992
United States of America	27 March 1992

In addition and prior to the entry into force of the Convention, the Convention came into force for the following States on the date of entry into force of the Convention or three months after the date of deposit of their instruments of ratification, acceptance, approval or accession whichever is the later date, in accordance with article 16 (2).

<i>Participant</i>	<i>Date of deposit of the instrument of ratification or of signature (s)</i>
Argentina	13 July 1994
(With effect from 13 May 1995.)*	
Uruguay	27 September 1994 <i>s</i>
(With effect from 13 May 1995.)	
Netherlands	1 December 1994
(With effect from 13 May 1995.)	
Venezuela	12 December 1994
(With effect from 13 May 1995.)	
Germany	15 February 1995
(With effect from 13 May 1995.)	
Greece	7 March 1995
(With effect from 7 June 1995.)	

Subsequently, the Convention came into force for the following States, three months after the date of deposit of their instrument of ratification, acceptance, approval or accession in accordance with article 16 (3).

<i>Participant</i>	<i>Date of deposit of the instrument of accession</i>
Liberia	5 October 1995
(With effect from 5 January 1996.)	
El Salvador	9 October 1995
(With effect from 9 January 1996.)	

* See p. 143 for the text of the reservation made upon ratification.

MINDFUL of the importance of precautionary measures and prevention in avoiding oil pollution in the first instance, and the need for strict application of existing international instruments dealing with maritime safety and marine pollution prevention, particularly the International Convention for the Safety of Life at Sea, 1974, as amended,¹ and the International Convention for the Prevention of Pollution from Ships, 1973,² as modified by the Protocol of 1978³ relating thereto, as amended, and also the speedy development of enhanced standards for the design, operation and maintenance of ships carrying oil, and of offshore units,

MINDFUL ALSO that, in the event of an oil pollution incident, prompt and effective action is essential in order to minimize the damage which may result from such an incident,

EMPHASIZING the importance of effective preparation for combating oil pollution incidents and the important role which the oil and shipping industries have in this regard,

RECOGNIZING FURTHER the importance of mutual assistance and international co-operation relating to matters including the exchange of information respecting the capabilities of States to respond to oil pollution incidents, the preparation of oil pollution contingency plans, the exchange of reports of incidents of significance which may affect the marine environment or the coastline and related interests of States, and research and development respecting means of combating oil pollution in the marine environment,

TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law,

TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage, including the 1969 International Convention on Civil Liability for Oil Pollution Damage⁴ (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND);⁵ and the compelling need for early entry into force of the 1984 Protocols to the CLC and FUND Conventions,

TAKING ACCOUNT FURTHER of the importance of bilateral and multilateral agreements and arrangements including regional conventions and agreements,

BEARING IN MIND the relevant provisions of the United Nations Convention on the Law of the Sea,⁶ in particular of its part XII,

¹ United Nations, *Treaty Series*, vol. 1184, p. 2 (authentic Chinese and English texts); vol. 1185, p. 2 (authentic French, Russian and Spanish texts); vol. 1300, p. 391 (rectification of the authentic English, French, Russian and Spanish texts); vol. 1331, p. 400 (rectification of the authentic Chinese text); for the texts of the amendments of 20 November 1981, see vol. 1370, p. 2 (Chinese and English); vol. 1371, p. 2 (French and Russian); and vol. 1372, p. 61 (Spanish); vol. 1402, p. 375 (rectification of the authentic English, French, Russian and Spanish texts of the amendments of 20 November 1981); vol. 1419, p. 398 (rectification of the authentic English text of the amendments of 20 November 1981, incorporated into the text of said amendments and published in vol. 1370); for the texts of the amendments of 17 June 1983, see vol. 1431, p. 2 (Chinese and English); vol. 1432, p. 2 (French and Russian); vol. 1433, p. 92 (Spanish); vol. 1484, p. 442 (rectification of the authentic Spanish text of the amendments of 20 November 1981); vol. 1522, p. 234 (amendments of 29 April 1987); vol. 1558, No. A-18961 (amendments of 21 April 1988); vol. 1566, No. A-18961 (amendments of 28 October 1988); vol. 1593, p. 417 (rectification of the authentic Spanish text of the amendments of 28 October 1988); vol. 1674, No. A-18961 (amendments of 9 November 1988, 11 April 1989 and 25 May 1990); vol. 1765, No. A-18961 (amendments of 23 May 1991).

² *Ibid.*, vol. 1340, p. 184.

³ *Ibid.*, p. 61.

⁴ *Ibid.*, vol. 973, p. 3.

⁵ *Ibid.*, vol. 1110, p. 57.

⁶ *Ibid.*, vols. 1833, 1834 and 1835, No. I-31363.

BEING AWARE of the need to promote international co-operation and to enhance existing national, regional and global capabilities concerning oil pollution preparedness and response, taking into account the special needs of the developing countries and particularly small island States,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention on Oil Pollution Preparedness, Response and Co-operation,

HAVE AGREED as follows:

ARTICLE 1

General provisions

- (1) Parties undertake, individually or jointly, to take all appropriate measures in accordance with the provisions of this Convention and the Annex thereto to prepare for and respond to an oil pollution incident.
- (2) The Annex to this Convention shall constitute an integral part of the Convention and a reference to this Convention constitutes at the same time a reference to the Annex.
- (3) This 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 this Convention.

ARTICLE 2

Definitions

For the purposes of this Convention:

- (1) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.
- (2) "Oil pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.
- (3) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type.
- (4) "Offshore unit" means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil.
- (5) "Sea ports and oil handling facilities" means those facilities which present a risk of an oil pollution incident and includes, inter alia, sea ports, oil terminals, pipelines and other oil handling facilities.

- (6) "Organization" means the International Maritime Organization.
- (7) "Secretary-General" means the Secretary-General of the Organization.

ARTICLE 3

Oil pollution emergency plans

- (1) (a) Each Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions adopted by the Organization for this purpose.
- (b) A ship required to have on board an oil pollution emergency plan in accordance with subparagraph (a) is subject, while in a port or at an offshore terminal under the jurisdiction of a Party, to inspection by officers duly authorized by that Party, in accordance with the practices provided for in existing international agreements or its national legislation.
- (2) Each Party shall require that operators of offshore units under its jurisdiction have oil pollution emergency plans, which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.
- (3) Each Party shall require that authorities or operators in charge of such sea ports and oil handling facilities under its jurisdiction as it deems appropriate have oil pollution emergency plans or similar arrangements which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

ARTICLE 4

Oil pollution reporting procedures

- (1) Each Party shall:
- (a) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any event on their ship or offshore unit involving a discharge or probable discharge of oil:
- (i) in the case of a ship, to the nearest coastal State;
- (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
- (b) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any observed event at sea involving a discharge of oil or the presence of oil:
- (i) in the case of a ship, to the nearest coastal State;
- (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;