Regulation of 20 February 2003 No. 254 on the accelerated phasing-in of double hull or equivalent design requirements for single-hull oil tankers


§ 1

Phasing-in of double-hull or equivalent design requirements


This Regulation applies to Norwegian oil tankers and all oil tankers calling at Norwegian ports, as defined in Article 3 of the EC Regulation.

This Regulation applies to Svalbard and Jan Mayen.


§ 2

Duties

The company, master and other persons working on board shall perform their duties in accordance with the Ship Safety and Security Act and the supplementary provisions laid down in this Regulation.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

§ 3

Supervising authority

The Norwegian Maritime Directorate or anyone authorized by the Directorate shall supervise compliance with this Regulation.

§ 4

Entry into force

This Regulation enters into force immediately. The Regulation shall enter into force for foreign ships at Svalbard and Jan Mayen from the date decided by the King.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).
Appendix I

Title amended by regulation of 15 June 2004 No. 1011.


THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,
Having regard to the proposal from the Commission (1),
Having regard to the opinion of the Economic and Social Committee (2),
Having regard to the opinion of the Committee of the Regions (3),
Acting in accordance with the procedure laid down in Article 251 of the Treaty (4),

Whereas:

(1) Within the framework of the common transport policy, further measures must be taken to enhance safety and prevent pollution in maritime transport.

(2) The Community is seriously concerned by the shipping accidents involving oil tankers and the associated pollution of its coast-lines and harm to its fauna and flora and other marine resources.

(3) In its communication ‘a common policy on safe seas’, the Commission underlined the request of the extraordinary Council on Environment and Transport of 25 January 1993 to support the action in the International Maritime Organisation (IMO) on the reduction of the safety gap between new and existing ships by upgrading and/or phasing out existing ships.

(4) In its Resolution on a common policy on safe seas (5), the European Parliament welcomed the Commission communication and called in particular for action to be taken to improve tanker safety standards.

(5) By its Resolution of 8 June 1993 on a common policy on safe seas (6), the Council fully supported the objectives of the Commission communication.

(6) In its Resolution on the oil slick off the French coast adopted on 20 January 2000, the European Parliament welcomed any efforts by the Commission to bring forward the date by which oil tankers will be obliged to have a double-hull construction.

(7) The International Maritime Organisation (IMO) has established, in the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol of 1978 related thereto (MARPOL 73/78), internationally agreed pollution prevention rules affecting the design and operation of oil tankers. Member States are Parties to MARPOL 73/78.

(8) According to Article 3.3 of MARPOL 73/78, that Convention does not apply to warships, naval auxiliary or other ships owned or operated by a State and used only for government non-commercial services.

(9) Comparison of tanker age and accident statistics shows increasing accident rates for older ships. It has been internationally agreed that the adoption of the 1992 amendments to MARPOL 73/78 requiring the application of the double hull or equivalent design standards to existing single hull oil tankers when they reach a certain age will provide those tankers with a higher degree of protection against accidental oil pollution in the event of collision or stranding.

(10) It is in the Community’s interest to adopt measures to ensure that oil tankers entering into ports and offshore terminals under the jurisdiction of Member States and that oil tankers flying the flags of Member States comply with Regulation 13G of Annex I of MARPOL 73/78 as revised in 2001 by Resolution MEPC 95(46) in order to reduce the risk of accidental oil pollution in European waters.

(11) Amendments to the MARPOL 73/78 Convention adopted by the IMO on 6 March 1992 entered into force on 6 July 1993. These measures impose double hull or equivalent design requirements for oil tankers delivered on or after 6 July 1996 and aimed at preventing oil pollution in the event of collision or stranding. Within these amendments, a phasing-out scheme for single hull oil tankers delivered before that date took effect from 6 July 1995 requiring tankers delivered before 1 June 1982 to comply with the double hull or equivalent design standards not later than 25 years and, in some cases, 30 years after the date of their delivery. Such existing single hull oil tankers would not be allowed to operate beyond 2007 and, in some cases, 2012 unless they comply with the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78. For existing single hull oil tankers delivered after 1 June 1982 or those delivered before 1 June 1982 and which are converted, complying with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location, this deadline will be reached at the latest in 2026.

(12) New important amendments to Regulation 13G of Annex I of MARPOL 73/78 were adopted on 27 April 2001 by the 46th session of the IMO Marine Environment Protection Committee (MEPC-46) by Resolution MEPC 95(46), entering into force on 1 September 2002, in which a new accelerated phasing-out scheme for single hull oil tankers was introduced. The respective final dates by which tankers must comply with Regulation 13F of
Annex I of MARPOL 73/78 depend on the size and age of the ship. Oil tankers are therefore in that scheme divided into three categories according to their tonnage, construction and age. All these categories, including the lowest one (3), are important for intra-Community trade.

(13) The final date by which a single hull oil tanker is to be phased out is the anniversary of the date of delivery of the ship, according to a schedule starting in 2003 until 2007 for Category (1) oil tankers, and until 2015 for Category (2) and (3) oil tankers.

(14) The revised Regulation 13G of Annex I of MARPOL 73/78 maintains the requirements for Category (1) tankers, after 25 years, to have wingtanks or double bottoms in protective locations not used for the carriage of cargo or to operate only with hydrostatically balanced loading.

(15) That same Regulation introduces a requirement that Category (1) and (2) oil tankers may only continue to operate after the anniversary of the date of their delivery in 2005 and 2010 respectively subject to compliance with a Condition Assessment Scheme (CAS), adopted on 27 April 2001 by IMO in Resolution MEPC 94(46). The CAS imposes an obligation that the flag State administration issues a Statement of Compliance and is involved in the CAS survey procedures.

(16) Paragraph 5 of the said Regulation allows for an exception for Category (2) and (3) oil tankers to operate, under certain circumstances, beyond the time-limit of their phasing-out. Paragraph 8b of the same Regulation gives the right for Parties to the MARPOL 73/78 Convention to deny entry into the ports or offshore terminals under their jurisdiction of oil tankers allowed to operate under this exception. Member States have declared their intention to use the right. Decision to have recourse to this right has to be communicated to the IMO.

(17) It is important to ensure that the provisions in this Regulation do not endanger the safety of crew or oil tankers in search of a safe haven or a place of refuge.

(18) In order to allow shipyards in Member States to repair single hull oil tankers, Member States may make exceptions to allow entry into their ports of such vessels, provided they are not carrying any cargo.

(19) It should be possible to amend certain provisions of this Regulation so as to bring them into line with international instruments adopted, amended or entering into force after the entry into force of this Regulation without broadening its scope. Such amendments should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (7).

(20) In view of the approaching deadline for single hull oil tankers which do not comply with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location, and given that this is most relevant for Category (1) tankers, there are no reasons to maintain the differential charging system for which Regulation (EC) No 2978/94 (8) provides between such oil tankers and oil tankers that comply with the said requirements beyond 2007, and therefore Regulation (EC) No 2978/94 should be repealed,

HAVE ADOPTED THIS REGULATION:

**Article 1**

*Purpose*

The purpose of this Regulation is to establish an accelerated phasing-in scheme for the application of the double hull or equivalent design requirements of the MARPOL 73/78 Convention to single hull oil tankers.

**Article 2**

*Scope*

1. This Regulation shall apply to oil tankers of 5 000 tons deadweight and above:
   - entering into a port or offshore terminal under the jurisdiction of a Member State, irrespective of their flag,
   - or
   - flying the flag of a Member State.

2. This Regulation 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. Member States shall, so far as is reasonable and practicable, endeavour to respect this Regulation for the ships referred to in this paragraph.
Article 3
Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. ‘MARPOL 73/78’ shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, with subsequent amendments.

2. ‘revised Regulation 13G of Annex I of MARPOL 73/78’ shall mean the amendments to Regulation 13G of Annex I to MARPOL 73/78 and to the Supplement to the IOPP Certificate, as adopted by Resolution MEPC 94(46) of 27 April 2001 which enters into force on 1 September 2002;

3. ‘oil tanker’ shall mean an oil tanker as defined in Regulation 1(4) of Annex I of MARPOL 73/78;

4. ‘deadweight’ shall mean deadweight as defined in Regulation 1(22) of Annex I of MARPOL 73/78;

5. ‘new oil tanker’ shall mean a new oil tanker as defined in Regulation 1(26) of Annex I of MARPOL 73/78;

6. ‘category (1) oil tanker’ shall mean an oil tanker of 20 000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30 000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of MARPOL 73/78;

7. ‘category (2) oil tanker’ shall mean an oil tanker of 20 000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30 000 tons deadweight and above carrying oil other than the above, which complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of MARPOL 73/78;

8. ‘category (3) oil tanker’ shall mean an oil tanker of 5 000 tons deadweight and above but less than that specified in definitions 6 and 7;

9. ‘single hull oil tanker’ shall mean an oil tanker not meeting the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78;

10. ‘double hull oil tanker’ shall mean an oil tanker meeting the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78;

11. ‘age’ shall mean the age of the ship, expressed in number of years after the date of its delivery;

12. ‘heavy diesel oil’ shall mean diesel oil as defined in revised Regulation 13G of Annex I of MARPOL 73/78;

13. ‘fuel oil’ shall mean heavy distillates or residues from crude oil or blends of such materials as defined in revised Regulation 13G of Annex I of MARPOL 73/78.

Amended by regulation of 8 December 2003 No. 1781.

Article 4
Compliance with the double hull or equivalent design requirements by single hull oil tankers

1. No oil tanker shall be allowed to operate under the flag of a Member State, nor shall any oil tanker, irrespective of its flag, be allowed to enter into ports or offshore terminals under the jurisdiction of a Member State after the anniversary of the date of delivery of the ship in the year specified hereafter, unless such tanker is a double hull oil tanker:

(a) for category (1) oil tankers:
   – 2003 for ships delivered in 1973 or earlier,
   – 2004 for ships delivered in 1974 and 1975,
   – 2005 for ships delivered in 1976 and 1977,
   – 2006 for ships delivered in 1978, 1979 and 1980,
   – 2007 for ships delivered in 1981 or later;

(b) for category (2) oil tankers:
   – 2003 for ships delivered in 1973 or earlier,
   – 2004 for ships delivered in 1974 and 1975,
   – 2005 for ships delivered in 1976 and 1977,
   – 2006 for ships delivered in 1978 and 1979,
   – 2007 for ships delivered in 1980 and 1981,
   – 2008 for ships delivered in 1982,
   – 2009 for ships delivered in 1983,
   – 2010 for ships delivered in 1984,
   – 2011 for ships delivered in 1985,
   – 2012 for ships delivered in 1986,
   – 2013 for ships delivered in 1987,
   – 2014 for ships delivered in 1988,
   – 2015 for ships delivered in 1989 or later;

(c) for category (3) oil tankers:
   – 2003 for ships delivered in 1973 or earlier,
   – 2004 for ships delivered in 1974 and 1975,
– 2005 for ships delivered in 1976 and 1977,
– 2006 for ships delivered in 1978 and 1979,
– 2007 for ships delivered in 1980 and 1981,
– 2008 for ships delivered in 1982,
– 2009 for ships delivered in 1983,
– 2010 for ships delivered in 1984,
– 2011 for ships delivered in 1985,
– 2012 for ships delivered in 1986,
– 2013 for ships delivered in 1987,
– 2014 for ships delivered in 1988,
– 2015 for ships delivered in 1989 or later.

2. A Category (1) oil tanker of 25 years and over after the date of its delivery shall comply with either of the following provisions:

(a) it shall have wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of Regulation 13E(4) of Annex I of MARPOL 73/78, cover at least 30 % of Lt, for the full depth of the ship on each side or at least 30 % or the projected bottom shell area within Lt where Lt is as defined in Regulation 13E(2) of Annex I of MARPOL 73/78, or

(b) it shall operate with hydrostatically balanced loading, taking into account the guidelines developed by the IMO Resolution MEPC 64(36).

Article 5

Compliance with the Condition Assessment Scheme for Category (1) and Category (2) ships

1. An oil tanker shall not be allowed to enter into ports or offshore terminals under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship, in 2005 for Category (1) ships, and in 2010 for Category (2) ships, unless it complies with the Condition Assessment Scheme referred to in Article 6.

2. The competent authorities of a Member State may allow an oil tanker flying the flag of that Member State to continue operation beyond the anniversary of the date of delivery of the ship in 2005 for Category (1) ships and in 2010 for Category (2) ships, but only when subject to compliance with the Condition Assessment Scheme referred to in Article 6.

Article 6

Condition Assessment Scheme

For the purposes of Article 5, the Condition Assessment Scheme adopted by MEPC Resolution 94(46) of 27 April 2001 shall apply.

Article 7

Final date

After the anniversary of the date of delivery of the ship in 2015:

– the continued operation, in accordance with paragraph 5 of revised Regulation 13G of Annex I to MARPOL 73/78, of Category (2) and Category (3) oil tankers under the flag of a Member State, and
– the entry into the ports or offshore terminals under the jurisdiction of a Member State of other Category (2) and Category (3) oil tankers, irrespective of the fact that they continue to operate under the flag of a third State in accordance with paragraph 5 of revised Regulation 13G of Annex I to MARPOL 73/78, shall no longer be allowed.

Article 8

Exemptions for ships in difficulty or for ships to be repaired

1. By way of derogation from Articles 4, 5 and 7, the competent authority of a Member State may, subject to national provisions, allow, under exceptional circumstances, an individual ship to enter the ports or offshore terminals under the jurisdiction of that Member State, when:

– an oil tanker is in difficulty and in search of a place of refuge,
– an unloaded oil tanker is proceeding to a port of repair.

2. Member States shall, in due time, but before 1 September 2002, communicate to the Commission the provisions of national law which they will apply in the circumstances referred to in paragraph 1. The Commission shall inform the other Member States thereof.
Article 9
Notification to the IMO

1. The Presidency of the Council, acting on behalf of the Member States, and the Commission shall jointly inform the IMO of the adoption of this Regulation, whereby reference shall be made to Article 211, paragraph 3 of the United Nations Convention on the Law of the Sea.

2. Each Member State shall inform the IMO of its decision to deny entry of oil tankers, pursuant to Article 7 of this Regulation, operating in accordance with the provisions of paragraph 5 of revised Regulation 13G of Annex I of MARPOL 73/78 into the ports or offshore terminals under its jurisdiction, on the basis of paragraph 8(b) of revised Regulation 13G of Annex I of MARPOL 73/78.

3. Each Member State shall notify the IMO if it allows, suspends, withdraws or declines the operation of a Category (1) or a Category (2) oil tanker entitled to fly its flag, in accordance with Article 5, on the basis of paragraph 8(a) of revised Regulation 13G of Annex I of MARPOL 73/78.

Article 10
Committee procedure

1. The Commission shall be assisted by the committee set up pursuant to Article 12(1) of Council Directive 93/75/EEC¹, hereinafter referred to as ‘the Committee’.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

   The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.


Article 11
Amendment procedure

The references in the Articles of this Regulation to the regulations of Annex I of MARPOL 73/78 and to Resolutions MEPC 94(46) and 95(46) shall, if appropriate, be amended in accordance with the procedure referred to in Article 10(2), in order to bring the references into line with amendments to these regulations and resolutions adopted by the IMO, in so far as such amendments do not broaden the scope of this Regulation.

Article 12
Repeal

Council Regulation (EC) No 2978/94 is hereby repealed as from 31 December 2007.

Article 13
Entry into force

This Regulation shall enter into force on the twentieth day following its publication in the Official Journal of the European Communities.

It shall apply from 1 September 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 February 2002.

For the European Parliament
The President
P. COX

For the Council
The President
J. PIQUÉ I CAMPS
Appendix II


THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Economic and Social Committee (2),

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty (3),

Whereas:

(1) Regulation (EC) No 417/2002 (4) establishes an accelerated phasing-in scheme for the application of the double-hull or equivalent design requirements of the Marpol 73/78 Convention to single-hull oil tankers, to reduce the risk of accidental oil pollution in European waters.

(2) The Commission and the Member States should make every effort to ensure that rules similar to those contained in this Regulation amending Regulation (EC) No 417/2002 can be established in 2003 at a worldwide level, through an amendment of the Marpol Convention. Both the Council and the Commission welcome the willingness of the International Maritime Organisation (IMO) to hold an additional meeting of the Marine Environment Protection Committee (MEPC) in December 2003 to facilitate an international solution regarding the accelerated phasing-out of single-hull oil tankers and the introduction, in the short term, of a ban on single-hull oil tankers carrying heavy grades of oil.

(3) The Community is seriously concerned that the age limits for the operation of single-hull oil tankers in Regulation (EC) No 417/2002 are not sufficiently stringent. Particularly in the wake of the shipwreck of the category 1 single-hull oil tanker ‘Prestige’ of the same age as ‘Erika’ (26 years) those age limits should be further lowered.

(4) The communication from the Commission to the European Parliament and to the Council on the safety of the seaborne oil trade proposed age limits of 23, 28 and 25 to 30 years respectively for three categories of singlehull oil tankers, and the final end-dates of 2005, 2010 and 2015 respectively, for such tankers. The initial proposal from the Commission provided that the regulation should apply to oil tankers from 600 tonnes deadweight and above. The limits eventually included in Regulation (EC) No 417/2002 were, following negotiations, less stringent on all accounts.

(5) The communication from the Commission to the European Parliament and to the Council on improving safety at sea in response to the ‘Prestige’ incident stated that the Commission intended to propose a regulation prohibiting the transport of heavy fuel oil in singlehulled tankers bound for or leaving ports in the Member States.

(6) The Council conclusions of 6 December 2002 invited the Commission to present as a matter of urgency a proposal concerning an accelerated phasing-out of single-hull tankers and incorporating the condition assessment scheme for tankers, regardless of the design, from the age of 15 years. The Council further agreed that heavy grades of oil should only be transported in double-hull oil tankers.

(7) The accelerated phasing-out of single-hull vessels will lead to a significant increase in the number of vessels for scrapping, and an effort should be made to ensure that scrap vessels are processed in a way which is safe for human beings and the environment.

(8) The condition assessment scheme is designed to detect structural weaknesses in ageing oil tankers and should therefore, from 2005, apply to all oil tankers above the age of 15 years.

(9) The European Parliament in its resolution on the Prestige oil tanker disaster off the coast of Galicia of 21 November 2002 called for stronger measures that can enter into force more rapidly, and stated that this new disaster has again underlined the need for effective action at international and EU level in order significantly to improve maritime safety.

(10) The Commission should be given a mandate by the Council and the Member States to enable it to negotiate the adoption of the provisions of this Regulation in the IMO.

(11) As the rapidly increasing volume of oil transported through the Baltic Sea poses a threat to the marine environment, especially during the winter season, oil tankers entering or leaving a port or an offshore terminal or anchoring in an area under the jurisdiction of a Member State in that region should have ice-strengthening of the ship's structure and propulsion machinery which meets the requirements of the administration of the Member State when the ice conditions require the use of an ice-strengthened vessel.

(12) It is essential to persuade third countries, particularly candidate countries and countries which are neighbours of the EU, to undertake to stop the use of single-hull oil tankers.

(13) Freight or container ships often contain heavy fuel oil (HFO) as engine fuel in their bunkers, the quantity of which may considerably exceed the cargoes of smaller oil tankers. The Commission should submit a proposal to the European Parliament and the Council as soon as possible in order to ensure that for new ships bunker oil for engine fuel purposes is also stored in safe, doublewalled tanks.
European shipyards have the necessary know-how to build double-hulled tankers. The Commission and the Member States should accordingly strive to ensure, by means of the appropriate instruments and programmes, that the increased demand for safe double-hulled tankers resulting from this Regulation has a positive impact on the Community's shipbuilding industry.

Regulation (EC) No 417/2002 should be amended accordingly,

1 Not yet published in the Official Journal.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 417/2002 is hereby amended as follows:

1. In Article 1, the following shall be added:
   'and to ban the transport to or from ports of the Member States of heavy grades of oil in single-hull oil tankers.'

2. In Article 2, paragraph 1 shall be replaced by the following:
   '1. This Regulation shall apply to oil tankers of 5 000 tonnes deadweight and above:
   — entering or leaving a port or offshore terminal or anchoring in an area under the jurisdiction of a Member State, irrespective of their flag, or
   — flying the flag of a Member State.
   For the purpose of Article 4(3), this Regulation shall apply to oil tankers of 600 tonnes deadweight and above.'

3. Article 3 shall be amended as follows:
   (a) point 10 shall be replaced by the following:
       '10. "double-hull oil tanker" shall mean an oil tanker meeting the double-hull or equivalent design requirements of Regulation 13F of Annex I to Marpol 73/78. An oil tanker meeting the provisions of paragraph 1(c) of revised Regulation 13G of Annex I to Marpol 73/78 is also considered to be a double-hull oil tanker,'
   (b) the following point shall be added:
       '14. "heavy grades of oil" shall mean:
       (a) crude oils with a density at 15 °C of over 900 kg/m3 (*);
       (b) fuel oils with a density at 15 °C of over 900 kg/m3 or a kinematic viscosity at 50 °C of over 180 mm²/s (**);
       (c) bitumen and tar and emulsions thereof,
       (*) Corresponding to an API grade of less than 25.7.
       (**) Corresponding to a kinematic viscosity of over 180 cSt.'

4. Article 4 shall be amended as follows:
   (a) in paragraph 1, points (a) and (b) shall be replaced by the following:
       'a) for category 1 oil tankers:
       — 2003 for ships delivered in 1980 or earlier,
       — 2004 for ships delivered in 1981,
       — 2005 for ships delivered in 1982 or later;
       b) for category 2 and 3 oil tankers:
       — 2003 for ships delivered in 1975 or earlier,
       — 2004 for ships delivered in 1976,
       — 2005 for ships delivered in 1977,
       — 2006 for ships delivered in 1978 and 1979,
       — 2007 for ships delivered in 1980 and 1981,
       — 2008 for ships delivered in 1982,
       — 2009 for ships delivered in 1983,
       — 2010 for ships delivered in 1984 or later;
       c) point (c) shall be deleted;
   (b) the following paragraph shall be inserted:
       '2. Notwithstanding paragraph 1, oil tankers of category 2 or 3 which are equipped only with double bottoms or double sides not used for the transport of oil and extending for the whole length of the cargo tank, or with double-hulled spaces not used for the transport of oil and extending for the whole length of the cargo tank, but which do not meet the conditions for exemption from the provisions of paragraph 1(c) of revised Regulation 13G of Annex I to Marpol 73/78, may continue to be operated
after the date referred to in paragraph 1, but not beyond the anniversary of the date of delivery of the ship in the year 2015 or the date on which the ship reaches the age of 25 years from its date of delivery, whichever is the sooner.’

(d) the current paragraph 2 shall be replaced by the following:
‘3. No oil tanker carrying heavy grades of oil, irrespective of its flag, shall be allowed to enter or leave ports or offshore terminals or to anchor in areas under the jurisdiction of a Member State, unless such tanker is a double-hull oil tanker.’

(e) the following paragraphs shall be added:
‘4. Oil tankers operated exclusively in ports and inland navigation may be exempted from the obligation under paragraph 3 provided that they are duly certified under inland waterway legislation.
5. Oil tankers with a deadweight of less than 5 000 tonnes must comply with the provisions of paragraph 3 no later than the anniversary of the date of delivery of the ship in the year 2008.
6. Until 21 October 2005 a Member State may, in cases where ice conditions require the use of an ice-strengthened vessel, allow ice-strengthened single-hull oil tankers, equipped with double bottoms not used for the transport of oil and extending over the entire length of the cargo tank, carrying heavy grades of oil, to enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of that Member State, provided that the heavy grades of oil are transported only in the vessel's central tanks.’

5. Article 5 shall be replaced by the following:
‘Article 5
Compliance with the condition assessment scheme for Category 2 and 3 ships
Irrespective of its flag, a single-hull oil tanker above 15 years of age shall not be allowed to enter or leave ports or offshore terminals or anchor in areas under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship in 2005 for category 2 and category 3 ships, unless it complies with the condition assessment scheme referred to in Article 6.’

6. Article 6 shall be replaced by the following:
‘Article 6
Condition assessment scheme
For the purposes of Article 5, the condition assessment scheme adopted by MEPC Resolution 94 (46) of 27 April 2001, as amended, shall apply.’

7. In Article 8, the introductory phrase to paragraph 1 shall be replaced by the following:
‘1. By way of derogation from Articles 4, 5 and 7, the competent authority of a Member State may, subject to national provisions, allow, under exceptional circumstances, an individual ship to enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of that Member State, when:’

Article 2
The Presidency of the Council, acting on behalf of the Member States, and the Commission shall jointly inform the IMO of the adoption of this Regulation, whereby reference shall be made to Article 211(3) of the United Nations Convention on the Law of the Sea.

Article 3
This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.
This Regulation shall be binding in its entirety and directly applicable in all Member States.
Done at Brussels, 22 July 2003.

For the European Parliament
The President
P. COX

For the Council
The President
G. ALEMANNO

Appendix II added by regulation of 15 June 2004 No. 1011.
Appendix III


THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (1), and in particular Article 11 thereof,

Whereas:

(1) Regulation (EC) No 417/2002 is based on the definitions and standards detailed in Annex I of the International Convention for the Prevention of Pollution from Ships (hereinafter "the Marpol Convention") (1).

(2) On 4 December 2003, the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation adopted a number of amendments to Annex I to the Marpol Convention. Those amendments will come into force on 5 April 2005.

(3) The references in Regulation (EC) No 417/2002 to Annex I to the Marpol Convention have to be updated in the light of those amendments.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 417/2002 is amended as follows:

1. Article 3 is amended as follows:
   (a) In point 2, the reference to "Resolution MEPC 94(46) of 27 April 2001 which enters into force on 1 September 2002" is replaced by a reference to "Resolution MEPC 111(50) of 4 December 2003 which enters into force on 4 April 2005".
   (b) In point 7, the following sentence is added:
      "any Category 2 oil tanker shall be provided with segregated ballast tanks protectively located (SBT/PL)".
   (c) Point 10 is replaced by the following:
      "10. "double-hull oil tanker" shall mean:
      a) an oil tanker of 5000 tonnes deadweight and above, meeting the double-hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78 or fulfilling the requirements of Paragraph 1(c) of the revised Regulation 13G of Annex I of MARPOL 73/78; or
      b) an oil tanker of 600 tonnes deadweight and above but less than 5000 tonnes deadweight, fitted with double bottom tanks or spaces complying with the provisions of regulation 13F(7)(a) of Annex I of MARPOL 73/78, and wing tanks or spaces arranged in accordance with regulation 13F(3)(a) and complying with the requirement as to distance w as referred to in regulation 13F(7)(b) of Annex I of MARPOL 73/78;",

2. In Article 6, the reference to "MEPC Resolution 94(46) of 27 April 2001" is replaced by a reference to "MEPC Resolution 94(46) of 27 April 2001 as amended by MEPC Resolution 99(48) of 11 October 2002 and by MEPC Resolution 112(50) of 4 December 2003".

3. In Article 11, the reference to "Resolutions MEPC 94(46) and 95(46)" is replaced by a reference to "Resolutions MEPC 111(50) and MEPC Resolution 94(46) as amended by MEPC Resolution 99(48) and MEPC Resolution 112(50)"

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.


For the Commission
Jacques Barrot
Vice-President

Appendix III added by regulation of 3 May 2005 No. 400.