



# CAYMAN ISLANDS SHIPPING REGISTRY

Maritime Authority of the Cayman Islands

## FLYER TO THE SHIPPING INDUSTRY

### MARPOL and “12 Nautical Miles From The Nearest Land”

A **Chemical Tanker** had completed discharging cargo and was proceeding to its next port to load a further cargo. It was necessary for the cargo tanks to be cleaned during the passage to make them ready to receive cargo at the next port. When the ship was more than 18 nautical miles from shore, the tank washings were discharged into the sea. While discharging the tank washings the ship was proceeding en route at a speed greater than 7 knots and the discharge was below the waterline in a water depth in excess of 25m. The tank washing was completed without incident and properly recorded in the ship’s Cargo Record Book.

At the next port the ship was subject to an inspection by Port State Control. The Cargo Record Book was examined and the following deficiency raised:

Code	Nature of Deficiency	Action taken
14299	Tank washing water containing olefins (C13+ All Isomers), Category Y discharged into territorial waters.	99 (Investigation)

While the MARPOL Convention requires such discharges to be made “at a distances of not less than 12 nautical miles from the nearest land”, the term “*Nearest Land*” is defined as the “baseline from which the territorial sea in question is established in accordance with international law”.

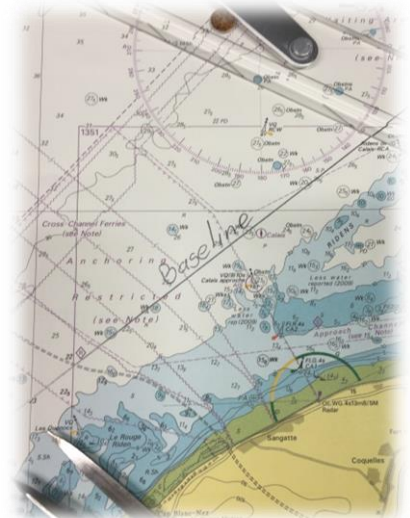
For many countries the baseline for establishing the territorial sea is taken as the “low water mark” around its coast. However, a number of countries have established baselines as straight lines between prominent features on its coast and others claim “archipelagic status” with baselines joining outlying islands.

The nearest country to where the discharge took place had established “straight line” baselines. The baseline nearest to the discharge location had been established and was located approximately 17 nautical miles offshore.

The master of the ship had acted in good faith at all times and there was no attempt to deliberately circumvent the requirements of the MARPOL Convention. Although this discharge took place in open seas more than 15 nautical miles offshore, it was within 12 nautical miles of the baselines used to establish the territorial seas of the nearest coastal state.

#### Considerations and Recommendations.

- This discharge was related to MARPOL Annex II, however many discharges from a ship controlled by the MARPOL Convention have a minimum distance from the nearest land requirement to be met. These include:
  - MARPOL Annex I discharges from oil tankers;
  - MARPOL Annex II discharges from chemical tankers;
  - MARPOL Annex IV sewage discharges from all ships; and
  - MARPOL Annex V garbage discharges from all ships.



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- Mariners should be reminded that “nearest land” in MARPOL does not necessarily mean the “nearest shoreline”. Many countries have established baselines which lie off their coasts and it is from these baselines that the minimum distance requirements apply.
- If a ship intends making a “MARPOL controlled” discharge after leaving port, the master should be aware of the baselines which have been established by countries in the vicinity of the intended discharge.
- Guidance on the baselines adopted by various countries can be found in [Annual Notices to Mariners No 12](#). This notice gives details on countries which:
  - employ straight baseline systems along all or a part of the coast;
  - claim archipelagic status;
  - claim waters within limits defined by geographic co-ordinates not related to distance from the coastline; and
  - claim straight baseline system between points along the 18 metre isobath.
- Local agents should be consulted if there is any doubt surrounding the baselines adopted.

*27 September 2015*