

Local Vessels Advisory Committee

Revised Annex III of MARPOL 73/78

Purpose

1. The purpose of this paper is to seek members' views on implementing the revised Annex III of MARPOL 73/78 on local vessels. The revised Annex III is anticipated to enter into force internationally on 1 January 2010.

Backgrounds

2. On 13 October 2006 the Marine Environment Protection Committee (MEPC) of IMO adopted the Resolution MEPC.156(55), which amended the Regulations for the Prevention of Pollution by Harmful Substances carried by sea in Packaged Form (Annex III of MARPOL 73/78).

3. It is expected that the amendment shall enter into force internationally on 1 January 2010 in accordance with article 16 of the International Convention for the Prevention of Pollution from Ships, 1973.

The New Requirements of the revised Annex III

4. The revised Annex III maintains the structure of the existing MARPOL Annex III and the use of the term "Marine Pollutants". Changes are only made to Regulation 1 on "Application" and Regulation 4 on "Documentation" relating to stopover loading and unloading operations.

5. Criteria for the identification of harmful substances in packaged form are given in the Appendix of the revised Annex III. Under the revised Annex III, harmful substances are identified by one of the new categories, namely: Category: Acute 1; Category: Chronic 1 and Category: Chronic 2.

Implications on licensed vessels and coastal vessels

6. The revised Annex III is applicable to all ships (i.e. sea-going and local vessels) carrying harmful substances in packaged form. Ship operators shall make available a document listing the harmful substances taken on board, indicating their location on board or showing a detailed stowage plan to the port authority before departure if any loading or unloading operations, even partial, are carried out at any stopover. The document can be combined with manifest for dangerous goods provided that a clear distinction shall be made between dangerous goods and harmful substances.

Implementation of International Requirements

7. HKSAR intends to implement the new Annex III by updating the relevant local legislation. The opportunity will also be used to repeal the existing legislation Cap.413H (*Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation*) and replace it by two new pieces of sub-legislation i.e. the Merchant Shipping (Marine Pollutants) Regulation under Cap. 413 and Merchant Shipping (Safety) (Carriage of Dangerous Goods) Regulation under Cap. 369. The purpose is to separate the requirements in respect of marine pollution prevention from that of safety consideration to facilitate compliance.

Consultation

8. Members are invited to comment on the above proposal to implement the revised Annex III of MARPOL 73/78.

Marine Department
Multi-lateral Policy Division
3 November 2008

Encl. MEPC. 156(55)

ANNEX 13**RESOLUTION MEPC.156(55)
Adopted on 13 October 2006****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973****(Revised Annex III of MARPOL 73/78)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

RECALLING further that, at its fifty-fourth session, it had endorsed the proposal by the DSC Sub-Committee regarding the timeframe leading to the entry into force of the revised MARPOL Annex III to make it coincide with the entry into force of amendment 34-08 to the International Maritime Dangerous Goods (IMDG) Code,

HAVING CONSIDERED the proposed amendments to Annex III of MARPOL 73/78 (revised Annex III),

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex III of MARPOL 73/78, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2009, unless prior to that date, not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2010 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex; and

5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the present resolution and its Annex.

ANNEX

AMENDMENTS TO ANNEX III OF MARPOL 73/78

(Revised Annex III)

The existing text of MARPOL Annex III is replaced by the following:

**“REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL
SUBSTANCES CARRIED BY SEA IN PACKAGED FORM**

Regulation 1

Application

- 1 Unless expressly provided otherwise, the regulations of this Annex apply to all ships carrying harmful substances in packaged form.
 - .1 For the purpose of this Annex, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code)* or which meet the criteria in the Appendix of this Annex.
 - .2 For the purposes of this Annex, “packaged form” is defined as the forms of containment specified for harmful substances in the IMDG Code.
- 2 The carriage of harmful substances is prohibited, except in accordance with the provisions of this Annex.
- 3 To supplement the provisions of this Annex, the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packing, marking, labelling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances.*
- 4 For the purposes of this Annex, empty packagings which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment.
- 5 The requirements of this Annex do not apply to ship’s stores and equipment.

* Refer to the IMDG Code adopted by the Organization by resolution MSC.122(75), as amended by the Maritime Safety Committee.

Regulation 2

Packing

Packages shall be adequate to minimize the hazard to the marine environment, having regard to their specific contents.

Regulation 3

Marking and labelling

- 1 Packages containing a harmful substance shall be durably marked with the correct technical name (trade names alone shall not be used) and, further, shall be durably marked or labelled to indicate that the substance is a marine pollutant. Such identification shall be supplemented where possible by any other means, for example, by use of the relevant United Nations number.
- 2 The method of marking the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea. In considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package.
- 3 Packages containing small quantities of harmful substances may be exempted from the marking requirements.*

Regulation 4**

Documentation

- 1 In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words "MARINE POLLUTANT".
- 2 The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate and in proper condition for carriage to minimize the hazard to the marine environment.
- 3 Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of the harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded. A copy of one of these documents shall be made

* Refer to the specific exemptions provided for in the IMDG Code adopted by resolution MSC.122(75), as amended.

** Reference to "documents" in this regulation does not preclude the use of electronic data processing (EDP) and electronic data interchange (EDI) transmission techniques as an aid to paper documentation.

available before departure to the person or organization designated by the port State authority.

- 4 At any stopover, where any loading or unloading operations, even partial, are carried out, a revision of the documents listing the harmful substances taken on board, indicating their location on board or showing a detailed stowage plan, shall be made available before departure to the person or organization designated by the port State authority.
- 5 When the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea, 1974, as amended, the documents required by this regulation may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Annex.

Regulation 5

Stowage

Harmful substances shall be properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of the ship and persons on board.

Regulation 6

Quantity limitations

Certain harmful substances may, for sound scientific and technical reasons, need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity, due consideration shall be given to size, construction and equipment of the ship, as well as the packaging and the inherent nature of the substances.

Regulation 7

Exceptions

- 1 Jettisoning of harmful substances carried in packaged form shall be prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.
- 2 Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard, provided that compliance with such measures would not impair the safety of the ship and persons on board.

Regulation 8

*Port State control on operational requirements**

- 1 A ship when in a port or an offshore terminal of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by harmful substances.
- 2 In the circumstances given in paragraph 1 of this regulation, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.
- 3 Procedures relating to the port State control prescribed in article 5 of the present Convention shall apply to this regulation.
- 4 Nothing in this regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.

* Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by A.882(21).

APPENDIX TO ANNEX III

Criteria for the identification of harmful substances in packaged form

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances*:

Category: Acute 1

96 hr LC ₅₀ (for fish)	≤ 1 mg/l and/or
48 hr EC ₅₀ (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	≤ 1 mg/l

Category: Chronic 1

96 hr LC ₅₀ (for fish)	≤ 1 mg/l and/or
48 hr EC ₅₀ (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	≤ 1 mg/l

and the substance is not rapidly degradable and/or the log K_{ow} ≥ 4 (unless the experimentally determined BCF < 500).

Category: Chronic 2

96 hr LC ₅₀ (for fish)	>1 to ≤ 10 mg/l and/or
48 hr EC ₅₀ (for crustacea)	>1 to ≤ 10 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	>1 to ≤ 10 mg/l

and the substance is not rapidly degradable and/or the log K_{ow} ≥ 4 (unless the experimentally determined BCF < 500), unless the chronic toxicity NOECs are > 1 mg/l.

* The criteria are based on those developed by the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS), as amended.
For definitions of acronyms or terms used in this appendix, refer to the relevant paragraphs of the IMDG Code.