

ANNEX 9

RESOLUTION MEPC.58(33)
adopted on 30 October 1992

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)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the function of 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 1973 Convention (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confers 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 ALSO that the Committee adopted resolution MEPC.35(27) on implementation of Annex III of MARPOL 73/78 by which it is stated, inter alia, that the revised provisions of Annex III can be treated as equivalent to the existing provisions and hence nothing in MARPOL 73/78 will prevent Parties to Annex III from giving effect to the revised provisions of Annex III without awaiting the formal entry into force of the revised provisions,

RECALLING FURTHER that the Committee decided to commence action to amend Annex III to MARPOL 73/78 in accordance with article 16 of MARPOL 73/78, immediately upon the entry into force,

NOTING ALSO that the existing provisions of Annex III of MARPOL 73/78 already came into force on 1 July 1992,

HAVING CONSIDERED, the amendments to Annex III of MARPOL 73/78, which were agreed at its twenty-sixth session, modified at its thirtieth and thirty-first sessions and circulated in accordance with article 16(2)(a) of the 1973 Convention,

1. ADOPTS in accordance with article 16(2)(d) of the 1973 Convention amendments to Annex III of MARPOL 73/78, the text of which is set out in the 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 30 August 1993, unless prior to that date, not less than one-third of the Parties or the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that in accordance with article 16(2)(g)(ii) of the 1973 Convention the amendments shall enter into force on 28 February 1994 in accordance with paragraph 2 above;
5. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to Annex III the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the Annex;
6. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to Annex III of the 1978 Protocol copies of the resolution and its Annex.

ANNEX

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

ANNEX III

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.
 - 1.1 For the purposes of this Annex, "harmful substances" are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods (IMDG) Code*.
 - 1.2 Guidelines for the identification of harmful substances in packaged form are given in the appendix to this Annex.
 - 1.3 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 ships' stores and equipment.

* Reference is made to the International Maritime Dangerous Goods (IMDG) Code adopted by the Organization by resolution A.716(17) as it has been or may be 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.

* Reference is made to the specific exemptions provided for in the International Maritime Dangerous Goods (IMDG) Code.

** 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.

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

4 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.

Appendix

GUIDELINES 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:

- bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating "+" in column A*); or
- bioaccumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less (Hazard Rating "Z" in column A*); or
- liable to produce tainting of seafood (Hazard Rating "T" in column A*); or
- highly toxic to aquatic life, defined by a LC₅₀/96** hour less than 1 ppm (Hazard Rating "4" in column B*).

* Reference is made to the Composite List of Hazard Profiles, prepared by the IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) which is circulated annually by the Organization by means of BCH circulars to all IMO Member States.

** The concentration of a substance which will, within the specified time (generally 96 hours), kill 50% of the exposed group of test organisms. LC₅₀ is often specified in mg/l (parts per million (ppm)).
