

ANNEX 9

DRAFT RESOLUTION MEPC.35(27)

IMPLEMENTATION OF ANNEX III of MARPOL 73/78

adopted on 17 March 1989

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 of the Convention of the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO that the Committee at its twenty-sixth session approved the revised text of Annex III of MARPOL 73/78,

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

DESIRING to protect the marine environment as soon as possible to the fullest extent against pollution by harmful substances carried by sea in packaged form,

NOTING that the International Maritime Dangerous Goods (IMDG) Code, which is to be used as the instrument for the implementation of Annex III, has been fully adapted to incorporate the requirements necessary from the marine pollution point of view,

RECOGNIZING that the revised text of Annex III does not introduce any substantial changes from the existing provisions but constitutes a clarification of the requirements and textual improvement to facilitate Parties to give effect to the provisions of Annex III in their national regulations,

1. RESOLVES that:

- (a) 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;
- (b) the Parties to Annex III are encouraged to give effect to the revised provisions, immediately upon entry into force of the original version of Annex III;

2. URGES States which have not yet accepted Annex III to do so as soon as possible;

3. REQUESTS the Secretary-General:

- (a) to transmit a copy of the present resolution, together with the text of the revised Annex III, to all Members of the Organization and to all Parties to MARPOL 73/78 which are not Members of the Organization;
- (b) to circulate the revised text to the States concerned in accordance with Article 16 of MARPOL 73/78 immediately upon the entry into force of Annex III, with a view to consideration and adoption of amendments to Annex III by the Committee at the earliest opportunity.
