

## ANNEX 3

## RESOLUTION LEG.4(91)

(adopted on 27 April 2006)

## REVISED ANNEX II TO MARPOL 73/78

**IMPLICATIONS FOR THE REFERENCE IN ARTICLE 1.5(a)(ii) OF THE  
HNS CONVENTION TO “NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK”**

THE LEGAL COMMITTEE at its ninety-first session,

RECALLING article 33(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

BEING AWARE that the conditions for the deemed acceptance of the 2004 amendments to the Annex to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (revised Annex II to MARPOL 73/78), which were adopted at the fifty-second session of the Marine Environment Protection Committee on 15 October 2004, by resolution MEPC.118(52), should be met on 1 July 2006, and that, if so, the revised Annex II of MARPOL 73/78 would enter into force on 1 January 2007,

NOTING that the definition of “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention), refers to Appendix II of Annex II to MARPOL 73/78, as amended,

NOTING FURTHER that, once it enters into force, the revised Annex II to MARPOL 73/78 will no longer contain Appendix II; nonetheless, that “noxious liquid substances carried in bulk” remain covered by regulation 1.10 of revised Annex II,

DESIRING to ensure that all Contracting States and all States wishing to become Parties to the HNS Convention interpret and implement the Convention in a consistent and uniform manner,

1. URGES Governments concerned to note that, should the conditions for the entry into force of the amendments to Annex II to MARPOL 73/78 as described above be met, and consequent upon the said revision, “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the HNS Convention will, as from 1 January 2007, refer to noxious liquid substances as defined in regulation 1.10 of the revised Annex II of MARPOL 73/78, which are carried in bulk;

2. REQUESTS the Secretary-General, in accordance with article 53(2)(vii) of the HNS Convention, to transmit certified copies of the present resolution to all States which have signed or acceded to the HNS Convention;

3. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution to the Members of the Organization which have not signed or acceded to the HNS Convention;

4. INVITES Governments to bring this resolution to the attention of all parties concerned.