ANNEX 9

RESOLUTION MEPC.193(61)

Adopted on 1 October 2010

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

(Revised MARPOL Annex III)

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),

HAVING CONSIDERED draft amendments to Annex III of MARPOL 73/78,

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 2013 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 2014 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;

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 MARPOL ANNEX III

The existing text of MARPOL Annex III, as adopted by resolution MEPC.156(55), 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 or labelled to indicate that the substance is a harmful substance in accordance with the relevant provisions of the IMDG Code.

2 The method of affixing marks or labels on packages containing a harmful substance shall be in accordance with the relevant provisions of the IMDG Code.

Regulation 4[*]
Documentation

1 Transport information relating to the carriage of harmful substances shall be in accordance with the relevant provisions of the IMDG Code and shall be made available to the person or organization designated by the port State authority.

2 Each ship carrying harmful substances shall have a special list, manifest or stowage plan setting forth, in accordance with the relevant provisions of the IMDG Code, the harmful substances on board and the location thereof. A copy of one of these documents shall be made available before departure to the person or organization designated by the port State authority.

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.

[*] 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.

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.

2 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, the Party shall take such steps, including carrying out detailed inspection and, if required, 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 resolution 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*:

(a) Acute (short-term) aquatic hazard

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

(b) Long-term aquatic hazard

(i) Non-rapidly degradable substances for which there are adequate chronic toxicity data available

Category Chronic 1:	
Chronic NOEC or EC_x (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for algae or other aquatic plants)	≤ 0.1 mg/l
Category Chronic 2:	
Chronic NOEC or EC_x (for fish)	≤ 1 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 1 mg/l and/or
Chronic NOEC or EC_x (for algae or other aquatic plants)	≤ 1 mg/l

(ii) Rapidly degradable substances for which there are adequate chronic toxicity data available

Category Chronic 1:	
Chronic NOEC or EC_x (for fish)	≤ 0.01 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 0.01 mg/l and/or
Chronic NOEC or EC_x (for algae or other aquatic plants)	≤ 0.01 mg/l
Category Chronic 2:	
Chronic NOEC or EC_x (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for algae or other aquatic plants)	≤ 0.1 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.

(iii) Substances for which adequate chronic toxicity data are not available

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 experimentally determined BCF is ≥ 500 (or, if absent the log K_{ow} ≥ 4).	
Category Chronic 2:	
96 hr LC_{50} (for fish)	>1 mg/l but ≤ 10 mg/l and/or
48 hr EC_{50} (for crustacea)	>1 mg/l but ≤ 10 mg/l and/or
72 or 96 hr ErC_{50} (for algae or other aquatic plants)	>1 mg/l but ≤ 10 mg/l
and the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent, the log K_{ow} ≥ 4).	

Additional guidance on the classification process for substances and mixtures is included in the IMDG Code.

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