

SEA POLLUTION (HARMFUL SUBSTANCES IN PACKAGED FORM) REGULATIONS 1997

ARRANGEMENT OF REGULATIONS

REGULATION

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SCHEDULE

Text of Appendix to Annex III of the MARPOL Convention
S.I. No. 513 of 1997.

I, Michael Woods, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by sections 10 of the Sea Pollution Act, 1991 (No. 27 of 1991), as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997), and for the purpose of giving effect to Annex III of the Marpol Convention, hereby make the following Regulations:

REG 1

CITATION, COMMENCEMENT, APPLICATION AND INTERPRETATION

1. (1) These Regulations may be cited as the Sea Pollution (Harmful Substances in Packaged Form) Regulations, 1997, and shall come into operation on the 30 day of January, 1998.
- (2) These Regulations, unless expressly provided otherwise, shall apply to all ships carrying harmful substances in packaged form.
- (3) In these Regulations:
"harmful substances" means those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code as amended for the time being;
"the Marpol Convention " means the international Convention for the Prevention of Pollution from Ships, 1973 as amended by the 1978 Protocol thereto;
"the Minister" means the Minister for the Marine and Natural Resources;
"packaged form "means any of the forms of containment specified for harmful substances in the International Maritime Dangerous Goods Code as amended for the time being;
- (4) For the purposes of the definition of "harmful substances" in this Regulation the Appendix to Annex III of the MARPOL Convention (which for convenience of reference is set out in the Schedule to these Regulations) shall have effect.
- (5) For the purposes of these Regulations, 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.

(6) The requirements of these Regulations do not apply to ships' stores and equipment.

REG 2

CARRIAGE OF HARMFUL SUBSTANCES

2. The carriage, otherwise than in accordance with the provisions of these Regulations, of harmful substances by sea on any ship registered in the State is hereby prohibited.

REG 3

PACKING

3. The packaging of harmful substances carried by sea shall be adequate to minimise the hazard to the marine environment, having regard to the particular nature of the substances concerned.

REG 4

MARKING AND LABELLING

4. (1) Packages containing a harmful substance which are carried by sea shall be durably marked with the correct technical name (trade names alone shall not suffice for this purpose) and shall also 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 of identification, for example, by use of the relevant United Nations number.

(2) The method of marking a correct technical name or of affixing a label that is employed for the purposes of paragraph (1) of this Regulation shall be such as will ensure that, if the package concerned is immersed in the sea for a period of not less than 3 months, the name or other information concerned shall be still identifiable on the package on the expiration of that period. In deciding upon a method to be employed for the purposes aforesaid, account shall be taken of the durability of the materials used and of the surface of the package.

(3) This Regulation shall not apply to packages containing small quantities of harmful substances falling within the specific exemptions in that regard provided for by the International Maritime Dangerous Goods Code as amended for the time being.

REG 5

DOCUMENTATION

5. (1) In all documents relating to the carriage of harmful substances by sea that name such substances, the correct technical name of each such substance shall be used (trade names alone shall not suffice for this purpose) and each such substance shall also be identified by the addition of the words "MARINE POLLUTANT".

(2) The shipping documents supplied by a shipper shall include, or be accompanied by, a signed certificate or declaration stating that the shipment offered for carriage is properly packaged and marked, labelled or placarded, as appropriate, and in proper condition for carriage to minimise 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 a representative of the owner until the harmful substances concerned are unloaded. One such copy shall be made available before departure of the ship to a person designated by the harbour authority or other person having control of the harbour or terminal concerned.

(4) Where a 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, for the time being, the documents required by this Regulation may be combined with those for such goods. Where such documents are combined, a clear distinction shall be made in the documents between the dangerous goods concerned and the harmful substances to which these Regulations apply.

(5) Any thing required to be stated or set forth by this Regulation may be stated or set forth by any means of electronic data processing or electronic data interchange that is capable of reproducing information in legible form.

REG 6

STOWAGE

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

REG 7

EXCEPTIONS

7. (1) Jettisoning of harmful substances carried in packaged form is hereby prohibited, save where it is necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of the Act and regulations made thereunder, appropriate measures based on the physical, chemical and biological properties of the harmful substances concerned shall be taken to regulate the washing of leakages overboard, but no such measures shall be taken that would impair the safety of the ship and persons on board.

REG 8

PORT STATE CONTROL ON OPERATIONAL REQUIREMENTS

8. (1) A ship that is registered in another state that is a party to the MARPOL Convention may, when it is in a port within the jurisdiction of the State, be inspected by an officer of the Minister, duly authorised by him in that behalf, if the officer has clear grounds for believing that the master or crew are not familiar with shipboard procedures under these Regulations relating to the prevention of pollution by harmful substances.

(2) If, consequent on an inspection of a ship by an officer

pursuant to his powers under paragraph (1) of this Regulation, the officer confirms that the master or crew are not familiar with the procedures referred to in that paragraph, the Minister shall take such steps (which he is hereby empowered to take) as will ensure that the ship shall not sail from the port until such time as the master or crew or, as the case may be, both the master and crew have become familiar with those procedures.

(3) So much of the procedures specified in Article 5 of the MARPOL Convention as are appropriate shall apply, with any necessary modifications, for the purposes of this Regulation.

(4) Nothing in this Regulation shall operate to derogate from the powers and duties of the Minister or any other person under the Act or any regulations made thereunder."

SCHEDULE

TEXT OF APPENDIX TO ANNEX III OF THE MARPOL CONVENTION 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:

- bio-accumulated to a significant extent and known to produce a hazard to aquatic life or to human health (hazard rating "+" in column A*); or
- bio-accumulated 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 Organisation 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)).

Given under my Official Seal, this 12th day of December, 1997.

Micheal Woods
Minister for the Marine and
Natural Resources

EXPLANATORY NOTE

These Regulations give effect to Annex III of the International Convention for the Prevention of Pollution from Ships, adopted by the International Maritime Organisation on 2 November, 1973 and as amended by its Protocol adopted on 17 February, 1978, and as further amended by the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation under Resolution MEPC

58(33) revising this Annex and the 1994 Amendments (Resolution 3) which provides for Port State Control on operational requirements.

The Regulations apply to all Irish ships wherever they may be and to all other ships when they are in the territorial seas and inland waters of the State.

The Regulations prohibit the carriage of harmful substances by sea unless done in accordance with their provisions with regard to packing, marking and labelling, documentation and stowage.

Section 29 of the Sea Pollution Act, 1991 provides for penalties for breaches of these Regulations.