

## **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 purpose of this Annex, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (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.

#### **Regulation 2**

##### **Packing**

1. Packages shall be adequate to minimize the hazard to the marine environment, having regard to their specific contents.

### **Regulation 3**

#### **Marking and labeling**

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. 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**

1. 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**

1. 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.

## **Regulation 8**

### **Port State control on operational requirements**

1. A ship when in a port of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, 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.

2. In the circumstances given in paragraph (1) of this regulation, the Party shall take such steps as 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.

## Appendix

### Guidelines for the identification of harmful substances in packaged form

1. For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances:
  - 1.1. bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating “+” in column A); or
  - 1.2. 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
  - 1.3. highly toxic to aquatic life, defined by a  $LC_{50/96}$  hour less than 1 ppm (Hazard Rating “4” in column B).