

## **RESOLUTION MEPC.57(33)**

**adopted on 30 October 1992**

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

#### **(Designation of the Antarctic Area as a Special Area and Lists of Liquid Substance in Annex II)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the function of 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 1973 Convention (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confers 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).

NOTING FURTHER resolution MEPC.55(33) by which the Committee adopted amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code)

HAVING CONSIDERED, at its thirty-third session, amendments to Annex II of MARPOL 73/78 and Appendices II and III thereof proposed by the Sub-Committee on Bulk Chemicals at its twenty-first session and circulated in accordance with article 16(2)(a) of the 1973 Convention,

1 ADOPTS in accordance with article 16(2)(d) of the 1973 Convention amendments to Annex II of MARPOL 73/78 and Appendices II and III thereof, the texts of these amendments are set out in the 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 the date on which the conditions for the entry into force of the amendments to the IBC Code adopted by the Committee by resolution MEPC.55(33) are met, unless prior to that date, not less than one third of the Parties or the Parties, the combined merchant fleets of which constitute not less than fifty percent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;

3 INVITES the Parties to note that in accordance with article 16(2)(g)(ii) of the 1973 Convention the amendments shall enter into force six months after 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 the Convention 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 the 1978 Protocol copies of the resolution and its annex.

### **ANNEX**

#### **TEXT OF AMENDMENTS TO ANNEX II OF MARPOL 73/78 AND APPENDICES II AND III**

##### **Regulation 1**

Existing text of paragraph (6) is replaced by the following:

"Noxious liquid substance" means any substance referred to in Appendix II to this Annex or provisionally assessed under the provisions of regulation 3(4) as falling into category A, B, C or D.

Existing text of the last sentence of paragraph (7) is amended to read as follows:

Special areas shall be:

- (a) The Baltic Sea Area, and
- (b) The Black Sea Area, and
- (c) The Antarctic Area.

A new paragraph (9A) is inserted reading:

(9A) The Antarctic Area means the sea area south of latitude 60°S.

## **Regulation 2**

The following new paragraph (7) is added:

(7) (a) Where an amendment to this Annex and the International Bulk Chemical and Bulk Chemical Codes involves changes to the structure or equipment and fittings due to the upgrading of the requirements for the carriage of certain substances, the Administration may modify or delay for a specified period the application of such an amendment to ships constructed before the date of entry into force of that amendment, if the immediate application of such an amendment is considered unreasonable or impracticable. Such relaxation shall be determined with respect to each substance, having regard to the guidelines developed by the Organization.\*

\* Reference is made to Guidelines for the application of amendments to the list of substances in Annex II of MARPOL 73/78 and the IBC Code and BCH Code with respect to pollution hazards adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC ... (33).

(b) The Administration allowing a relaxation of the application of an amendment under this paragraph shall submit to the Organization a report giving details of the ship or ships concerned, the cargoes carried, the trade in which each ship is engaged and the justification for the relaxation, for circulation to the Parties to the Convention for their information and appropriate action, if any.

## **Regulation 3**

Existing text of paragraph (3) is replaced by the following:

(3) Noxious liquid substances carried in bulk which are presently categorized as category A, B, C or D and subject to the provisions of this Annex are referred to in Appendix II to this Annex.

## **Regulation 4**

Existing text of paragraph (1) is replaced by the following:

(1) The substances referred to in Appendix III to this Annex have been evaluated and found to fall outside category A, B, C and D, as defined in regulation 3(1) of this Annex because they are at present considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting operation. This regulation was entered into force on 1 July 1994.

Existing text of paragraph (2) is replaced by the following:

(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances referred to in Appendix III to this Annex shall not be subject to any requirement of this Annex.

## **Regulation 5**

The existing text of the wording preceding paragraphs (1) and (7) is amended to read as follows:

Subject to the provisions of paragraph (14) of this regulation and of regulation 6 of this Annex,

The second sentence of the existing text of paragraph (1) is amended to read:

If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is at or below 0.1% by weight and until the tank is empty, with the exception of Phosphorus, yellow or white for which the residual concentration shall be at 0.01% by weight

The existing text of the sentence of paragraphs (7) is amended to read as follows:

If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the States bordering the special area shall provide in accordance with regulation 7 of this Annex, until the concentration of the substance in the effluent to such facility is at or below 0.05% by weight and until the tank is empty, with the exception of Phosphorus, yellow or white for which the residual concentration shall be 0.005% by weight

A new paragraph (14) is added as follows:

(14) In respect of the Antarctic area any discharge into the sea of noxious liquid substances or mixtures containing such substances shall be prohibited.

## **Regulation 8**

The first and second sentences of the existing text of paragraph (3) is amended to read as follows:

If the tank is to be washed in accordance with subparagraph (2)(a) of this regulation, the effluent from the tank washing operation shall be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the concentration specified in regulations 5(1) or 5(7), as applicable, of this Annex. When the required concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty.

## **Regulation 14**

In the second line the words "designated in Appendix II" are replaced by the words "referred to in Appendix II".

Appendix II is replaced by the following:

### **Appendix II**

#### **LIST OF NOXIOUS SUBSTANCES CARRIED IN BULK**

Noxious liquid substances carried in bulk and which are presently categorized as category A, B, C or D and subject to the provisions of this Annex, are so indicated in the pollution category column of chapters 17 or 18 of the International Bulk Chemical Code.

Appendix III is replaced by the following:

### **Appendix III**

#### **LIST OF OTHER LIQUID SUBSTANCES**

Liquid substances carried in bulk which are identified as falling outside the category A, B, C or D and not subject to the provisions of this Annex are indicated as "III" in the pollution category column of chapters 17 or 18 of the International Bulk Chemical Code.

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