

Only the Danish version is authentic

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Technical regulation on the
construction and equipment, etc. of
passenger ships on domestic voyages

CHAPTER XXIII

Prevention of pollution by harmful substances carried by sea in packaged form

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Introduction

The provisions of chapter XXIII have been drawn up on the basis of annex II to the International Convention for the Prevention of Pollution from Ships – the 1973 MARPOL Convention as well as the following resolutions:

MEPC.58(33) and conference resolution 2 of 4 November 1994.

The provisions apply to all ships carrying harmful substances in packaged form. They do not apply to the ship's equipment and stores.

The provisions are administered so that the regulations and paragraphs marked with an M in the margin are administered by the Danish Environmental Protection Agency and those marked with an S are administered by the Danish Maritime Authority.

The provisions are primarily of an operational nature and the major part of them are addressed at the shippers of harmful substances (packaging, marking and documentation).

The more detailed regulations contained in this chapter also form part of the International Maritime Dangerous Goods Code (the IMDG Code).

In the provisions, the IMO is referred to as the Organisation, MARPOL 73/78 is referred to as the Convention, and the Danish Environmental Protection Agency and the Danish Maritime Authority, respectively, are referred to as the Administration

CHAPTER XXIII

Prevention of pollution by harmful substances carried by sea in packaged form

Regulation 1 Application

- 1 Unless expressly provided otherwise, the regulations of this chapter apply to all ships carrying harmful substances in packaged form.
 - 1.1 For the purpose of this chapter, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).¹
 - 1.2 Guidelines for the identification of harmful substances in packaged form are given in appendix I to this chapter.
 - 1.3 For the purposes of this chapter, “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 chapter.
- 3 To supplement the provisions of this chapter, 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 pollutions of the marine environment by harmful substances.¹⁾
- 4 For the purposes of this chapter, 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 chapter do not apply to ship’s stores and equipment.

S Regulation 2 Packing

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

S Regulation 3 Marking and labelling

- 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.

¹ Refer to the IMDG Code adopted by the Organization by resolution A.716(16), as it has been or may be amended by the Maritime Safety Committee.

- 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.²

S Regulation 4 Documentation³

- 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 chapter.

S 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.

S 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

² Refer to the specific exemptions provided for in the IMDG Code.

³ 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.

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.

M 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.

S Regulation 8 Port State control on operational requirements⁴

- 1 A ship when in a port of another Party is subject to inspection by officers duly authorised by such Party concerning operational requirements under this chapter, 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), 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 chapter.
- 3 Procedures relating to the port State control prescribed in article 5 of the MARPOL 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 MARPOL Convention.

⁴ Refer to the Procedures for control of operational requirements in connection with ship safety and pollution prevention as adopted by the IMO by resolution A.742(18).

**Appendix:
Guidelines for the identification of harmful substances
in packaged form**

For the purposes of this chapter, substances identified by any one of the following criteria are harmful substances:

- bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating “+” in column A⁵); or
- 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 A⁵); or
- liable to produce tainting of seafood (Hazard Rating “T” in column A⁵); or
- highly toxic to aquatic life, defined by LC₅₀/96⁶ hour less than 1 ppm (Hazard Rating “4” in column B⁵).

⁵ Refer 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 Organization by means of BLG circulars to all IMO Member States.

⁶ The concentration of a substance which will, within the specified time (generally 96 hours), kill 50% of the exposed group of test organisms. Also referred to as “96 h LC₅₀”. LC₅₀ is often specified in milligrams per litre (mg/l) or parts per million (ppm).