

Circular 167/ 2018

To: Owners, Technical Managers, Deputy Registrars, Fleet Managers, Surveyors

Subject: Amendments to MARPOL Annex V

Date: 20th March 2018

Summary

This Circular aims to inform technical managers about the amendments to MARPOL Annex V detailed in the IMO Resolution MEPC.277(70) (attached below) which entered into force on 1 March 2018.

The main amendments to MARPOL Annex V, which was adopted at MEPC 70, include:

Declaration of cargo residues

Solid bulk cargo as per regulation VI/1-1.2 of SOLAS, other than grain, shall now be classified per the criteria in the new Appendix I of MARPOL Annex V (see Appendix I to the Resolution MEPC 277(70) attached below) , and the shipper shall then declare as to whether or not the cargo is harmful to the environment (HME).

The format of this cargo declaration to be used by ships engaged in international voyages can be found in Section 4.2.3 of the IMSBC Code.

Cook Islands Flag Administration shall deem acceptable to use the above format also for vessels flying its Flag not engaged in international voyages.

**FORM FOR CARGO INFORMATION
for Solid Bulk Cargoes**

BCSN	
Shipper	Transport document number
Consignee	Carrier
Name/means of transport Port/place of departure	Instructions or other matters
Port/place of destination	
General description of the cargo (Type of material/particle size)	Gross mass (kg/tonnes)
Specifications of bulk cargo, if applicable: Stowage factor: Angle of repose, if applicable: Trimming procedures: Chemical properties if potential hazard*: * e.g., Class & UN No. or "MHB"	
Group of the cargo <input type="checkbox"/> Group A and B* <input type="checkbox"/> Group A* <input type="checkbox"/> Group B <input type="checkbox"/> Group C * For cargoes which may liquefy (Group A and Group A and B cargoes)	Transportable moisture limit Moisture content at shipment
Classification relating to MARPOL Annex V <input type="checkbox"/> harmful to the marine environment <input type="checkbox"/> not harmful to the marine environment	
Relevant special properties of the cargo (e.g., highly soluble in water)	Additional certificate(s)* <input type="checkbox"/> Certificate of moisture content and transportable moisture limit <input type="checkbox"/> Weathering certificate <input type="checkbox"/> Exemption certificate <input type="checkbox"/> Other (specify) * If required
DECLARATION I hereby declare that the consignment is fully and accurately described and that the given test results and other specifications are correct to the best of my knowledge and belief and can be considered as representative for the cargo to be loaded.	Name/status, company/organization of signatory Place and date Signature on behalf of shipper

Garbage Record Book

Under MARPOL Annex V, every ship of 400 GT and above, and every ship certified to carry fifteen (15) or more persons engaged in international voyages is required to maintain a Garbage Record Book (GRB). The requirements to maintain and retain the GRB onboard the ship remain unchanged. A new form of the GRB has been included in Appendix II to MARPOL Annex V (see Appendix II to the Resolution MEPC 277(70) attached below). The GRB will be divided into two parts:

Part I for all garbage other than cargo residues, applicable to all ships

Part II for cargo residues only applicable to ships carrying solid bulk cargo

The GRB garbage categories have also been amended to include e-waste¹), and the category for cargo residues has been split into HME (harmful to the marine environment), classified according to GHS (United Nations Globally Harmonized System of Classification and Labelling of Chemicals) and non-HME. The new garbage category distribution will be as follows:

Part I:

- A. Plastics
- B. Food waste
- C. Domestic wastes
- D. Cooking oil
- E. Incinerator ashes
- F. Operational waste
- G. Animal carcasses
- H. Fishing gear
- I. E-waste

Part II:

- J. Cargo residues (non-HME)
- K. Cargo residues (HME)

The GRB discharge table has also been revised, as both incineration start and stop date/time/position shall be recorded. In addition, a new table is included for reporting exceptional discharge or loss of garbage under regulation 7, also covering the reason for the discharge or loss, details there of and precautions taken.

The new GRB part II for solid bulk cargo residues includes entries for position or port, garbage category (J or K), amount discharged to sea or reception facilities, and start and stop positions for sea discharge.

Along with the GRB, receipts obtained from reception facilities will also be required to be kept on board for at least two years. (ref. Regulation 10, Par. 3.5)

Placards, Garbage Management Plans and Garbage Record Keeping

Placards posted on board noting the discharge requirements, Garbage Management Plans and Garbage Record Keeping should be aligned with amended form of GRB.

Guidelines for the implementation of MARPOL Annex V

The current 2012 Guidelines for the implementation of MARPOL Annex V has been revoked by the new 2017 Guidelines (ref. Resolution MEPC.295(71)), aligning it with the MARPOL amendments and relevant requirements of the Polar Code.

Required Action:

As of 1 March 2018, a GRB compliant with the new format should be provided on board. Furthermore, Placards, Garbage Management Plans and Garbage Record Keeping should be revised as necessary to satisfy the amendments to MARPOL Annex V.

1) *E-waste* means electrical and electronic equipment used for the normal operation of the ship or in the accommodation spaces, including all components, sub-assemblies and consumables which are part of the equipment at the time of discarding, with the presence of material potentially hazardous to human health and/or the environment. (ref. Resolution MEPC.295(71), Ch. 1.6.2)

If you have any further comments or if you need assistance, don't hesitate to contact the Technical Departments at technical@maritimcookislands.com

ANNEX 2

**RESOLUTION MEPC.277(70)
(Adopted on 28 October 2016)**

**AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE
PROTOCOL OF 1978 RELATING THERETO**

Amendments to MARPOL Annex V

(HME substances and Form of Garbage Record Book)

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 conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its seventieth session, proposed amendments to MARPOL Annex V concerning substances that are harmful to the marine environment (HME) and Form of Garbage Record Book,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex V, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 September 2017 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% 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 MARPOL, the said amendments shall enter into force on 1 March 2018 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS FURTHER the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

**AMENDMENTS TO MARPOL ANNEX V
(HME substances and Form of Garbage Record Book)**

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 4

Discharge of garbage outside special areas

1 In the second sentence of paragraph 1.3, the words "taking into account guidelines developed by the Organization" are replaced with the words "in accordance with the criteria set out in appendix I of this Annex".

2 A new paragraph 3 is added as follows:

"3 Solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 , as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared by the shipper as to whether or not they are harmful to the marine environment*."

3 The existing paragraph 3 is renumbered as paragraph 4.

Regulation 6

Discharge of garbage within special areas

4 Paragraph 1.2.1 is replaced with the following:

".1 Cargo residues contained in hold washing water do not include any substances classified as harmful to the marine environment according to the criteria set out in appendix I of this Annex;"

5 A new paragraph 1.2.2 is added as follows:

".2 Solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 , as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared by the shipper as to whether or not they are harmful to the marine environment*;"

6 A new paragraph 1.2.3 is added as follows:

".3 Cleaning agents or additives contained in hold washing water do not include any substances classified as harmful to the marine environment taking into account guidelines developed by the Organization;"

* For ships engaged in international voyages, reference is made to section 4.2.3 of the International Maritime Solid Bulk Cargoes (IMSBC) Code; for ships not engaged in international voyages, other means of declaration may be used, as determined by the Administration.

7 The existing paragraphs 1.2.2 to 1.2.4 are renumbered as paragraphs 1.2.4 to 1.2.6. The renumbered paragraph 1.2.6 is amended to read as follows:

- ".6 Where the conditions of subparagraphs .2.1 to .2.5 of this paragraph have been fulfilled, discharge of cargo hold washing water containing residues shall be made as far as practicable from the nearest land or the nearest ice shelf and not less than 12 nautical miles from the nearest land or the nearest ice shelf."

Regulation 10

Placards, garbage management plans and garbage record-keeping

8 In the chapeau of paragraph 3, the words "the appendix" is replaced with the words "appendix II".

9 Paragraph 3.2 is replaced with the following:

- ".2 The entry for each discharge into the sea under regulations 4, 5, 6 or section 5.2 of chapter 5 of part II-A of the Polar Code shall include date and time, position of the ship (latitude and longitude), category of the garbage and the estimated amount (in cubic metres) discharged. For discharge of cargo residues the discharge start and stop positions shall be recorded in addition to the foregoing;"

10 After the existing paragraph 3.2, new paragraphs 3.3 and 3.4 are inserted as follows:

- ".3 The entry for each completed incineration shall include date and time and position of the ship (latitude and longitude) at the start and stop of incineration, categories of garbage incinerated and the estimated amount incinerated for each category in cubic metres;
- .4 The entry for each discharge to a port reception facility or another ship shall include date and time of discharge, port or facility or name of ship, categories of garbage discharged, and the estimated amount discharged for each category in cubic metres;"

11 The existing paragraph 3.3 is renumbered as 3.5 and between the words "Book" and "shall", the words "along with receipts obtained from reception facilities" are inserted.

12 The existing paragraph 3.4 is renumbered as 3.6 and is replaced with the following:

- ".6 In the event of any discharge or accidental loss referred to in regulation 7 of this Annex an entry shall be made in the Garbage Record Book, or in the case of any ship of less than 400 gross tonnage, an entry shall be made in the ship's official log-book of the date and time of occurrence, port or position of the ship at time of occurrence (latitude, longitude and water depth if known), the reason for the discharge or loss, details of the items discharged or lost, categories of garbage discharged or lost, estimated amount for each category in cubic metres, reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks."

13 A new appendix I is added as follows and the existing appendix is renumbered as appendix II:

"Appendix I

Criteria for the classification of solid bulk cargoes as harmful to the marine environment

For the purpose of this Annex, cargo residues are considered to be harmful to the marine environment (HME) if they are residues of solid bulk cargoes which are classified according to the criteria of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) meeting the following parameters¹:

- .1 Acute Aquatic Toxicity Category 1; and/or
- .2 Chronic Aquatic Toxicity Category 1 or 2; and/or
- .3 Carcinogenicity² Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .4 Mutagenicity² Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .5 Reproductive Toxicity² Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .6 Specific Target Organ Toxicity Repeated Exposure² Category 1 combined with not being rapidly degradable and having high bioaccumulation; and/or
- .7 Solid bulk cargoes containing or consisting of synthetic polymers, rubber, plastics, or plastic feedstock pellets (this includes materials that are shredded, milled, chopped or macerated or similar materials)."

Appendix II

Form of Garbage Record Book

14 Section 3 of the renumbered appendix II is replaced with the following:

"3 Description of the garbage

Garbage is to be grouped into categories for the purposes of recording in parts I and II of the Garbage Record Book (or ship's official log-book) as follows:

¹ The criteria are based on UN GHS. For specific products (e.g. metals and inorganic metal compounds) guidance available in UN GHS, annexes 9 and 10 is essential for proper interpretation of the criteria and classification and should be followed.

² Products that are classified for Carcinogenicity, Mutagenicity, Reproductive Toxicity or Specific Target Organ Toxicity Repeated Exposure for oral and dermal hazards or without specification of the exposure route in the hazard statement.

Part I

- A Plastics
- B Food wastes
- C Domestic wastes
- D Cooking oil
- E Incinerator ashes
- F Operational wastes
- G Animal carcasses
- H Fishing gear
- I E-waste

Part II

- J Cargo residues (non-HME)
- K Cargo residues (HME)"

15 The Record of Garbage Discharges in the renumbered appendix II is replaced with the following:

"RECORD OF GARBAGE DISCHARGES

PART I

For all garbage other than cargo residues as defined in regulation 1.2 (Definitions)

(All ships)

Ship's name	Distinctive number or letters	IMO number
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Garbage categories

A-Plastics	B-Food waste	C-Domestic wastes	D-Cooking oil
E-Incinerator ashes	F-Operational wastes	G-Animal carcasses	H-Fishing gear I-E-waste

Discharges under MARPOL Annex V regulations 4 (Discharge of garbage outside special areas), 5 (Special requirements for discharge of garbage from fixed or floating platforms) or 6 (Discharge of garbage within special areas) or chapter 5 of part II-A of the Polar Code

Date/ Time	Position of the ship (latitude/longitude) or port if discharged ashore or name of ship if discharged to another ship	Category	Estimated amount discharged		Estimated amount incinerated (m ³)	Remarks: (e.g. start/stop time and position of incineration; general remarks)	Certification/ Signature
			Into sea (m ³)	To reception facilities or to another ship (m ³)			
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Exceptional discharge or loss of garbage under regulation 7 (Exceptions)

Date/Time	Port or position of the ship (latitude/longitude and water depth if known)	Category	Estimated amount lost or discharged (m ³)	Remarks on the reason for the discharge or loss and general remarks (e.g. reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks)	Certification/Signature
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:					
/					
:					

Master's signature: _____ Date: _____

PART II
For all cargo residues as defined in regulation 1.2 (Definitions)
(Ships that carry solid bulk cargoes)

Ship's name	Distinctive number or letters	IMO number
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Garbage categories

J- Cargo residues (non-HME)	K- Cargo residues (HME)
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Discharges under regulations 4 (Discharge of garbage outside special areas) and 6 (Discharge of garbage within special areas)

Date/Time	Position of the ship (latitude/longitude) or port if discharged ashore	Category	Estimated amount discharged		Start and stop positions of the ship for discharges into the sea	Certification/Signature
			Into sea (m ³)	To reception facilities or to another ship (m ³)		

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Master's signature: _____ Date: _____"
