



STATUTORY INSTRUMENTS.

**S.I. No. 510 of 2013**



SEA POLLUTION (HARMFUL SUBSTANCES IN PACKAGED FORM)  
REGULATIONS 2013

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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 10, 11, 12, 14 (as all amended by the Sea Pollution (Miscellaneous Provisions) Act 2006 (No. 29 of 2006)), 15, 17 and 18 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)) and for the purpose of giving effect to Annex III to the MARPOL Convention, hereby make the following regulations:

*Citation and commencement.*

1. (1) These Regulations may be cited as the Sea Pollution (Harmful Substances in Packaged Form) Regulations 2013.

(2) These Regulations shall come into operation on 1 January 2014.

*Interpretation.*

2. In these Regulations—

“IMDG Code” means the International Maritime Dangerous Goods Code published by the International Maritime Organization in London, as amended;

“harmful substances” means substances identified as marine pollutants in the IMDG Code or are identified by any of the criteria in the Appendix to Annex III of the MARPOL Convention (which for convenience of reference is set out in the Schedule);

“MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973, done at London on 2 November 1973, as amended by the Protocols of 1978 and 1997;

“packaged form” means any of the forms of containment specified for harmful substances in the IMDG Code.

*Application of Regulations.*

3. (1) Subject to paragraph (2), these Regulations apply to—

(a) ships registered in the State, and

(b) ships for the time being in the State (within the meaning of section 3(2A) of the Sea Pollution Act 1991 (No. 27 of 1991), inserted by

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 27th December, 2013.*

section 93(4) of the Sea Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006)),

carrying harmful substances in packaged form.

(2) These Regulations do not apply to ships' stores and equipment.

(3) Empty packagings which have been previously used for the carriage of harmful substances shall be treated as harmful substances for the purposes of these Regulations unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment.

*Carriage of harmful substances.*

4. The carriage of harmful substances by sea on any ship is prohibited, otherwise than as provided for in these Regulations.

*Adequacy of packaging.*

5. 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 and to the provisions of the IMDG Code.

*Marking and labelling.*

6. (1) Packages containing a harmful substance which are carried by sea shall be durably marked or labelled to indicate that the substance is a harmful substance in accordance with the relevant provisions of the IMDG Code.

(2) The method of affixing marks or labels on packages containing a harmful substance shall be in accordance with the relevant provisions of the IMDG Code.

*Documentation.*

7. (1) Transport information relating to the carriage of harmful substances shall be in accordance with the relevant provisions of the IMDG Code and shall be made available to a person designated either by the harbour authority or by some other person having control of the harbour or terminal concerned.

(2) Each ship carrying harmful substances shall have a special list, manifest or stowage plan setting forth, in accordance with the relevant provisions of the IMDG Code, the harmful substances on board and the location thereof. A copy of one of these documents shall be made available before departure to a person designated either by the harbour authority or by some other person having control of the harbour or terminal concerned.

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

*Stowage.*

8. Harmful substances shall be properly stowed and secured on board so as to minimise the hazards to the marine environment, having regard to the particular nature of the substances concerned and to the provisions of the IMDG Code, without impairing the safety of the ship and persons on board.

*Discharge.*

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

(2) Appropriate measures shall be taken regarding the washing of leakages overboard having regard to the particular nature of the substances concerned and to the provisions of the IMDG Code but no such measures shall be taken that would impair the safety of the ship and persons on board.

*Revocations.*

10. The following Regulations are revoked:

- (a) Sea Pollution (Harmful Substances in Packaged Form) Regulations 1997 (S.I. No. 513 of 1997);
- (b) Sea Pollution (Harmful Substances in Packaged Form) Regulations 2009 (S.I. No. 491 of 2009).

## SCHEDULE

**[Appendix to Annex III to the MARPOL Convention]****Criteria 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\*:

**(a) Acute (short-term) aquatic hazard****Category: Acute 1**

96 hr LC <sub>50</sub> (for fish)	≤ 1 mg/l and/or
48 hr EC <sub>50</sub> (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC <sub>50</sub> (for algae or other aquatic plants)	≤ 1 mg/l

**(b) Long-term aquatic hazard****(i) Non-rapidly degradable substances for which there are adequate chronic toxicity data available****Category Chronic 1:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.1 mg/l

**Category Chronic 2:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 1 mg/l

**(ii) Rapidly degradable substances for which there are adequate chronic toxicity data available****Category Chronic 1:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.01 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.01 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.01 mg/l

**Category Chronic 2:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.1 mg/l

\* The criteria are based on those developed by the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS), as amended.

For definitions of acronyms or terms used in this appendix, refer to the relevant paragraphs of the IMDG Code.

**(iii) Substances for which adequate chronic toxicity data are not available****Category Chronic 1:**

96 hr LC<sub>50</sub> (for fish) ≤ 1 mg/l and/or  
48 hr EC<sub>50</sub> (for crustacea) ≤ 1 mg/l and/or  
72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) ≤ 1 mg/l  
and the substance is not rapidly degradable and/or the experimentally  
determined BCF is ≥ 500 (or, if absent the log K<sub>ow</sub> ≥ 4).

**Category Chronic 2:**

96 hr LC<sub>50</sub> (for fish) >1 mg/l but ≤ 10 mg/l and/or  
48 hr EC<sub>50</sub> (for crustacea) >1 mg/l but ≤ 10 mg/l and/or  
72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) >1 mg/l but ≤ 10 mg/l  
and the substance is not rapidly degradable and/or the experimentally  
determined BCF is ≥ 500 (or, if absent, the log K<sub>ow</sub> ≥ 4).

Additional guidance on the classification process for substances and mixtures is included in the IMDG Code.



GIVEN under my Official Seal,  
18 December 2013.

LEO VARADKAR,  
Minister for Transport, Tourism and Sport.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to the 2010 revision of Annex III to the International Convention for the Prevention of Pollution from Ships, adopted by the International Maritime Organisation (IMO) on 2 November, 1973 and as amended by its Protocol adopted on 17 February, 1978.

Annex III provides for the prevention of pollution by harmful substances carried by sea in packaged form and lays down a regime for the packing, marking and labelling, and stowage of hazardous substances as well as the requisite accompanying documentation.

Annex III was revised in 2010 by the Marine Environment Protection Committee (MEPC) of the IMO in order to bring it into line with the revised Globally Harmonized System (GHS) and to revise certain documentation provisions in the Annex in order to align them with proposed amendments to regulation VII/4 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS). The revised Annex III will enter into force on 1 January 2014.

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.

These Regulations revoke the Sea Pollution (Harmful Substances in Packaged Form) Regulations 1997 (S.I. No. 513 of 1997) and the Sea Pollution (Harmful Substances in Packaged Form) Regulations 2009 (S.I. No. 491 of 2009).

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