

Draft Merchant Shipping Notice xxxx of 2023

[Consolidation of Requirements for Implementation of MARPOL Annex V]

[For stakeholder comments to Vikrant.rai@gov.in by 3rd October, 2023]

Purpose:

1. The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Rules, 2010. (Annex-V) were notified on 26 November 2009.
2. Over the years there have been following amendments to MARPOL Annex V that have been implemented by Directorate via various MSN/Circulars/Instructions to Recognized Organizations among others.
 - i. Revised MARPOL Annex V adopted vide Resolution MEPC.201 (62) entered into force on 1 January 2013.
 - ii. Amendments to MARPOL Annexes I, II, IV and V (To make use of environment-related provisions of the Polar Code mandatory) adopted vide Resolution MEPC.265(68) entered into force on 1 January 2017.
 - iii. Amendments to MARPOL Annex V (HME substances and Form of Garbage Record Book) adopted vide Resolution MEPC 277(70) entered into force on 1 March 2018.
3. The aim of this MSN is to consolidate all the requirements of MARPOL Annex V and its amendments over the years.

Application:

4. Unless expressly provided otherwise, MARPOL Annex V applies to all ships including fixed or floating platforms and non-propelled ships.

General Prohibition on discharge of garbage into the sea (Regulation 3):

5. Garbage includes all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship.
6. The discharge of garbage into the sea from ships is prohibited, except in some limited circumstances as outlined in this Notice.
7. The discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products is prohibited.

Discharge of garbage outside special areas (Regulation 4):

8. The discharge of the following types of garbage into the sea outside special areas is permitted only while the ship is enroute and as far as practicable from the nearest land 1, but not less than:
- i. Nautical miles from the nearest land for food wastes which have been passed through a comminuter or grinder. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.
 - ii. 12 nautical miles from the nearest land for food wastes that have not been treated in accordance with subparagraph above.
 - iii. 12 nautical miles from the nearest land for cargo residues that cannot be recovered using commonly available methods for unloading. These cargo residues shall not contain any substances classified as harmful to the marine environment.
 - iv. For animal carcasses, discharge shall occur as far from the nearest land as possible; it is recommended that discharge should be at more than 100 nautical miles from nearest land and maximum water depth (Refer IMO Resolution MEPC.295(71) 2017 Guidelines for the Implementation of MARPOL Annex V)
9. Cleaning agents or additives contained in cargo hold, deck and external surfaces wash water may be discharged into the sea, but these substances must not be harmful to the marine environment.
10. 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 MARPOL Annex V, and declared by the shipper as to whether or not they are harmful to the marine environment (Refer International Maritime Solid Bulk Cargoes (IMSBC) Code).
11. When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements, the more stringent requirements shall apply.

Special requirements for discharge of garbage from fixed or floating platforms (Regulation 5):

12. Subject to paragraph 5.2, the discharge into the sea of any garbage is prohibited from fixed or floating platforms and from all other ships when alongside or within 500 metres of such platforms.
13. Food wastes may be discharged into the sea from fixed or floating platforms located more than 12 nautical miles from the nearest land and from all other ships when alongside or within 500 m of such platforms, but only when the wastes have been passed through a comminuter or grinder. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

Discharge of garbage within special areas:

- 14.** Discharge into the sea of food wastes as far as practicable from the nearest land, but not less than 12 nautical miles from the nearest land or the nearest ice shelf. Food wastes shall be comminuted or ground and shall be capable of passing through a screen with openings no greater than 25 mm. Food wastes shall not be contaminated by any other garbage type. Discharge of introduced avian products, including poultry and poultry parts, is not permitted in the Antarctic area unless it has been treated to be made sterile.
- 15.** Discharge of cargo residues that cannot be recovered using commonly available methods for unloading, where all the following conditions are satisfied:
- i. 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 MARPOL Annex V;
 - ii. Solid bulk cargoes, other than grain, shall be classified in accordance with Appendix I of MARPOL Annex V and declared by the shipper as to whether or not they are harmful to the marine environment;
 - iii. Cleaning agents or additives contained in hold washing water do not include any substances classified as harmful to the marine environment;
 - iv. Both the port of departure and the next port of destination are within the special area and the ship will not transit outside the special area between those ports;
 - v. No adequate reception facilities are available at those ports; and
 - vi. Where the above conditions 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.
- 16.** Cleaning agents or additives contained in deck and external surfaces wash water may be discharged into the sea, but only if these substances are not harmful to the marine environment.
- 17.** In addition to the above, before entering the Antarctic area, the ship shall have sufficient capacity on board for the retention of all garbage, while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.
- 18.** When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements, the more stringent requirements shall apply.

Exceptions (Regulation 7) :

- 19.** Regulations 3, 4, 5 and 6 and section 5.2 of chapter 5 of part II-A of the Polar Code shall not apply to:
- i. The discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

- ii. The accidental loss of garbage resulting from damage to a ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the accidental loss; or
 - iii. The accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss; or
 - iv. The discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.
- 20.** The en route requirements of regulations 4 and 6 and chapter 5 of part II-A of the Polar Code shall not apply to the discharge of food wastes where it is clear the retention on board of these food wastes presents an imminent health risk to the people on board.

Reception facilities:

- 21.** All ships visiting Indian ports shall raise Advance Notification on Swachh Sagar Portal as

Port State control on operational requirements (Regulation 9):

- 22.** The Powers of a Surveyor to carry out PSC Inspections is in accordance with Rule 9(6) and the control action in accordance with Rule 8 of Merchant Shipping (Prevention of Pollution by Garbage from Ships) Rules, 2010. (Annex-V) were notified on 26 November 2009 respectively.
- 23.** The PSC procedures for inspection under this Annex shall be as per IOMOU Procedures or **IMO Resolution** A. 1155(32) which was adopted on 15 December 2021.

Placards, garbage management plans and garbage record-keeping (Regulation 10):

24. Placards

- i. Every ship of 12 metres or more in length overall and fixed or floating platforms shall display placards which notify the crew and passengers of the discharge requirements of regulations 3, 4, 5 and 6 and section 5.2 of part II-A of the Polar Code, as applicable.
- ii. The placards shall be written in the working language of the ship's crew and, for ships engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, shall also be in English, French or Spanish.
- iii. The placards should be placed in prominent places onboard the ship where the crew and passengers will see them (e.g., galley spaces, bridge, main deck and passenger accommodation).

25. Garbage management plans:

- i. Every ship of 100 gross tonnage and above, and every ship which is certified to carry 15 or more persons, and fixed or floating platforms shall carry a garbage management plan which the crew shall follow.
- ii. The garbage management plan shall be based on MEPC.220(63) 2012 Guidelines for the development of garbage management plans and written in the working language of the crew.

- iii. The garbage management plan shall provide written procedures for minimising, collecting, storing, processing and disposing of garbage, including the use of the equipment on board. It shall also designate the person or persons in charge of carrying out the plan.

26. Garbage Record Books:

- i. Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 or more persons and every fixed or floating platform engaged in international voyages, is required to maintain and retain onboard a Garbage Record Book.
- ii. The Garbage Record Books are divided into Part I and Part II. Part I is used by all ships, but Part II is only required for ships that carry solid bulk cargoes.
- iii. A Company can print its own Garbage Record Book Parts I & II or can source it from any private supplier and it does not require approval of Directorate provided it is in form specified in appendix II to MARPOL Annex V.
- iv. Garbage Record Book Part I covers discharges of: Plastics, Food wastes, Domestic wastes, Cooking oil, Incinerator ashes, Operational wastes, Animal carcass(es), Fishing gear, E-waste.
- v. Garbage Record Book Part II covers discharges of Cargo residues (non-Harmful to the Marine Environment) and Cargo residues (Harmful to the Marine Environment).
- vi. Each discharge into the sea or to a reception facility, or a completed incineration, shall be promptly recorded in the Garbage Record Book and signed for on the date of the discharge or incineration by the officer in charge. Each completed page or group of electronic entries of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be in English.
- vii. 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 also be recorded.
- viii. 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.
- ix. 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.
- x. The Garbage Record Book along with receipts obtained from reception facilities shall be kept on board in such a place as to be readily available for inspection at allreasonable times. The Garbage Record Book shall be preserved for a period of at least two years from the date of the last entry made in it.

- xi. In the event of any discharge or accidental loss referred to in regulation 7 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.
- xii. The Competent Authority in the Directorate may waive the requirements for Garbage Record Books in accordance with Rule 9(5) Merchant Shipping (Prevention of Pollution by Garbage from Ships) Rules, 2010. (Annex-V).

International Code for Ships Operating in Polar Waters:

- 27.** Ships to which MARPOL Annex V applies, operating in polar waters⁵, shall, unless expressly provided otherwise, comply with the environment-related provisions of the introduction and with chapter 5 of part II-A of the Polar Code, in addition to any other applicable requirements of MARPOL Annex V.
- 28.** In applying chapter 5 of part II-A of the Polar Code, consideration should be given to the additional guidance in part II-B of the Polar Code.

Guidelines for the Implementation of MARPOL Annex V:

- 29.** IMO Resolution MEPC.295(71) 2017 Guidelines for the Implementation of MARPOL Annex V, as amended are to assist ship-owners, ship operators, ships' crews, cargo owners and equipment manufacturers in complying with the requirements of MARPOL Annex V. This includes the management of cargo residues, cleaning agents or additives, and the treatment of animal carcasses.
- 30.** The Guidelines also provide information on all aspects of garbage management, such as waste minimisation, shipboard garbage handling and storage, and shipboard treatment of garbage (e.g., grinding or comminution, compaction and incineration).

Verification of Compliance to this Annex:

- 31.** All RO visiting Indian Ships for Annual/Intermediate/Renewal surveys shall verify compliance to this requirement.

Sd/-
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