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REVIEW OF MARPOL ANNEX V

Report of the Working Group on the review of MARPOL Annex V

General

1 The Working Group on the review of MARPOL Annex V met from 27 to 30 September 2010 under the chairmanship of Dr. Alison Lane (New Zealand).

2 The Group was attended by delegations from:

ANTIGUA AND BARBUDA	NETHERLANDS
AUSTRALIA	NEW ZEALAND
BELGIUM	NORWAY
BRAZIL	PANAMA
CANADA	POLAND
CHINA	REPUBLIC OF KOREA
FINLAND	RUSSIAN FEDERATION
GERMANY	SPAIN
IRELAND	SWEDEN
JAPAN	UNITED KINGDOM
MARSHALL ISLANDS	UNITED STATES

by representatives from the following UN Programmes, UN Specialized Agencies and other UN Entities:

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

by observers from the following intergovernmental organization:

EUROPEAN COMMISSION (EC) (European Maritime Safety Agency)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
CRUISE LINERS INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)

THE NAUTICAL INSTITUTE (NI)
CLEAN SHIPPING COALITION (CSC)**Terms of Reference**

3 Using the report of the Correspondence Group on the review of MARPOL Annex V (document MEPC 61/7/2 by New Zealand) as a basis, as well as comments, proposals and decisions made in plenary, the Working Group on the review of MARPOL Annex V was instructed to:

- .1 further develop and finalize the draft amendments to MARPOL Annex V (the revised Annex V), based upon the text prepared by the intersessional Correspondence Group (MEPC 61/7/2);
- .2 taking into account discussion in plenary on the reporting of lost fishing gear, define which gear types should fall under these reporting requirements; and
- .3 submit a written report to plenary on Thursday, 30 September 2010.

Background

4 The Group recalled the outcome of the discussions in plenary, whereby it was concluded in response to the key questions raised by the Correspondence Group that:

- .1 The inclusion of animal carcasses as a garbage type should be regulated under Annex V, with conditions for discharge being related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged. It was also commented on that in some cases the number of animals dying and/or the cause of death may necessitate carcasses being dealt with under an alternate mechanism, such as the London Convention/London Protocol (LC/LP).
- .2 Ships must be *en route* during the discharge of all garbage types permitted for discharge in regulation 3 with the possible exception of food wastes, taking into account the comments made in plenary.
- .3 While the issue of categorization of environmental hazard and the treatment of solid cargo residues would be referred for consideration of the DSC Sub-Committee, the completion of any such categorization would take a considerable period of time. The Working Group was therefore requested to consider the wording of conditions for the discharge of cargo residues, taking into account the need to provide an immediate solution that would also allow for possible amendments or incorporation of a new categorization scheme at a later time.
- .4 The minimum length of vessels requiring placards or signage should be 12 metres.
- .5 Fishing gear lost in accordance with the provisions of regulation 6 should be reported to coastal States and flag States in addition to an entry being made in the ship's Garbage Record Book or log.

- .6 Additives and cleaning agents contained in deck washing water should fall within the scope of Annex V.

Draft amendments to MARPOL Annex V

5 Noting these decisions and discussion on the other issues raised in documents submitted to the Committee (MEPC 61/7/5, MEPC 61/7/10, MEPC 61/7/12 and MEPC 61/7/13 and information documents MEPC 61/INF.6 and MEPC 61/INF.7) the draft text developed by the Correspondence Group was amended accordingly and a revised proposal was produced as set out in annex 1 to this report. For the purposes of clarity, in addition to this clean version of the new proposal, a version showing the changes now presented from the existing text for MARPOL Annex V is also provided (with deleted text struck out and new text underlined) in annex 2 to this report.

6 The changes suggested reflect the majority of views expressed within the Group. Where alternative views were expressed or specific substantive concerns raised regarding the agreed text, these have been clearly identified in paragraph 7 of this working paper.

7 A summary of the discussion around the key modifications introduced to the text and significant issues raised by some delegations is described below. It should be noted that details of previous discussions as recorded in the report of the Correspondence Group (MEPC 61/7/2) relating to agreed amendments which have been carried forward in the revised draft text are not repeated in this report.

- .1 Some delegations expressed their preference for removing solid bulk cargo residues from the definition of garbage, on the basis that their mode of generation and subsequent treatment and disposal are unlike that of other garbage types. However, this was not supported by the Group, who considered that it was more effective for the purposes of clear regulation to include cargo residues in the definition of garbage.
- .2 Very strong concerns were raised by a number of delegations regarding the practicability of the general prohibition given that there are still not adequate port reception facilities in some places. These delegations proposed that some interim measures allowing a relaxation of the prohibition be incorporated to allow for the circumstance where ships were not able to discharge waste ashore. The majority of the Group considered that such interim measures would significantly weaken the provisions of the Annex, including its function in regulating that member States must ensure adequate reception facilities were made available. In addition, the Group noted that mechanisms existed for the Governments of Parties to the Convention to report inadequate facilities and also that the Organization has developed guidance on the provision of reception facilities. The Group also referred to the opportunity for ships to implement other strategies to reduce or otherwise manage and minimize waste so that, if discharge at one port was not possible, it should not be overly burdensome for the ship to retain the garbage until it could be discharged at another port.
- .3 The importance of ensuring that cargo hold bilge water, where discharged through the ships fixed pipe drainage systems and similar wastes such as grey water, drainage water from the decks and fire systems was not inadvertently captured in the definition of operational waste was highlighted. Therefore the definition of operational waste has been drafted to explicitly exclude these types of discharge, although it was considered

that this definition would benefit from further technical review to ensure the language used avoids any ambiguity. It was also proposed that more detailed advice regarding which of these normal operational discharges that are not included in Annex V be provided in the Guidelines.

- .4 It was agreed that the prohibition of discharge of plastics would be expressly retained in the language of the Annex. While it is implicit in the general prohibition, the Group agreed that it was useful to emphasize this and that it may lead to confusion if it was removed. To support this, plastics have been added to the definition of garbage and have been further defined within Regulation 1. Cooking oil has likewise been expressly prohibited from discharge into the sea, in order to avoid potential confusion with it being treated as a food waste.
- .5 Recognizing the special circumstances of ships that are required to remain at anchor, or are delayed from sailing for an extended period, an addition exception has been included in Regulation 7 (Exceptions) effectively removing the *en route* requirement for the discharge of food waste from these vessels where the retention of this waste would pose a health risk to the crew and where there is no alternate means of disposal of the waste, such as incineration.
- .6 The practical requirements for exterior washing of ships, sometimes while the ship is in port, was extensively discussed. With regards to the cleaning agents and additives it was determined that no distance provision should apply to their discharge, but that the Annex should specify that these substances must not be harmful to the marine environment. As it has been proposed that there may at a later date be some classification of these products, as an interim measure for regulation the Group agreed to retain the text proposed by the Correspondence Group referring to guidelines developed by the Organization. It was proposed that further elaboration of evaluation of the potential harm of these substances, for example by reference to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) should be provided in the Guidelines.
- .7 The issue of conditions for the discharge for cargo residues being washed from decks or contained in hold washings both inside and outside special areas was extensively debated by the Group. Concerns regarding the lack of reception facilities to accept hold washing water and the safety and technical barriers to vessels retaining this waste on board were emphasized. Specifically, it was stated that the world dry bulk fleet is not designed to handle and store such wastes as identified in document MEPC 59/6/7. Some members raised concerns regarding the potential risks to the vessel if the *en route* and 12 nm from nearest land restrictions for discharge were applied. However, the Group in general considered that the proposed conditions were reasonable, and that to relax these conditions could potentially lead to excessive and indiscriminate discharge of cargo residues, particularly where the cargo was of low value.
- .8 It was noted that to regulate the discharge of cargo residues in such a way as would prohibit the port side washing of small quantities of cargo residue dust from external surfaces of the ship may be inconsistent with requirements contained in the IMSBC Code for some cargoes and could pose a risk to the ship (such as damaging electrical and mechanical

equipment and obscuring bridge windows). To address this concern, the definition of cargo residues was amended to explicitly exclude dust that may remain on the external surfaces of the ship following normal sweeping operations.

- .9 With regard to the discharge of cargo residues contained in hold washing water in special areas it was concluded that this discharge would be permitted in accordance with the conditions proposed by the Correspondence Group in Regulation 6(2). While this was supported by the Group, it was highlighted by industry representatives that this does not address the technical issues as discussed above in subparagraph .7.
- .10 Regarding the issue of discharge conditions for animal carcasses, it was noted that the questionnaire proposed by the United States (MECP 61/7/10) to be circulated by the MEPC and also submitted to the LC/LP Group may yield additional data that could be taken into consideration by the time final text is considered for adoption. For this reason the conditions relating to the discharge of animal carcasses (Regulation 4.1.4) have been left in square brackets to highlight that they should be subject to further review following the receipt of such data. At present the Group has proposed conditions for the discharge of animal carcasses to include a minimum distance of 100 nautical miles from the nearest land and in the maximum water depth possible. The carcass is to be treated to ensure it will sink rapidly, and it is proposed that more guidance on how carcasses need to be treated prior to discharge will be provided in the Guidelines. With regards to setting a limit on the number of carcasses that could be discharged in accordance with Annex V, the Group recommended that a limit (currently proposed to be 2% of the cargo) be set as the trigger point where the flag State must be notified prior to any further discharge. This would then give the flag State, in consultation with potentially affected coastal States, the opportunity to determine whether a LC/LP permit would be required for any further discharge and to set conditions accordingly. This would allow for individual circumstances to be taken into account rather than trying to be overly prescriptive in the Annex.
- .11 There was extensive debate as to whether fish that die during live transport as cargo should be treated as animal carcasses and therefore be garbage for the purposes of the Annex. While some delegations stated that it was appropriate that fish be treated as for other animal carcasses, others considered that such a discharge did not pose a significant environmental threat, and that given the nature of operations (such as stocking of aquaculture facilities) where such transport occurs it was not realistic to impose stringent distance and depth conditions on their discharge. Options considered included: the exclusion of fish carried as cargo from the definition of garbage, consistent with the exclusion of fish caught in fishing activities during the voyage; the application of the conditions in Regulation 4.1.4 of the proposed text; or development of some alternate and potentially less stringent discharge conditions for fish to be incorporated into Regulation 4. The Group was not able to conclude on this matter given the time available and the need to consult further with relevant technical and scientific expertise on the potential impacts and mitigations.

- .12 With regard to the requirement for the reporting of lost fishing gear to flag and coastal States, a number of delegations expressed their concern that this would potentially create a significant administrative burden on those States, and that there should be some clear guidance as to the purpose of such reporting. Concerns were also raised as to how to avoid such reporting requirements causing confusion with regard to jurisdictional boundaries and regional fisheries agreements. However, the majority of delegations expressed the view that it was not the role of Annex V to prescribe what receiving States should do with the information, only that it was essential that it was reported allowing action to be taken if States determined that it was necessary and appropriate. It was acknowledged, however, that there needed to be some sensible guidance as to what items of fishing gear should be reported to flag and coastal States in order to minimize any administrative burden and in the interests of practicality. It is therefore proposed that only fishing gear that poses a significant threat to the environment or navigation should be reported. One delegation expressed concern that this language may not be sufficiently clear, however, the majority of the Group considered that, with additional guidance on what types of gear loss would meet these criteria to be provided in the Guidelines, it was sufficient.
- .13 One delegation stated the importance of ensuring that the definitions in Regulation 1, specifically relating to fishing gear and to garbage, did not inadvertently capture the intentional placement of fishing gear such as fish attraction devices. However, the majority of the Group considered that the existing definitions, combined with proposed additional guidance in the Guidelines, were adequate to avoid such confusion.
- .14 The Group agreed to the removal of the existing Regulation 7 (3)(c) relating to compliance by ships operating in special areas even where reception facilities are not yet available as it did not appear to change the intent or implementation of the Annex. However, it was agreed that the consequences of removing this text should be further considered from a legal and administrative perspective.

8 As a result of the proposed amendments to the regulations in Annex V, the Group noted that consequential amendments were needed to the Appendix – *Form of Garbage Record Book*. This was modified accordingly as shown in annex 1 (with the version in track change format presented in annex 2), although it is acknowledged that there is potentially value in further refinement of this document including the format of the reporting table.

9 The Group also considered the Guidelines for Implementation of Annex V. It was recognized that a number of the provisions of the Guidelines would require consequential amendments to be introduced and many suggestions were made during the course of the Group's work for areas where additional clarification in the Guidelines would be of value. A number of likely changes had also been identified in the report of the Correspondence Group and together these should serve as a basis for this work once this is initiated. It is proposed that, if the Committee at this meeting accepts the proposed amendments as drafted, it would be beneficial to establish an intersessional Correspondence Group to undertake a review of the Guidelines based on the draft text as accepted. The early establishment of such a group would take advantage of the recent collaborative work and the high degree of familiarity that many delegations have with the regulations.

10 It was also again noted that consequential amendments may be required for the following IMO instruments:

- .1 Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21));
- .2 the Guidelines for the development of garbage management plans (resolution MEPC.71(38));
- .3 the standard format for the waste delivery receipt following a ship's use of port reception facilities (MEPC.1/Circ.645); and
- .4 MEPC.1/Circ 675 regarding the discharge of cargo hold washing water in the Gulfs Area and the Mediterranean Sea Area under MARPOL Annex V.

11 It was also noted that, given the increased number of garbage types that ships would now be required to discharge to shore, it would potentially be of benefit to review the categories contained in the GISIS database on port reception facilities.

Action requested of the Committee

12 The Committee is invited to approve the report in general and, in particular, to:

- .1 consider for approval the draft amendments to MARPOL Annex V including the Appendix (Revised MARPOL Annex V) as detailed in annex 1 to this report, noting the significance of the proposed changes to the existing text as detailed in annex 2, for subsequent adoption by MEPC 62;
- .2 note the requirement for amendments to the Guidelines for the implementation of MARPOL Annex V, and to consider the establishment of an intersessional Correspondence Group to commence work on these amendments;
- .3 note the other potential consequential amendments referred to in paragraph 10 of this report;
- .4 note the need for further consideration of the discharge conditions for animal carcasses, taking into account any information provided by administrations on current practices in the intersessional period; and
- .5 note the unresolved issue regarding the potential inclusion of fish dying during transport as live cargo and give consideration to the issues and potential solutions as discussed in paragraph 7.11.

ANNEX 1

DRAFT MARPOL ANNEX V (INCLUDING AMENDMENTS) REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 1

Definitions

For the purposes of this Annex:

- 1 *Animal carcasses* means the bodies of any animals that have died or been euthanized on board during the voyage where the animals have been carried on board as cargo.
- 2 *Cargo residues* means the remnants of any cargo not covered by other annexes remaining on the deck or in holds following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship.
- 3 *Cooking oil* means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food itself that is prepared using these oils.
- 4 *En route* means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable.
- 5 *Fishing gear* means any physical device or part thereof or combination of items that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or freshwater organisms.
- 6 *Fixed and floating platforms* means such platforms as engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources.
- 7 *Food wastes* means any spoiled or unspoiled food substances, such as fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship.
- 8 *Garbage* means all kinds of food, domestic and operational wastes, all plastics cargo residues, cooking oil, fishing gear and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage.
- 9 *The nearest land.* The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention, "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in:

latitude 11°00' S, longitude 142°08' E
to a point in latitude 10°35' S, longitude 141°55' E,
thence to a point latitude 10°00' S, longitude 142°00' E,
thence to a point latitude 09°10' S, longitude 143°52' E,
thence to a point latitude 09°00' S, longitude 144°30' E,
thence to a point latitude 10°41' S, longitude 145°00' E,
thence to a point latitude 13°00' S, longitude 145°00' E,
thence to a point latitude 15°00' S, longitude 146°00' E,
thence to a point latitude 17°30' S, longitude 147°00' E,
thence to a point latitude 21°00' S, longitude 152°55' E,
thence to a point latitude 24°30' S, longitude 154°00' E,
thence to a point on the coast of Australia in
latitude 24°42' S, longitude 153°15' E.

- 10 *Operational wastes* means all wastes not covered by other Annexes that are collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling. Operational waste also includes cleaning agents and additives contained in external wash water. Operational waste does not include grey water, bilge water, or other similar discharges essential to the operation of a ship.
- 11 *Plastic* means a solid material which contains as an essential ingredient one or more synthetic organic high polymers and which is formed (shaped) during either manufacture or the polymer or the fabrication into a finished product by heat and/or pressure. Plastics have material properties ranging from hard and brittle to soft and elastic.
- 12 *Special area* means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required.

For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:

- .1 The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36' W.
- .2 The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.8' N.
- .3 The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N.
- .4 The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12° 28.5' N, 43° 19.6' E) and Husn Murad (12° 40.4' N, 43° 30.2' E).

- .5 The Gulfs area means the sea area located north-west of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras al Fasteh (25° 04' N, 61° 25' E).
- .6 The North Sea area means the North Sea proper including seas therein with the boundary between:
- .1 the North Sea southwards of latitude 62° N and eastwards of longitude 4° W;
 - .2 the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57° 44.8' N; and
 - .3 the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48° 30' N.
- .7 The Antarctic area means the sea area south of latitude 60° S.
- .8 The Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.

Regulation 2

Application

Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

Regulation 3

General prohibition on discharge of garbage into the sea

1 Discharge of all garbage into the sea is prohibited, except as expressly provided otherwise in regulations 4, 5, 6 and 7 of this Annex.

2 Except as provided in regulation 7 of this Annex, 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.

3 Except as provided in regulation 7 of this Annex, the discharge into the sea of cooking oil is prohibited.

Regulation 4

Discharge of garbage outside special areas

1 Subject to the provisions of regulations 5, 6, and 7 of this Annex, discharge of the following garbage into the sea outside special areas shall only be made while the ship is *en route* and as far as practicable from the nearest land, but in any case not less than:

- .1 3 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.
- .2 12 nautical miles from the nearest land for food wastes that have not been treated in accordance with subparagraph .1 above.
- .3 12 nautical miles from the nearest land for cargo residues that cannot be recovered using commonly available methods for unloading. Cargo residues must not contain any substances classified as harmful to the marine environment, taking into account guidelines developed by the Organization.
- .4 [100 nautical miles from the nearest land and in the maximum water depth possible for animal carcasses. Carcasses must be split or otherwise treated to ensure that the carcass will sink immediately upon discharge. Where the cargo mortality exceeds 2%, the master of the vessel must report to the flag State and nearest coastal State, in accordance with the guidelines of the Organization, prior to discharge.]

2 Cleaning agents or additives contained in deck and external surfaces washing water may be discharged into the sea but these substances must not be harmful to the marine environment taking into account guidelines developed by the Organization.

3 When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements the more stringent requirements shall apply.

Regulation 5

Special requirements for discharge of garbage from fixed or floating platforms

1 Subject to the provisions of paragraph 2 of this regulation, the discharge into the sea of any garbage regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 m of such platforms.

2 The discharge into the sea of food wastes may only be permitted when they have been passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from the nearest land and all other ships when alongside or within 500 m of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

Regulation 6

Discharge of garbage within special areas

1 Discharge of the following garbage into the sea within special areas shall only be permitted while the ship is *en route* and as follows:

- .1 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 must be comminuted or ground and shall be capable of passing through a screen with openings no greater than 25 mm. Food wastes must be uncontaminated 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.
- .2 Discharge of cargo residues that cannot be recovered using commonly available methods for unloading where the following conditions are satisfied:
 - .1 Cargo residues contained in hold washing water must not include any substances classified as harmful to the marine environment taking into account guidelines developed by the Organization;
 - .2 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;
 - .3 No adequate reception facilities are available at those ports taking into account guidelines developed by the Organization; and
 - .4 Where the conditions of subparagraphs 2.1, 2.2 and 2.3 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 and not less than 12 nautical miles from the nearest land or the nearest ice shelf.
- .3 Cleaning agents or additives contained in deck and external surfaces washing water may be discharged into the sea but these substances must not be harmful to the marine environment taking into account guidelines developed by the Organization.

2 The following rules apply to the Antarctic area:

- .1 The Government of each Party to the Convention at whose ports ships depart *en route* to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.
- .2 The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of garbage prohibited for discharge, while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

3 When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements the more stringent requirements shall apply.

Regulation 7
Exceptions

- 1 Regulations 3, 4, 5 and 6 of this Annex shall not apply to:
 - .1 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
 - .2 The accidental loss of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the accidental loss; or
 - .3 The accidental loss of fishing gear provided that all reasonable precautions have been taken to prevent such loss, or the discharge of fishing gear for the protection of the marine environment or for the safety of the ship or its crew; or
 - .4 The discharge of food waste from a ship as necessary where the retention presents a health risk to those on board.

Regulation 8
Reception facilities

- 1 The Government of each Party to the Convention undertakes to ensure the provision of adequate facilities at ports and terminals for the reception of garbage without causing undue delay to ships, and according to the needs of the ships using them.
- 2 The Government of each Party shall notify the Organization for transmission to the Contracting Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate.
- 3 Reception facilities within special areas
 - .1 The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area adequate reception facilities are provided, taking into account the special needs of ships operating in these areas.
 - .2 The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph 3.1 of this regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of regulation 6 in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

Regulation 9

Port State control on operational requirements¹

1 A ship when in a port or offshore terminal of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, 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 garbage.

2 In the circumstances given in paragraph 1 of this regulation, 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 Annex.

3 Procedures relating to the port State control prescribed in article 5 of the present 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 present Convention.

Regulation 10

Placards, garbage management plans² and garbage record-keeping

1 .1 Every ship of 12 m or more in length overall and fixed and floating platforms engaged in exploration and exploitation of the sea-bed shall display placards which notify the crew and passengers of the discharge requirements of regulations 3, 4, 5 and 6 of this Annex, as applicable.

.2 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.

2 Every ship of 100 gross tonnage and above, and every ship which is certified to carry 15 persons or more, and fixed and floating platforms engaged in exploration and exploitation of the sea-bed shall carry a garbage management plan which the crew shall follow. This plan shall provide written procedures for minimizing, collecting, storing, processing and disposing of garbage, including the use of the equipment on board. It shall also designate the person/s in charge of carrying out the plan. Such a plan shall be in accordance with the guidelines developed by the Organization² and written in the working language of the crew.

3 Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record Book. The Garbage Record Book, whether as a part of the ship's official log-book or otherwise, shall be in the form specified in the appendix to this Annex:

¹ Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by A.882(21); see IMO sales publication IA650E.

² Refer to the Guidelines for the development of garbage management plans adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.71(38); see MEPC/Circ.317 and IMO sales publication IA656E.

- .1 Each discharge operation to sea or to a reception facility, or completed incineration, shall be 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 of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be at least in English, French or Spanish. Where the entries are also made in an official language of the State whose flag the ship is entitled to fly, the entries in that language shall prevail in case of a dispute or discrepancy;
 - .2 The entry for each discharge or incineration shall include date and time, position of the ship, description of the garbage and the estimated amount discharged or incinerated;
 - .3 The Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection in a reasonable time. This document shall be preserved for a period of two years after the last entry is made on the record;
 - .4 In the event of 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 ships of less than 400 gross tonnage, an entry shall be made in the Ship's Log, of the location, circumstances of, and the reasons for, the discharge or loss and details of the items discharged or lost.
- 4 The Administration may waive the requirements for Garbage Record Books for:
- .1 Any ship engaged on voyages of 1 hour or less in duration which is certified to carry 15 persons or more; or
 - .2 Fixed or floating platforms while engaged in exploration and exploitation of the sea-bed.
- 5 The competent authority of the Government of a Party to the Convention may inspect the Garbage Record Books or Ship's Log on board any ship to which this regulation applies while the ship is in its ports or offshore terminals and may make a copy of any entry in those books, and may require the master of the ship to certify that the copy is a true copy of such an entry. Any copy so made, which has been certified by the master of the ship as a true copy of an entry in the ship's Garbage Record Book or Ship's Log, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Garbage Record Book or Ship's Log and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.
- 6 The accidental loss or discharge of fishing gear as provided for in regulation 7.1.3 which poses a significant threat to the marine environment or navigation shall be reported to the State whose flag the ship is entitled to fly and to the coastal State where the loss has occurred within that State's jurisdiction.

* * *

Appendix to Annex V – Form of Garbage Record Book

Name of ship: _____

Distinctive number or letters: _____

IMO No.: _____

Period: _____ From: _____ To: _____

1 Introduction

In accordance with regulations 7 and 10 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL), a record is to be kept of each discharge operation or completed incineration. This includes discharges into the sea, to reception facilities, or to other ships, as well as the accidental loss of garbage.

2 Garbage and garbage management

Garbage includes all kinds of food, domestic and operational waste, all plastics, cargo residues, cooking oil, fishing gear and animal carcasses generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL (such as oil, sewage or noxious liquid substances). Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage.

The Guidelines for the Implementation of Annex V of MARPOL³ should also be referred to for relevant information.

3 Description of the garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

- A Plastics
- B Food waste
- C Domestic Waste
(e.g., paper products, rags, glass, metal, bottles, crockery, etc.)
- D Cooking Oil
- E Incinerator ash
- F Operational waste
- G Cargo residues
- H Animal Carcass(es)

³ Refer to the Guidelines for the Implementation of Annex V of MARPOL 73/78, as amended by resolutions MEPC.59(33) and MEPC.92(45).

- I Fishing Gear
 - Ia Nets – surface
 - Ib Nets – midwater or bottom
 - Ic Longline
 - Id Synthetic line and netting scraps
 - Ie Pots and traps
 - If Dredges
 - Ig Miscellaneous gear

4 Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

- 4.1.1 When garbage is discharged to a reception facility ashore or to other ships:
 - .1 Date and time of discharge
 - .2 Port or facility, or name of ship
 - .3 Category of garbage discharged
 - .4 Estimated amount discharged for each category in cubic metres
 - .5 Signature of officer in charge of the operation.
- 4.1.2 When garbage is incinerated:
 - .1 Date and time of start and stop of incineration
 - .2 Position of the ship (latitude and longitude) at the start and stop of incineration
 - .3 Categories of garbage incineration
 - .4 Estimated amount incinerated in cubic metres
 - .5 Signature of the officer in charge of the operation.
- 4.1.3 When garbage is discharged into the sea:
 - .1 Date and time of discharge
 - .2 Position of the ship (latitude and longitude). Note: for cargo residue discharges, include discharge start and stop positions.
 - .3 Category of garbage discharged
 - .4 Estimated amount discharged for each category in cubic metres
 - .5 Signature of the officer in charge of the operation.
- 4.1.4 Accidental or other exceptional discharges or loss of garbage
 - .1 Date and time of occurrence
 - .2 Port or position of the ship at time of occurrence (latitude, longitude and water depth if known)
 - .3 Estimated amount and categories of garbage
 - .4 Circumstances of discharge or loss, the reason therefore and general remarks.

4.2 Receipts

The master should obtain from the operator of the reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.

4.3 Amount of garbage

The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g., the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

RECORD OF GARBAGE DISCHARGES

Ship's name: _____

Distinctive No., or letters: _____

IMO No.: _____

NEW TABLE LAYOUT AS BELOW:

Date/ Time	Position of the Ship/Remarks (e.g., accidental loss)	Category	Amount Discharged or Incinerated	To Sea	To Reception Facility	Incineration	Certification/ Signature

Master's signature: _____

Date: _____

ANNEX 2

DRAFT AMENDMENTS TO MARPOL ANNEX V SHOWING TRACKED CHANGES FROM EXISTING TEXT

New text is underlined.

Deleted text is ~~struckthrough~~.

**** denotes the shifting of pre-existing text to various other sections ****

Regulation 1

Definitions:

For the purposes of this Annex:

- 1 Animal carcasses means the bodies of any animals that have died or been euthanized on board during the voyage where the animals have been carried on board as cargo.
- 2 Cargo residues means the remnants of any cargo not covered by other annexes remaining on the deck or in holds following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship.
- 3 Cooking oil means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food itself that is prepared using these oils.
- 4 En route means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable.
- 5 Fishing gear means any physical device or part thereof or combination of items that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or freshwater organisms.
- 6 Fixed and floating platforms means such platforms as engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources.
- 7 Food wastes means any spoiled or unspoiled food substances, such as fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship.
- ~~(1)8~~ Garbage means all kinds of ~~victual food~~, domestic and operational wastes, all plastics, cargo residues, cooking oil, fishing gear and animal carcasses ~~excluding fresh fish and parts thereof~~, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention. Garbage does not

include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage.

~~(2)~~9 *The nearest land.* The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention, "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00' S, longitude 142°08' E
to a point in latitude 10°35' S, longitude 141°55' E,
thence to a point latitude 10°00' S, longitude 142°00' E,
thence to a point latitude 09°10' S, longitude 143°52' E,
thence to a point latitude 09°00' S, longitude 144°30' E,
thence to a point latitude 10°41' S, longitude 145°00' E,
thence to a point latitude 13°00' S, longitude 145°00' E,
thence to a point latitude 15°00' S, longitude 146°00' E,
thence to a point latitude 17°30' S, longitude 147°00' E,
thence to a point latitude 21°00' S, longitude 152°55' E,
thence to a point latitude 24°30' S, longitude 154°00' E,
thence to a point on the coast of Australia in
latitude 24°42' S, longitude 153°15' E.

10 *Operational wastes means all wastes not covered by other Annexes that are collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling. Operational waste also includes cleaning agents and additives contained in external wash water. Operational waste does not include grey water, bilge water, or other similar discharges essential to the operation of a ship.*

11 *Plastic means a solid material which contains as an essential ingredient one or more synthetic organic high polymers and which is formed (shaped) during either manufacture or the polymer or the fabrication into a finished product by heat and/or pressure. Plastics have material properties ranging from hard and brittle to soft and elastic.*

~~(3)~~12 *Special area means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required.*

MOVED FROM REGULATION 5 – For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:

~~(a)~~1 The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36' W.

- (b).2 The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N.
- (c).3 The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N.
- (d).4 The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E).
- (e).5 The Gulfs area means the sea area located north-west of the rhumb line between Ras al Hadd (22°30' N, 59°48' E) and Ras al Fasteh (25°04' N, 61°25' E).
- (f).6 The North Sea area means the North Sea proper including seas therein with the boundary between:
- (i).1 the North Sea southwards of latitude 62° N and eastwards of longitude 4° W;
 - (ii).2 the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N; and
 - (iii).3 the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48°30' N.
- (g).7 The Antarctic area means the sea area south of latitude 60° S.
- (h).8 The Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.***

Regulation 2

Application

Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

Regulation 3

General prohibition on discharge of garbage into the sea

1 Discharge of all garbage into the sea is prohibited, except as expressly provided otherwise in regulations 4, 5, 6 and 7 of this Annex.

2 Except as provided in regulation 7 of this Annex, disposal 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.

3 Except as provided in regulation 7 of this Annex, the discharge into the sea of cooking oil is prohibited.

Regulation 34

Discharge of garbage outside special areas

(4).1 Subject to the provisions of regulations 5, 6 and 7 of this Annex, disposal discharge of the following garbage into the sea outside special areas shall only be made while the ship is en route and as far as practicable from the nearest land, but in any case not less than:

.1 3 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.

.2 12 nautical miles from the nearest land for food wastes that have not been treated in accordance with subparagraph .1 above.

.3 12 nautical miles from the nearest land for cargo residues that cannot be completely recovered using commonly available methods for unloading. Cargo residues must not contain any substances classified as harmful to the marine environment taking into account guidelines developed by the Organization.

.4 [100 nautical miles from the nearest land and in the maximum water depth possible for animal carcasses. Carcasses must be split or otherwise treated to ensure that the carcass will sink immediately upon discharge. Where the cargo mortality exceeds 2%, the master of the vessel must report to the flag State and nearest coastal State, in accordance with the guidelines of the Organization, prior to discharge.]

~~(a) — the disposal 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 which contains toxic or heavy metal residues, is prohibited.~~

~~(b) — The disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case is prohibited if the distance is less than:~~

~~(i) — 25 nautical miles for dunnage, lining, and packing materials which will float,~~

~~(ii) — 12 nautical miles for food wastes, and all other garbage, including paper products, rags, glass, metal, bottles, crockery, and similar refuse;~~

~~(c) — disposal into the sea of garbage specified in subparagraph (b)(ii) of this regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from land~~

but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 mm.

2 Cleaning agents or additives contained in deck and external surfaces washing water may be discharged into the sea but these substances must not be harmful to the marine environment taking into account guidelines developed by the Organization.

~~(2)3~~ When garbage is mixed with or contaminated by other discharges ~~substances prohibited from discharge~~ or having different disposal or discharge requirements, the more stringent requirements shall apply.

Regulation 45

Special requirements for the discharge-disposal of garbage from fixed or floating platforms

~~(1)1~~ Subject to the provisions of paragraph ~~(2)~~ of this regulation, the ~~disposal~~ discharge into the sea of any materials-garbage regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 m of such platforms.

~~(2)2~~ The ~~disposal~~ discharge into the sea of food wastes may only be permitted when they have been passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from the nearest land and all other ships when alongside or within 500 m of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

Regulation 56

Disposal Discharge of garbage within special areas

MOVED TO REGULATION 1 – (1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:

- ~~(a)~~ The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36' W.
- ~~(b)~~ The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N.
- ~~(c)~~ The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N.
- ~~(d)~~ The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E).

- (e) ~~The Gulfs area means the sea area located north-west of the rhumb line between Ras al Hadd (22°30' N, 59°48' E) and Ras al Fasteh (25°04' N, 61°25' E).~~
- (f) ~~The North Sea area means the North Sea proper including seas therein with the boundary between:~~
- (i) ~~the North Sea southwards of latitude 62° N and eastwards of longitude 4° W;~~
 - (ii) ~~the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N; and~~
 - (iii) ~~the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48°30' N.~~
- (g) ~~The Antarctic area means the sea area south of latitude 60° S.~~
- (h) ~~The Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.***~~
- (2) ~~Subject to the provisions of regulation 6 of this Annex:~~
- (a) ~~the disposal into the sea of the following is prohibited:~~
 - (i) ~~all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which contains toxic or heavy metal residues; and,~~
 - (ii) ~~all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining, and packing materials.~~
 - (b) ~~except as provided in subparagraph (c) of this paragraph, disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land;~~
 - (c) ~~Disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case not less than 3 nautical miles from the nearest land. Such comminuted or ground food wasters shall be capable of passing through a screen with openings no greater than 25 mm.~~

1 Discharge of the following garbage into the sea within special areas shall only be permitted while the ship is *en route* and as follows:

.1 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 must be comminuted or ground and shall be capable of passing through a screen with openings no greater than 25 mm. Food wastes must be uncontaminated by any other garbage type. Discharge of introduced avian products, including poultry or poultry parts is not permitted in the Antarctic area unless it has been treated to be made sterile.

.2 Discharge of cargo residues that cannot be recovered using commonly available methods for unloading where the following conditions are satisfied:

.1 Cargo residues contained in hold washing water must not include any substances classified as harmful to the marine environment, taking into account guidelines developed by the Organization;

.2 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;

.3 No adequate reception facilities are available at those ports taking into account guidelines developed by the Organization; and

.4 Where the conditions of subparagraphs 2.1, 2.2 and 2.3 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 and not less than 12 nautical miles from the nearest land or the nearest ice shelf.

.3 Cleaning agents or additives contained in deck washing water must not be harmful to the marine environment taking into account guidelines developed by the Organization.

2 *** MOVED FROM REGULATION 5(5) : ~~Notwithstanding paragraph 4 of this regulation~~
The following rules apply to the Antarctic area:

(a).1 The Government of each Party to the Convention at whose ports ships depart *en route* to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.

(b).2 The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of garbage prohibited for discharge, while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.***

~~(3)3~~ When garbage is mixed with or contaminated by other discharges ~~substances prohibited from discharge~~ or having different disposal ~~or discharge~~ requirements, the more stringent requirements shall apply.

*** MOVED TO REGULATION 7 [(4) Reception facilities within special areas

- ~~(a) — The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area adequate reception facilities are provided in accordance with regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.~~
- ~~(b) — The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph (a) of this regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.~~
- ~~(c) — After the date so established, ships calling also at ports in these special areas where such facilities are not yet available, shall fully comply with the requirements of this regulation.]***~~

*** MOVED TO REGULATION 5(2) Notwithstanding paragraph 4 of this regulation, the following rules apply to the Antarctic area:

- ~~(a) — The Government of each Party to the Convention at whose ports ships depart *en route* to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.~~
- ~~(b) — The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, 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***~~

Regulation 6 *Exceptions*

1 Regulations 3, 4, ~~and 5~~ and 6 of this Annex shall not apply to:

- ~~(a).1~~ ~~†~~The disposal ~~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
- ~~(b).2~~ ~~†~~The ~~escape~~ accidental loss of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the ~~escape~~accidental loss; or
- ~~(c).3~~ ~~†~~The accidental loss of ~~synthetic fishing nets—gear~~ provided that all reasonable precautions have been taken to prevent such loss or the

discharge of fishing gear for the protection of the marine environment or for the safety of the ship or its crew; or -

.4 The discharge of food waste from a ship as necessary where the retention presents a health risk to those on board.

Regulation 78

Reception facilities

~~(1)~~1 The Government of each Party to the Convention undertakes to ensure the provision of adequate facilities at ports and terminals for the reception of garbage without causing undue delay to ships, and according to the needs of the ships using them.

~~(2)~~2 The Government of each Party shall notify the Organization for transmission to the Contracting Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate.

*** MOVED FROM REGULATION 5 ~~(4)~~3 Reception facilities within special areas

~~(a)~~1 The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area adequate reception facilities are provided ~~in accordance with regulation 7 of this Annex~~, taking into account the special needs of ships operating in these areas.

~~(b)~~2 The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph ~~(a)~~3.1 of this regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of ~~this regulation~~ 6 in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

~~[(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available, shall fully comply with the requirements of this regulation.]***~~

Regulation 89

*Port State control on operational requirements**

~~(1)~~1 A ship when in a port or offshore terminal of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, 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 garbage.

~~(2)~~2 In the circumstances given in paragraph ~~(1)~~1 of this regulation, 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 Annex.

~~(3)~~3 Procedures relating to the port State control prescribed in article 5 of the present Convention shall apply to this regulation.

* Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by A.882(21); see IMO sales publication IA650E.

~~(4)~~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 present Convention.

Regulation 910

Placards, garbage management plans and garbage record-keeping

~~(+)~~¹ ~~(a)~~₁ Every ship of 12 m or more in length overall and fixed and floating platforms engaged in exploration and exploitation of the sea-bed shall display placards which notify the crew and passengers of the discharge requirements of regulations 3, 4, ~~and 5~~ and 6 of this Annex, as applicable.

~~(b)~~₂ The placards shall be written in the working language of the ship's personnel ~~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.

~~(2)~~² Every ship of ~~400~~ 100 gross tonnage and above, and every ship which is certified to carry 15 persons or more, and fixed and floating platforms engaged in exploration and exploitation of the sea-bed shall carry a garbage management plan which the crew shall follow. This plan shall provide written procedures for minimizing, collecting, storing, processing, and disposing of garbage, including the use of the equipment on board. It shall also designate the person/s in charge of carrying out the plan. Such a plan shall be in accordance with the guidelines developed by the Organization[†] and written in the working language of the crew.

~~(3)~~³ Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record Book. The Garbage Record Book, whether as a part of the ship's official log-book or otherwise, shall be in the form specified in the appendix to this Annex:

~~(a)~~₁ ~~e~~eEach discharge operation to sea or to a reception facility, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the discharge or incineration ~~or discharge~~ by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be at least in English, French or Spanish. Where the entries are also made in an official language of the State whose flag the ship is entitled to fly, the entries in that language shall prevail in case of a dispute or discrepancy;

~~(b)~~₂ ~~t~~the entry for each discharge or incineration shall include date and time, position of the ship, description of the garbage and the estimated amount discharged or incinerated;

[†] Refer to the Guidelines for the development of garbage management plans adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.71(38); see MEPC/Circ.317 and IMO sales publication IA656E.

~~(e)~~.3 ~~¶~~The Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection in a reasonable time. This document shall be preserved for a period of two years after the last entry is made on the record;

~~(d)~~.4 ~~¶~~In the event of discharge, or accidental loss referred to in regulation ~~6~~ 7 of this Annex an entry shall be made in the Garbage Record Book, or in the case of ships of less than 400 gross tonnage, an entry shall be made in the Ship's Log, of the location, circumstances of, and the reasons for, the discharge or loss and details of the items discharged or lost.

~~(4)~~4 The Administration may waive the requirements for Garbage Record Books for:

~~(a)~~.1 ~~a~~Any ship engaged on voyages of 1 hour or less in duration which is certified to carry 15 persons or more; or

~~(b)~~.2 ~~f~~Fixed or floating platforms while engaged in exploration and exploitation of the sea-bed.

~~(5)~~5 The competent authority of the Government of a Party to the Convention may inspect the Garbage Record Books or Ship's Log on board any ship to which this regulation applies while the ship is in its ports or offshore terminals and may make a copy of any entry in those books, and may require the master of the ship to certify that the copy is a true copy of such an entry. Any copy so made, which has been certified by the master of the ship as a true copy of an entry in the ship's Garbage Record Book or Ship's Log, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Garbage Record Book or Ship's Log and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

~~(6)~~6 ~~In the case of ships built before 1 July 1997, this regulation shall apply as from 1 July 1998.~~ The loss or discharge of fishing gear as provided for in regulation 7.1.3 which poses a significant threat to the marine environment or navigation shall be reported to the State whose flag the ship is entitled to fly and to the coastal State where the loss has occurred within that State's jurisdiction.

* * *

Appendix to Annex V – Form of Garbage Record Book

Name of ship: _____

Distinctive number or letters: _____

IMO No.: _____

Period: _____ From: _____ To: _____

1. Introduction

In accordance with regulation [7 and 10.9](#) of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL [73/78](#)), a record is to be kept of each discharge operation or completed incineration. This includes discharges [at into the sea](#), to reception facilities, or to other ships, [as well as the accidental loss of garbage](#).

2. Garbage and garbage management

Garbage includes all kinds of food, domestic and operational waste, all [plastics, cargo residues, cooking oil, fishing gear and animal carcasses](#) generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL [73/78](#) (such as oil, sewage or noxious liquid substances). [Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage.](#)

The Guidelines for the Implementation of Annex V of MARPOL⁴ [73/78*](#) should also be referred to for relevant information.

3. Description of the garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

[A](#) [Plastics](#)

[B](#) [Food waste](#)

[C](#) [Domestic Waste](#)

[\(e.g., paper products, rags, glass, metal, bottles, crockery, etc.\)](#)

[D](#) [Cooking Oil](#)

[E](#) [Incinerator ash](#)

[F](#) [Operational waste](#)

[G](#) [Cargo residues](#)

[H](#) [Animal Carcass\(es\)](#)

⁴ Refer to the Guidelines for the Implementation of Annex V of MARPOL 73/78, as amended by resolutions MEPC.59(33) and MEPC.92(45).

- I Fishing Gear
- Ia Nets - surface
- Ib Nets – midwater or bottom
- Ic Longline
- Id Synthetic line and netting scraps
- Ie Pots and traps
- If Dredges
- Iq Miscellaneous gear

- ~~1- Plastics~~
- ~~2- Floating dunnage, lining, or packing material~~
- ~~3- Ground-down paper products, rags, glass, metal, bottles, crockery, etc.~~
- ~~4- Cargo residues, paper products, rags, glass, metal, bottles, crockery, etc.~~
- ~~5- Food waste~~
- ~~6- Incinerator ash.~~

4. Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

~~(a) When garbage is discharged into the sea:~~

- ~~(i) Date and time of discharge~~
- ~~(ii) Position of the ship (latitude and longitude). Note: for cargo residue discharges, include discharge start and stop positions.~~
- ~~(iii) Category of garbage discharged~~
- ~~(iv) Estimated amount discharged for each category in cubic metres~~
- ~~(v) Signature of the officer in charge of the operation.~~

~~4.1.1-(b)~~ When garbage is discharged to a reception ~~facilities~~ facility ashore or to other ships:

- ~~(i).~~1 Date and time of discharge
- ~~(ii).~~2 Port or facility, or name of ship
- ~~(iii).~~3 Category of garbage discharged
- ~~(iv).~~4 Estimated amount discharged for each category in cubic metres
- ~~(v).~~5 Signature of officer in charge of the operation.

4.1.2(e) When garbage is incinerated:

- ~~(i).~~1 Date and time of start and stop of incineration
- ~~(ii).~~2 Position of the ship (latitude and longitude) at the start and stop of incineration
- 3 Categories of garbage incineration
- ~~(iii).~~4 Estimated amount incinerated in cubic metres
- ~~(iv).~~5 Signature of the officer in charge of the operation.

4.1.3 When garbage is discharged into the sea:

- 1 Date and time of discharge
- 2 Position of the ship (latitude and longitude). Note: for cargo residue discharges, include discharge start and stop positions.
- 3 Category of garbage discharged
- 4 Estimated amount discharged for each category in cubic metres
- 5 Signature of the officer in charge of the operation.

4.1.4 (d) Accidental or other exceptional discharges or loss of garbage

- ~~(i).~~1 Date and Time of occurrence
- ~~(ii).~~2 Port or position of the ship at time of occurrence (latitude, longitude and water depth if known)
- ~~(iii).~~3 Estimated amount and category categories of garbage
- ~~(iv).~~4 Circumstances of disposal, escaped discharge or loss, the reason therefore and general remarks.

4.2 Receipts

The master should obtain from the operator of port the reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.

4.3 Amount of garbage

The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g., the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

RECORD OF GARBAGE DISCHARGES

Ship's name: _____

Distinctive No., or letters: _____

IMO No.: _____

~~Garbage categories:~~

- ~~1 Plastic.~~
- ~~2 Floating dunnage, lining, or packing materials.~~
- ~~3 Ground paper products, rags, glass, metal, bottles, crockery, etc.~~
- ~~4 Cargo residues, paper products, rags, glass, metal, bottles, crockery, etc.~~
- ~~5 Food waste.~~
- ~~6 Incinerator ash except from plastic products which may contain toxic or heavy metal residues.~~

~~NOTE: THE DISCHARGE OF ANY GARBAGE OTHER THAN FOOD WASTE IS PROHIBITED IN SPECIAL AREAS. ONLY GARBAGE DISCHARGED INTO THE SEA MUST BE CATEGORIZED. GARBAGE OTHER THAN CATEGORY 1 DISCHARGED TO RECEPTION FACILITIES NEED ONLY BE LISTED AS A TOTAL ESTIMATED AMOUNT. DISCHARGES OF CARGO RESIDUES REQUIRE START AND STOP POSITIONS TO BE RECORDED.~~

NEW TABLE LAYOUT AS BELOW:

<u>Date/Time</u>	<u>Position of the Ship/remarks (e.g. accidental loss)</u>	<u>Category</u>	<u>Amount Discharged or Incinerated</u>	<u>To Sea</u>	<u>To Reception Facility</u>	<u>Incineration</u>	<u>Certification /Signature</u>

Master's signature: _____

Date: _____
