

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

RESOLUTION MEPC.200(62)

Adopted on 15 July 2011

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

**(Special Area Provisions and the Designation of the Baltic Sea as a Special Area under
MARPOL Annex IV)**

Not yet in force
[2011] ATNIF 19

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

HAVING CONSIDERED draft amendments to Annex IV of MARPOL 73/78,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex IV of MARPOL 73/78, the text of which is set out at annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2012 unless, prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2013 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex;
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the present resolution and its Annex.

ANNEX

AMENDMENTS TO MARPOL ANNEX IV

1 *New paragraphs 5bis, 7bis, and 7ter are added to regulation 1:*

"5bis *Special area* means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by sewage is required.

The special areas are:

- .1 the Baltic Sea area as defined in regulation 1.11.2 of Annex I; and
- .2 any other sea area designated by the Organization in accordance with criteria and procedures for designation of special areas with respect to prevention of pollution by sewage from ships¹.

7bis *A passenger* means every person other than:

- .1 the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- .2 a child under one year of age.

7ter *A passenger ship* means a ship which carries more than twelve passengers.

For the application of regulation 11.3, a *new passenger ship* is a passenger ship:

- .1 for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is in a similar stage of construction, on or after 1 January 2016; or
- .2 the delivery of which is two years or more after 1 January 2016.

An existing passenger ship is a passenger ship which is not a new passenger ship."

2 *New paragraph 2 is added to regulation 9:*

"2 By derogation from paragraph 1, every passenger ship which, in accordance with regulation 2, is required to comply with the provisions of this Annex, and for which regulation 11.3 applies while in a special area, shall be equipped with one of the following sewage systems:

- .1 a sewage treatment plant which shall be of a type approved by the Administration, taking into account the standards and test methods developed by the Organization,² or

¹ Refer to Assembly resolution A.927(22), Guidelines for the designation of special areas under MARPOL 73/78 and guidelines for the identification and designation of particularly sensitive sea areas.

.2 a holding tank of the capacity to the satisfaction of the Administration for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall be constructed to the satisfaction of the Administration and shall have a means to indicate visually the amount of its contents."

3 *Regulation 11 is replaced by the following:*

Regulation 11

Discharge of sewage

"A *Discharge of sewage from ships other than passenger ships in all areas and discharge of sewage from passenger ships outside special areas*

1 Subject to the provisions of regulation 3 of this Annex, the discharge of sewage into the sea is prohibited, except when:

- .1 the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with regulation 9.1.2 of this Annex at a distance of more than 3 nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that, in any case, the sewage that has been stored in holding tanks, or sewage originating from spaces containing living animals, shall not be discharged instantaneously but at a moderate rate when the ship is *en route* and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization³; or
- .2 the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.1.1 of this Annex, and the effluent shall not produce visible floating solids nor cause discoloration of the surrounding water.

2 The provisions of paragraph 1 shall not apply to ships operating in the waters under the jurisdiction of a State and visiting ships from other States while they are in these waters and are discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

B *Discharge of sewage from passenger ships within a special area*

² Refer to the [draft 2012] Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants adopted by the Marine Environment Protection Committee of the Organization by [resolution MEPC....].

³ Refer to the Recommendation on standards for the rate of discharge of untreated sewage from ships adopted by the Marine Environmental Protection Committee of the Organization by resolution MEPC.157(55).

3 Subject to the provisions of regulation 3 of this Annex, the discharge of sewage from a passenger ship within a special area shall be prohibited:

- a) for new passenger ships on, or after 1 January 2016, subject to regulation 12bis, subparagraph 2; and
- b) for existing passenger ships on, or after 1 January 2018, subject to regulation 12bis, subparagraph 2,

except when the following conditions are satisfied:

the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.2.1 of this Annex, and the effluent shall not produce visible floating solids nor cause discoloration of the surrounding water.

C General requirements

4 When the sewage is mixed with wastes or waste water covered by other Annexes of MARPOL, the requirements of those Annexes shall be complied with in addition to the requirements of this Annex."

4 *New regulation 12bis is added as follows:*

"12bis Reception facilities for passenger ships in Special Areas

.1 Each Party, the coastline of which borders a special area, undertakes to ensure that:

- .1 facilities for the reception of sewage are provided in ports and terminals which are in a special area and which are used by passenger ships;
- .2 the facilities are adequate to meet the needs of those passenger ships; and
- .3 the facilities are operated so as not to cause undue delay to those passenger ships.

.2 The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph .1 of this regulation. Upon receipt of sufficient notifications in accordance with subparagraph .1 the Organization shall establish a date from which the requirements of regulation 11.3 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. Until the date so established, ships while navigating in the special area shall comply with the requirements of regulation 11.1 of this Annex."

**AMENDMENTS TO THE
FORM OF INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE**

1 *The following text is added under the heading "Particulars of ship":*

Type of ship for the application of regulation 11.3:*

New/Existing passenger ship

Ship other than a passenger ship

2 *Amend paragraph*1.1. to read as follows:*

*1.1. Description of the sewage treatment plant:

Type of sewage treatment plant

Name of manufacturer

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in resolution MEPC.2(VI).

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in resolution MEPC.159(55).

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in [resolution MEPC....].^{§§}

* Delete as appropriate.

§ The number of the MEPC resolution will be inserted when the standards have been adopted by the MEPC at a future session.