



NOTIS PERKAPALAN MALAYSIA
MALAYSIA SHIPPING NOTICE

JABATAN LAUT MALAYSIA

MSN 22/2011

MARINE DEPARTMENT MALAYSIA

Ibu Pejabat Laut Semenanjung Malaysia, Peti Surat 12, 42007 Pelabuhan Klang

Tel : 03-33467777, Fax : 03-31685289, E-mail : kpgr@marine.gov.my

Webpage : <http://www.marine.gov.my>

Notis kepada pemilik kapal, agen perkapalan, Nakhoda, pelaut, pengusaha pelabuhan dan industri maritim
Notice to shipowners, ship agents, Masters, seafarers, port operators and the maritime industry

**IMPLEMENTATION OF THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS 1973 AS AMENDED (MARPOL
ANNEX III - REGULATIONS FOR THE PREVENTION OF POLLUTION BY
HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM)**

1. This notice is to inform shipping community that Malaysia ratified International Conventions for the Prevention of Pollution from Ship (MARPOL Annex III - Regulation for The Prevention of Pollution by Harmful Substance Carried by Sea in Packaged Form) on the 27th September 2010.
2. This regulation will apply from 27 December 2010 onward to Malaysian ships and foreign ships while in Malaysian waters.
3. the detail requirements and standards for the implementation of these Marine Pollution Convention is as follows:
 - a) **Annex III of the Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form is set out in Attachment 1 to this notice;**

Ketua Pengarah Laut/*Director General of Marine*

Tarikh/Date : 1st January 2011

ATTACHMENT I

ANNEX III

MARPOL 73/78

Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form

Regulation 1 - *Application*

1. Unless expressly provided otherwise, the regulations of this Annex apply to all ships carrying harmful substances in packaged form.

.1. For the purpose of this Annex, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) or which meet the criteria in the Appendix of this Annex.

.2. For the purposes of this Annex, “packaged form” is defined as the forms of containment specified for harmful substances in the IMDG Code.

2. The carriage of harmful substances is prohibited, except in accordance with the provisions of this Annex.

3. To supplement the provisions of this Annex, Director of Marine on behalf of the Government of Malaysia and the Governments of the Port States shall issue, or cause to be issued, detailed requirements on packing, marking, labeling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances.

4. For the purposes of this Annex, empty packaging which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment.

5. The requirements of this Annex do not apply to ship’s stores and equipment.

Regulation 2 - *Packing*

1. Packages shall be adequate to minimize the hazard to the marine environment, having regard to their specific contents.

Regulation 3 - *Marking and labelling*

1. Packages containing a harmful substance shall be durably marked with the correct technical name (trade names alone shall not be used) and, further, shall be durably marked or labelled to indicate that the substance is a marine pollutant. Such identification shall be supplemented where possible by any other means, for example, by use of the relevant United Nations number.

2. The method of marking the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea. In considering suitable marking and labeling, account shall be taken of the durability of the materials used and of the surface of the package.

3. Packages containing small quantities of harmful substances may be exempted from the marking requirements

Regulation 4 - Documentation

1. In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words "MARINE POLLUTANT".

2. The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labeled or placarded as appropriate and in proper condition for carriage to minimize the hazard to the marine environment.

3. Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of the harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded. A copy of one of these documents shall be made available before departure to the person or organization designated by the Marine Department of Malaysia.

4. At any stopover, where any loading or unloading operations, even partial, are carried out, a revision of the documents listing the harmful substances taken on board, indicating their location on board or showing a detailed stowage plan, shall be made available before departure to the person or organization designated by the Marine Department of Malaysia.

5. When the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the **International Convention for the Safety of Life at Sea, 1974**, as amended, the documents required by this regulation may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Annex.

Regulation 5 - Stowage

1. Harmful substances shall be properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of the ship and persons on board.

Regulation 6 - Quantity limitations

1. Certain harmful substances may, for sound scientific and technical reasons need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity, due consideration shall be given to size, construction and equipment of the ship, as well as the packaging and the inherent nature of the substances.

Regulation 7 - *Exceptions*

1. Jettisoning of harmful substances carried in packaged form shall be prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.

2. Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard, provided that compliance with such measures would not impair the safety of the ship and persons on board.

Regulation 8 - *Port State control on operational requirements*

1. A ship when in a port or an 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 harmful substances.

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.

Appendix

Criteria for the identification of harmful substances in packaged form

. For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances.

Category: Acute 1

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

Category: Chronic 1

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

and the substance is not rapidly degradable and/or the log K_{ow} ≥ 4 (unless the experimentally determined BCF < 500).

Category: Chronic 2

96 hr LC ₅₀ (for fish)	>1 to ≤ 10 mg/l and/or
48 hr EC ₅₀ (for crustacea)	>1 to ≤ 10 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	>1 to ≤ 10 mg/l

and the substance is not rapidly degradable and/or the log K_{ow} ≥ 4 (unless the experimentally determined BCF < 500), unless the chronic toxicity NOECs are > 1 mg/l.

Article 5 - Certificates and special rules on inspection of ships

(1). Subject to the provisions of paragraph (2) of the present article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

(2). A ship required to hold a certificate in accordance with the provisions of the regulations is subject, while in the ports or offshore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3). If a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Director of Marine of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Director of Marine of the ship concerned. Information shall also be given to the Director of Marine when a ship does not carry a valid certificate in accordance with the provisions of the regulations.

(4). With respect to the ship of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.