



Gibraltar Maritime Administration

HM Government of Gibraltar

Watergate House
2/8 Casemates Square
Gibraltar

Tel (+350)200 46862 / 200 47771 /200 50424
Fax (+350) 200 47770
e-mail: maritime.survey@gibraltar.gov.gi
maritime.registry@gibraltar.gov.gi

Shipping Information Notice – 085

Amendments to MARPOL Annex II & IBC Code

To: Ship owners, Operators, Managers, DPA's

This Shipping Information Notice (SIN) provides information on amendments to MARPOL Annex II related to the carriage of noxious liquid substances in bulk, which came into force on 1 January 2021.

This SIN also provides information on the 2020 Edition of the IBC Code and amendments incorporated into this edition of the Code which came into force on 1 January 2021, and outlines some of the key changes. Consequential amendments to the BCH Code are also outlined.

1. Introduction

- 1.1 On 1 January 2021, amendments to Annex II of the International Convention for the Prevention of Pollution from Ships (MARPOL) came into force. These amendments have been agreed in the International Maritime Organization (IMO) and will apply internationally.
- 1.2 Also on 1 January 2021, some amendments incorporated into the 2020 Edition of the IBC Code came into force. These amendments have been agreed in the IMO and will apply internationally.

2. Amendments to MARPOL Annex II – Persistent Floating Products

- 2.1 Resolution MEPC.315(74) (Cargo residues and tank washings of persistent floating products) was adopted by the IMO on 17 May 2019. The Resolution amends MARPOL Annex II in order to insert requirements in relation to high-viscosity products, known as 'persistent floating products', which, in certain specified areas, will require a cargo tank prewash at the port of unloading until the tank is empty, the residue of which must be discharged to a port reception facility.
- 2.2 Amendments are made to MARPOL Annex II Regulation 1 and 13, and Appendices 4 and 6. These amendments are detailed below.
- 2.3 Regulation 1 (Definitions) is amended to insert a new paragraph 23 as follows:

23 Persistent Floater means a slick forming substance with the following properties:
Density: ≤ sea water (1025 kg/m³ at 20°C); - Vapour pressure: ≤ 0.3 kPa; -
Solubility:
≤ 0.1% (for liquids) ≤ 10% (for solids); and - Kinematic viscosity: > 10 cSt at 20°C.

2.4 Regulation 13 (Control of discharges of residues of noxious liquid substances) is amended to insert a new paragraph 7.1.4 after the existing paragraph 7.1.3 as follows:

7.1.4 For substances assigned to category Y that are persistent floaters with a viscosity equal to or greater than 50 mPa·s at 20°C and/or with a melting point equal to or greater than 0°C, as identified by '16.2.7' in column 'o' of chapter 17 of the IBC Code, the following shall apply in the areas in paragraph 9:

- .1 a prewash procedure as specified in appendix VI to this annex shall be applied;*
- .2 the residue/water mixture generated during the prewash shall be discharged to a reception facility at the port of unloading until the tank is empty; and*
- .3 any water subsequently introduced into the tank may be discharged into the sea in accordance with the discharge standards in regulation 13.2.*

2.5 Regulation 13 is further amended with the insertion of a new paragraph 9 after the existing paragraph 8.2. The new paragraph 9 details the areas in which the new regulation 13.7.1.4 applies. These are North West Europe, the Baltic Sea, Western European waters and the Norwegian Sea. Annex I below provides the specific latitudes and longitudes of each area.

2.6 Appendix 4 of MARPOL Annex II (Standard format for the Procedures and Arrangements Manual) is amended at Section 4 (Procedures relating to the cleaning of cargo tanks, the discharge of residues, ballasting and deballasting) by replacing paragraph 4.4.5 with the following text:

.5 Persistent floaters with a viscosity equal to or greater than 50 mPa·s at 20°C and/or a melting point equal to or greater than 0°C

This section should contain instructions on how to deal with tank washings of substances identified by the presence of '16.2.7' in column 'o' of chapter 17 of the IBC Code and the latest version of the MEPC.2/Circular, when operating in the areas specified in regulation 13.9 of Annex II.

2.7 In Addendum A of Appendix 4 (Flow diagrams – Cleaning of cargo tanks and disposal of tank washings/ballast containing residues of category X, Y and Z substances), a new Note 4 is inserted after the existing Note 3 as follows:

Note 4: Within the areas specified in regulation 13.9 of Annex II, regulation 13.7.1.4 applies to substances that are identified by '16.2.7' in column 'o' of chapter 17 of the IBC Code.

2.8 Appendix 6 (Prewash procedures) of MARPOL Annex II is amended by the addition of a new Section C after the existing paragraph 21 as follows:

C For all ships

Prewash procedures for persistent floaters to which regulation 13.7.1.4 of Annex II of MARPOL applies

Persistent floaters with a viscosity equal to or greater than 50 mPa·s at 20°C and/or a melting point equal to or greater than 0°C, shall be treated as solidifying or high-viscosity substances for the purposes of the prewash.

Where it is determined that the use of small amounts of cleaning additives would improve and maximize the removal of cargo residues during a prewash, then this should be done in

consultation and with prior agreement from the reception facility.

2.9 MARPOL Annex II is implemented in the UK by the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 and the amendments referenced above which are implemented by these Regulations will have direct effect in UK law as a result of the ambulatory reference provision in the Regulations (also refer to Written Ministerial Statement HCWS474 / HLWS471, 29 September 2020 on this subject – see link at section 5 below).

3. Amendments incorporated into the IBC Code (2020 Edition)

3.1 The IBC Code provides the international standard for the safe carriage by sea of dangerous and noxious liquid chemicals in bulk. The IBC Code 2020 Edition incorporates a number of amendments to the Code agreed in the IMO since the previous edition. This includes amendments made to the Code by Resolutions MEPC.318(74) and MSC.460(101), which were adopted by the IMO in May and June 2019 respectively. The amendments to the Code made by these Resolutions will come into force on 1 January 2021.

3.2 Resolutions MEPC.318(74) and MSC.460(101) make amendments to Chapters 1, 15, 16, 17, 18, 19 and 21 of the Code.

3.3 Some of the key changes incorporated into the 2020 Edition of the IBC Code and which will come into force on 1 January 2021, include:

- Revised criteria for assigning appropriate carriage requirements for products.
- Due to these revised criteria, the carriage requirements for all products have been reassessed and revised where necessary.
- Operational requirements for persistent floating products have been added to chapter 16 – also see the associated amendment to MARPOL Annex II outlined above.
- Due to the revised criteria for assigning carriage requirements, some products previously categorised as non-toxic have been recategorised as toxic.
- Special requirements for hydrogen sulphide detection equipment have been added to chapter 15.
- Further new products have been listed under chapter 17.

3.4 As a result of the revised criteria for assigning appropriate carriage requirements, the range of products a ship is certified to carry is likely to change after 1 January 2021. For this reason, it was agreed in the IMO that all NLS ships should have a revised Certificate of Fitness in place for the 1 January 2021.

3.5 The IBC Code is implemented in the UK by the Merchant Shipping (Prevention of Pollution from Noxious Liquid substances in Bulk) Regulations 2018 and the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997. References to the IBC Code in the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 that are subject to the amendments made to the IBC Code (ie chapters 17 and 18) will be automatically updated to the latest version as a result of the ambulatory reference provision in those regulations (also refer to Written Ministerial Statement HCWS474 / HLWS471, 29 September 2020 on this subject – see link in section 5 below).

3.6 This MIN provides information on these amendments and links to the relevant IMO Resolutions.

4. Amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code)

- 4.1 The BCH Code provides the international standard for the safe carriage by sea of dangerous chemicals in bulk in ships built prior to 1 July 1986. IMO Resolutions MSC.463 (101) and MEPC.319 (74) make amendments to the BCH Code in order to make provisions in the Code for the above referenced MARPOL Annex II requirement for a prewash, the special requirement for the provision of hydrogen sulphide detection equipment and cross- references to the IBC Code (see Annex II below for a copy of the Resolution).
- 4.2 In Chapter IV (Special Requirements) of the BCH Code, a new section 4.24 is inserted after the existing section 4.23 as follows:

4.24 Hydrogen sulphide (H₂S) detection equipment for bulk liquids

Hydrogen sulphide (H₂S) detection equipment shall be provided on board ships carrying bulk liquids prone to H₂S formation. It should be noted that scavengers and biocides, when used, may not be 100% effective in controlling the formation of H₂S. Toxic vapour detection instruments complying with the requirement in 3.11.1 of the Code for testing for H₂S may be used to satisfy this requirement.

- 4.3 In Chapter V (Operational Requirements) of the BCH Code, paragraph 5.2.7 is replaced by the following:

5.2.7 Where column m in the table of chapter VI of this Code refers to this paragraph, the cargo is subject to the prewash requirements in regulation 13.7.1.4 of Annex II of MARPOL.

- 4.4 In Chapter VI (Summary of Minimum Requirements - requirements IBC/BCH Codes cross-references to the requirements) of the BCH Code, the following cross-references are added under section Special Requirements (*column o*):

15.15 4.24
16.2.7 5.2.7

5. References

- 5.1 The full text of the IMO Resolutions which set out these amendments can be found on the IMO website (by registering for IMODOCS). These Resolutions will be available in the Knowledge Centre of the IMO website, which is currently under construction.
- 5.2 See Annexes I and II below for full copies of MEPC.315(74) (Cargo residues and tank washings of persistent floating products) and MEPC.319 (74) (Amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code). MEPC.318(74) (amendments to the IBC Code) can be found on gov.uk alongside this MIN.
- 5.3 For further information, see the following links:

IMO Knowledge Centre Resolutions:

<https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/Default.aspx>

Steve Gomez
Chief Surveyor (Ag)

Issue date: 26 April 2021

All notices are available through www.gibraltarship.com

This copy of the Administrative Instruction has been sent electronically and does not carry a signature or official stamp. A sign and stamped copy will be available upon request

ANNEX I

RESOLUTION MEPC.315(74) - AMENDMENT TO MARPOL ANNEX II

RESOLUTION MEPC.315(74) (adopted on 17 May 2019)

AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

Amendments to MARPOL Annex II

(Cargo residues and tank washings of persistent floating products)

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 conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its seventy-fourth session, proposed amendments to MARPOL Annex II concerning cargo residues and tank washings of persistent floating products, which were circulated in accordance with article 16(2)(a) of MARPOL,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex II, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 July 2020 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% 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 MARPOL, the said amendments shall enter into force on 1 January 2021 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENT TO MARPOL ANNEX II

(Cargo residues and tank washings of persistent floating products)

CHAPTER 1 – GENERAL

Regulation 1 – Definitions

1 A new paragraph 23 is added as follows:

"23 *Persistent floater* means a slick forming substance with the following properties:

- Density: \leq sea water (1025 kg/m³ at 20°C);
- Vapour pressure: \leq 0.3 kPa;
- Solubility: \leq 0.1% (for liquids) \leq 10% (for solids); and
- Kinematic viscosity: $>$ 10 cSt at 20°C."

CHAPTER 5 – OPERATIONAL DISCHARGES OF RESIDUES OF NOXIOUS LIQUID SUBSTANCES

Regulation 13 – Control of discharges of residues of noxious liquid substances

2 A new paragraph 7.1.4 is inserted after existing paragraph 7.1.3 as follows:

"7.1.4 For substances assigned to category Y that are persistent floaters with a viscosity equal to or greater than 50 mPa·s at 20°C and/or with a melting point equal to or greater than 0°C, as identified by '16.2.7' in column 'o' of chapter 17 of the IBC Code, the following shall apply in the areas in paragraph 9:

- .1 a prewash procedure as specified in appendix VI to this annex shall be applied;
- .2 the residue/water mixture generated during the prewash shall be discharged to a reception facility at the port of unloading until the tank is empty; and
- .3 any water subsequently introduced into the tank may be discharged into the sea in accordance with the discharge standards in regulation 13.2."

3 A new paragraph 9 is inserted after existing paragraph 8.2 as follows:

"9 Areas to which regulation 13.7.1.4 applies

9.1 the *North West European waters* include the North Sea and its approaches, the Irish Sea and its approaches, the Celtic Sea, the English Channel and its approaches and part of the North East Atlantic immediately to the west of Ireland. The area is bounded by lines joining the following points:

- 48°27' N on the French coast
- 48°27' N; 006°25' W
- 49°52' N; 007°44' W

50°30' N; 012° W
56°30' N; 012° W
62° N; 003° W
62° N on the Norwegian coast
57°44.8' N on the Danish and Swedish coasts

9.2 the *Baltic Sea area* means the Baltic Sea proper with the Gulf of Bothnia, 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;

9.3 the *Western European waters* is an area that covers the United Kingdom, Ireland, Belgium, France, Spain and Portugal, from the Shetland Islands in the North to Cape S. Vicente in the South, and the English Channel and its approaches. The area is bounded by lines joining the following points:

58°30' N on the UK coast
58°30' N; 000° W
62° N; 000° W
62° N; 003° W
56°30' N; 012° W
54°40'40.9" N; 015° W
50°56'45.3" N; 015° W
48°27' N; 006°25' W
48°27' N; 008° W
44°52' N; 003°10' W
44°52' N; 010° W
44°14' N; 011°34' W
42°55' N; 012°18' W
41°50' N; 011°34' W 3
7°00' N; 009°49' W
36°20' N; 009°00' W
36°20' N; 007°47' W
37°10' N; 007°25' W
51°22'25" N; 003°21'52.5" E
52°12' N; on the UK east coast
52°10.3' N; 006°21.8' W
52°01.52' N; 005°04.18' W
54°51.43' N; 005°08.47' W
54°40.39' N; 005°34.34' W

9.4 the Norwegian Sea is bounded by lines joining the following points:"

69°47.6904' N; 030°49.059' E
69°58.758' N; 031°6.2598' E
70°8.625' N; 031°35.1354' E
70°16.4826' N; 032°4.3836' E
73°23.0652' N; 036°28.5732' E
73°35.6586' N; 035°27.3378' E
74°2.9748' N; 033°17.8596' E
74°20.7084' N; 030°33.5052' E
74°29.7972' N; 026°28.1808' E

74°24.2448' N; 022°55.0272' E
74°13.7226' N; 020°15.9762' E
73°35.439' N; 016°36.4974' E
73°14.8254' N; 014°9.4266' E
72°42.54' N; 011°42.1392' E
71°58.2' N; 009°54.96' E
71°37.5612' N; 008°43.8222' E
70°43.161' N; 006°36.0672' E
69°36.624' N; 004°47.322' E
68°58.3164' N; 003°51.2154' E
68°14.9892' N; 003°17.0322' E
67°25.7982' N; 003°10.2078' E
66°49.7292' N; 003°25.1304' E
66°25.9344' N; 003°17.1102' E
65°22.7214' N; 001°24.5928' E
64°25.9692' N; 000°29.3214' W
63°53.2242' N; 000°29.442' W
62°53.4654' N; 000°38.355' E
62° N; 001°22.2498' E
62° N; 004°52.3464' E

APPENDIX IV – STANDARD FORMAT FOR THE PROCEDURES AND ARRANGEMENTS MANUAL

Section 4 – Procedures relating to the cleaning of cargo tanks, the discharge of residues, ballasting and deballasting

4 Paragraph 4.4.5 is replaced by the following:

**".5 Persistent floaters with a viscosity equal to or greater than 50 mPa·s at 20°C
and/or a melting point equal to or greater than 0°C**

This section should contain instructions on how to deal with tank washings of substances identified by the presence of '16.2.7' in column 'o' of chapter 17 of the IBC Code and the latest version of the MEPC.2/Circular, when operating in the areas specified in regulation 13.9 of Annex II."

Addendum A – Flow diagrams – Cleaning of cargo tanks and disposal of tank washings/ballast containing residues of category X, Y and Z substances

5 A new Note 4 is inserted after existing Note 3 as follows:

"Note 4: Within the areas specified in regulation 13.9 of Annex II, regulation 13.7.1.4 applies to substances that are identified by '16.2.7' in column 'o' of chapter 17 of the IBC Code."

APPENDIX VI – PREWASH PROCEDURES

6 A new section C is added after existing paragraph 21 as follows:

"C For all ships

**Prewash procedures for persistent floaters to which regulation 13.7.1.4 of Annex II of
MARPOL applies**

Persistent floaters with a viscosity equal to or greater than 50 mPa-s at 20°C and/or a melting point equal to or greater than 0°C, shall be treated as solidifying or high-viscosity substances for the purposes of the prewash.

Where it is determined that the use of small amounts of cleaning additives would improve and maximize the removal of cargo residues during a prewash, then this should be done in consultation and with prior agreement from the reception facility."

ANNEX II

RESOLUTION MEPC.319(74) – AMENDMENTS TO THE BCH CODE

RESOLUTION MEPC.319(74) (adopted on 17 May 2019)

AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (BCH CODE)

(Special, operational and minimum requirements)

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 conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO resolution MEPC.20 (22) by which it adopted *The Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* ("the BCH Code"), and resolution MEPC.16(22) by which the BCH Code has become mandatory under Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL),

RECALLING FURTHER article 16 of MARPOL and regulation 1.4 of MARPOL Annex II concerning the procedure for amending the BCH Code,

HAVING CONSIDERED, at its seventy-fourth session, proposed amendments to the BCH Code concerning special, operational and minimum requirements,

- 1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to the BCH Code, the text of which is set out in the annex to the present resolution;
- 2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments to the BCH Code shall be deemed to have been accepted on 1 July 2020 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% 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 MARPOL, the amendments to the BCH Code shall enter into force on 1 January 2021 upon their acceptance in accordance with paragraph 2 above;
- 4 INVITES ALSO the Maritime Safety Committee to note this resolution and take action as appropriate;

5 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments to the BCH Code contained in the annex, to all Parties to MARPOL;

6 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to the Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (BCH CODE)

Chapter IV Special requirements

1 A new section 4.24 is inserted after existing section 4.23 as

follows: "**4.24 Hydrogen sulphide (H₂S) detection equipment**

for bulk liquids

Hydrogen sulphide (H₂S) detection equipment shall be provided on board ships carrying bulk liquids prone to H₂S formation. It should be noted that scavengers and biocides, when used, may not be 100% effective in controlling the formation of H₂S. Toxic vapour detection instruments complying with the requirement in 3.11.1 of the Code for testing for H₂S may be used to satisfy this requirement."

Chapter V Operational requirements

2 Paragraph 5.2.7 is replaced by the following:

"5.2.7 Where *column m* in the table of chapter VI of this Code refers to this paragraph, the cargo is subject to the prewash requirements in regulation 13.7.1.4 of Annex II of MARPOL."

Chapter VI

Summary of minimum requirements

IBC/BCH Codes cross-references to the requirements

3 The following cross-references are added under section Special requirements (*column o*):

"15.15 4.24
16.2.7 5.2.7"

