

**THE GAZETTE OF INDIA
EXTRAORDINARY
PART II-Section 3-Sub-section (i)**

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 7th January, 2010

G.S.R. 14(E). - In exercise of the powers conferred by Section 356E, clause(ee) of Section 356-O and Section 457 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.-(1) These rules may be called the Merchant Shipping (Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-In these rules, unless the context otherwise requires,-

(a) "Act" means the Merchant Shipping Act, 1958.

(b) "certifying authority" means the Central Government;

(c) "Government ship" means the ship owned by the Central Government or the State Government;

(d) "harmful substances" shall have the meaning assigned to it in the Explanation to Section 356E and includes substances which are identified as marine pollutants in the IMDG Code on the basis of the criteria specified in the Schedule;

(e) "IMDG Code" means the International Maritime Dangerous Goods Code adopted by the International Maritime Organisation;

(f) "Organisation" means the International Maritime Organisation;

(g) "packaged form" means the form of containment specified for harmful substances in the IMDG Code;

(h) "section" means section of the Act.

3. Carriage of harmful substances.-(1) The carriage of harmful substances by ship is prohibited except in accordance with the provisions of these rules.

(2) Every ship carrying harmful substances in packaged form shall comply with the requirements of the IMDG Code.

(3) For the purposes of these rules, empty packaging which have already 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.

(4) The provisions of these rules shall not apply to ship's stores and equipment.

4. Packing.-Packages shall, having regard to their specific contents, be adequate to minimize the hazard to the marine environment, and shall comply with the requirements of IMDG Code.

5. Marking and labeling.-(1) Packages containing harmful substances shall be durably marked and labeled with correct technical name including its trade name, IMDG Code number and indicated that it is a marine pollutant.

(2) For the purpose of durable marking and labeling, the durability of the materials used and of the surface of the package shall be taken into account.

(3) The method of marking correct technical name and of affixing labels on packages containing harmful substances shall be such that information written on packages shall remain identifiable even after at least three months of immersion in the sea.

(4) Packages containing small quantities of harmful substances which are exempted under the IMDG Code shall also be exempted from marking and labeling under the provisions of sub-rules (1) to (3).

6. Documentation.- (1) In all documents relating to the carriage of harmful substances by sea, the correct technical name of each such substance including its trade name shall be used and shall be identified by adding 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, appropriately labeled or placarded 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 or a detailed stowage plan setting out the location of the harmful substances on board in the place of such special list or manifest and :-

(a) copies of such documents shall be retained on shore by the owner of the ship or his representative until such harmful substances are unloaded; and

(b) before departure, copies of such documents shall be made available to the person or organisation authorized by the Central Government.

(4) When the ship carries a special list or manifest or a detailed stowage plan required for the carriage of dangerous goods in accordance with the provisions of the Merchant Shipping (Carriage of Cargo) Rules 1995, the documents required for carriage of dangerous goods under those rules may be combined with the documents required for carriage of harmful substances under these rules:

Provided that where documents are so combined, a clear distinction shall be made between dangerous goods and harmful substances.

7. Stowage.- 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.

8. Limitations as to quantity.- Where, for sound scientific and technical reasons, carriage of harmful substances on board of a ship are either prohibited or limited in quantity, due consideration shall be given to the size, the construction and equipment of the ship, packaging and inherent nature of the substances, in limiting the quantity.

9. Safety measures.- (1) Jettisoning of the harmful substances carried in packaged form is prohibited except where necessary for the purpose of securing the safety of the ship or to save life at sea.

(2) Subject to the provisions of these rules, appropriate measures on the basis of physical, chemical and biological properties of harmful substances shall be taken for washing of leakages overboard:

Provided that such measures so taken shall not impair either the safety of the ship or the safety of persons on board.

10. Port State Control on operational requirements.-(1) During inspection of a foreign ship in Indian Port under Section 356G, the surveyor, or as the case may be, any other person authorized thereunder, has clear grounds to believe that the master of crew of that ship are not familiar with operational requirements and procedures relating to the prevention of pollution by harmful substances, the Director-General or any officer authorized by him, shall, on the recommendation of the surveyor or the authorized person, take such steps as are provided under Section 356H.

(2) Nothing in these rules shall be construed as to limit the rights and obligations of the Central Government carrying out control over operational requirements specifically provided for in the Convention.

11. Penalty.- Whoever contravenes any of the provisions of these rules shall be punished with fine in accordance with the provisions of clause (b) of sub-section (2) of Section 458.

SCHEDULE

[See clause (d) of rule 2]

Criteria for the identification of harmful substances in packaged form

For the purposes of these rules, substances identified by anyone of the following criteria are harmful substances:

-bio accumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating “+” in column A in the Composite List of Hazard Profile prepared by the Organisation)

-bio accumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less (Hazard Rating “z” in column A in the Composite List of Hazard Profile prepared by the Organisation).

-highly toxic to aquatic life, defined by a $LC_{50}/96$ hour less than 1 parts per million, which means the concentration of a substance which shall, within the specified time of 96 hours, kills 50% of the exposed group of test organisms (Hazard Rating “4” in column B in the Composite List of Hazard Profile prepared by the Organisation).

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RAJEEV GUPTA, Jt. Secy.