

Isle of Man Ship Registry Manx Shipping Notice



MARPOL Annex II

Ref. MSN 067 (Rev. 2)
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1. Introduction

MARPOL Annex II applies to all ships that carry noxious liquid substances (NLS) in bulk regardless of size of vessel, or the quantity of cargo carried. NLS are defined by as any substances assessed or provisionally assessed by the IBC Code (Chapter 17 or 18) as falling into category X, Y or Z.

MARPOL Annex II provides the international legislation to prevent pollution of the marine environment by noxious liquid substances in bulk when carried by ships. It entered into force internationally in 1987 and is applied in the Isle of Man by the Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020. This Order applies Annex II up to MEPC.315(75).

2. Application

The MARPOL Annex II Order applies to all Manx ships carrying NLS cargoes in bulk and foreign ships when they are in the territorial waters of the Island and carrying NLS cargoes in bulk.

The Regulations also apply to craft that are registered with the Department of Infrastructure's Ports Division, although it is considered highly unlikely that any such craft would carry NLS in bulk.

These Regulations do not apply to Manx ships or foreign ships in the territorial waters of the Island which are warships, naval auxiliaries or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

Where a cargo subject to the provisions of Annex I is carried in the cargo space of an NLS tanker, the appropriate requirements of Annex I shall also apply.

3. Survey & Certification

All ships to which the Regulations apply are required to be surveyed and certificated with an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk ('NLS Certificate'), which shall be valid for a period not exceeding five years. A Certificate of Fitness issued under the IBC or BCH Code, as applicable, shall be deemed to have the same effect as an NLS Certificate.



Ships carrying cargoes specified under the Chapter 17 of the IBC Code shall hold a Certificate of Fitness under the IBC or BCH Code (as applicable) whereas ships carrying cargoes listed as 'Category Z' under Chapter 18 of the IBC Code shall hold an NLS certificate. Ships carrying cargoes listed as 'Other Substance' under Chapter 18 of the IBC Code do not require certification under MARPOL Annex II.

All MARPOL Annex II surveys, approvals and issuance of NLS Certificates/Certificates of Fitness are currently delegated to the Recognised Organisations stated in MSN 020. Any references to the administration within IMO resolutions relating to Annex II should be read as including ROs unless otherwise stated.

Renewal surveys shall be undertaken at intervals not exceeding 5 years, except where otherwise permitted by regulation 10.2, 10.5, 10.6 or 10.7 of MARPOL Annex II.

Regulation 10.7 states that, in special circumstances, a new NLS certificate need not be dated 5 years from the date of expiry of the existing NLS Certificate but may be issued for a period not exceeding five years from the date of renewal survey completion. The Ship Registry has deemed 'Special Circumstances' to be:

- a) Where it would appear to be appropriate to alter the start date in order to harmonize the NLS Certificate with other certificates, or
- b) Where the owner of the ship requests the change of date; and
- c) Satisfies the Ship Registry that the owner has a justified reason for making the request; and
- d) Complies with any additional survey requirements which the Ship Registry may impose

Examples of having a 'justified reason' might include:

- a) Where the ship has been laid up for an extended period, or
- b) Where the nature of a ship's business would make a different date more convenient (such as is in the case of a vessel constructed in the summer and whose main trade is in the summer)

In the case of a request to change the anniversary date for the sake of convenience, the request will only be considered if such a request has not been made before for the ship in question, and the owner confirms in writing that this is a one off request for that ship.

4. Waivers, Exemptions & Equivalences

The Ship Registry may permit equivalent arrangements, exemptions and waivers on a case-by-case basis and they will only be valid if they are in writing and if any conditions stated are complied with. Further information on exemptions, equivalent arrangements and waivers are stated in the relevant regulations (Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020).

It should be noted that waivers, exemptions and equivalences are only issued by the Isle of Man Ship Registry and not by ROs.



4.1 Vegetable Oils – Carriage in Type 3 Tankers (Regulation 4.1.3)

Vegetable oils that are identified as being 2(k) cargoes in column E of Chapter 17 of the IBC Code may be carried by Type 3 chemical tankers under the exemption in MARPOL Annex II Regulation 4.1.3 (subject to the conditions stated therein). It is noted that when carrying 2(k) cargoes, Type 2 chemical tankers are restricted by the IBC Code to 3,000m³ of cargo per tank whereas Type 3 tankers can carry to tank capacity, therefore some Type 2 chemical tankers may also wish to hold a Type 3 Certificate of Fitness under the IBC Code. In such circumstances, we allow a ship to hold dual Certificates of Fitness on the basis that the RO will attend to re-instate the certification each time a vessel switches Type.

4.2 IGC Code Equivalence (Regulation 5.3)

MARPOL Annex II deems that the IGC Code can be regarded as equivalent to Regulations 11 & 12 for the carriage of the NLS substances that are also listed in Chapter 19 of IGC Code provided that the ship meets the criteria stated in Regulation 5.3.

The IGC Code is applied by SOLAS Chapter VII Regulation 13.

5. Required Documents

The following is a non-exhaustive list of documents required under MARPOL Annex II.

5.1 Procedures and Arrangements Manual (Regulation 14)

Every ship certified to carry substances of category X, Y or Z shall have on board a Procedures and Arrangements Manual. Any such manual must be in accordance with Appendix IV to Annex II, must be in English and must be approved by a Recognised Organisation.

5.2 Cargo Record Book (Regulation 15)

Every ship to which Annex II applies shall maintain a Cargo Record Book which shall be in the form specified in Appendix 2 to Annex II. The Cargo Record book must be maintained in English. Until 1st October 2020 the Cargo Record Book must be maintained in paper form; however electronic record books will be permitted after this date. The Ship Registry shall issue further guidance on this matter in due course.

A completed Cargo Record Book must be retained on board the vessel for a period of 3 years from the date of the last entry.

5.3 Shipboard Marine Pollution Emergency Plan for NLS (Regulation 17)

Every chemical tanker of 150gt and above shall carry on board a Shipboard Marine Pollution Emergency Plan for NLS. Such a plan shall be based upon the guidelines in MEPC.85(44) as amended by MEPC.137(53), must be in English and must be approved by a Recognised Organisation.



For an Oil/Chemical Tanker, the plan may be combined with the shipboard oil pollution emergency plan required under regulation 37 of MARPOL Annex I. In this case, the title of such a plan shall be 'Shipboard Marine Pollution Emergency Plan'.

The Shipboard Marine Pollution Emergency Plan for NLS should include the procedure to be followed by the master or other persons having charge of the ship to report an NLS pollution incident, based on the guidelines contained in A.851(20) as amended by MEPC.138(53).

6. Codes

6.1 IBC & BCH Codes (Regulation 11.1)

MARPOL Annex II applies the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (the IBC Code) and the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (the BCH Code).

Ships certified to carry NLS in bulk should comply with either the IBC Code or BCH Code depending upon their date of construction. The IBC Code applies to chemical tankers constructed on or after 1 July 1986. The BCH Code applies to chemical tankers constructed before 1 July 1986, with variations of the Code applicable for ships constructed before 1 July 1983 or 2 November 1973 (see MARPOL Annex II Regulation 11.1.2 and 11.1.3 for full details).

It should be noted that the requirement to comply with the IBC Code specified in MARPOL Annex II regulation 11 is applied by Merchant Shipping (SOLAS VII - Carriage of Dangerous Goods) Regulations 2015, regulation 21.

6.2 OSV Chemical Code (Regulation 11.2)

Regulation 11.2 of MARPOL Annex II and Regulation 7(4) of the Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020 provides that OSVs certified to carry NLS in Bulk may comply with appropriate measures established by the Ship Registry as an alternative to compliance with the IBC/BCH Codes specified in paragraph 6.1 above. For this purpose, the appropriate measures are –

- IMO Resolution A.673(16) – 'the LHNS Guidelines', which applies to OSVs:
 - With a keel lay date on or after 19 April 1990 and before 1 July 2018; and
 - Carrying only cargoes which are as per clause 1.2.2.1.1, 1.2.2.1.2 and 1.2.2.2 of the LHNS Guidelines in quantities not exceeding 800m³

- IMO Resolution A.1122(30) – 'the OSV Chemical Code', which applies to OSVs:
 - With a keel lay date on or after 1 July 2018; or
 - With a keel lay date on or after 19 April 1990 and carrying cargoes assigned to carriage on a type 3 ship not permitted under the LHNS Guidelines; or carrying cargoes assigned to carriage on a type 2 ship



On 1 January 2021, amendments to the IBC code entered into force which re-classified a number of cargoes which were commonly carried on OSVs under Appendix 1 of the LHNS Guidelines. Many cargoes previously deemed 'pollution-only products' are now also deemed 'safety hazard' products. In addition, a number of previously 'non-toxic' cargoes have been reclassified as 'toxic'. The result of this is that the range of cargoes able to be carried by OSVs certified to the LHNS guidelines is vastly reduced.

Such vessels must decide whether to continue to operate under the LHNS Guidelines with the reduced range of cargoes, or to convert to the OSV Chemical Code. Vessels that decide to continue to operate under LHNS Guidelines will be restricted to a reduced range of cargoes. The permitted cargoes are listed in Annex I of [MGN 649](#).

6.3 Polar Code (Regulation 22)

Chapter 2 of part II-A of the Polar Code is mandatory for ships carrying NLS in bulk in Arctic waters. This prohibits any discharge into the sea of NLS, or mixtures containing such substances while in Arctic waters.

In applying chapter 2 of Part II-A of the Polar Code, consideration should be given to the additional guidance in part II-B of the Polar Code.

7. Products to which the IBC/BCH Code do not apply (IBC Code Regulation 18.2)

Products that have been reviewed for their safety and pollution characteristics and found not to warrant the application of the IBC or BCH Code are listed within Chapter 18 of the IBC Code. Whilst the Codes do not apply, some safety precautions are needed for the safe transportation of these products.

The cargo information required by section 16.2.3.1 of the IBC Code shall be on board and available to all concerned, giving the necessary data for the safe carriage of the cargo in bulk. This usually takes the form of appropriate Materials Safety Data Sheets (MSDS) and the MSDS will contain product specific safety information for safe handling and storage. The precautions outlined in the MSDS must be followed when transporting these products.

When the cargo is a mixture, an analysis indicating the dangerous components contributing significantly to the total hazard (or a complete analysis if this is available) must also be on board. Operational procedures should be developed controlling the safe handling, carriage and transport of these products in accordance with Section 7 of the ISM Code. When doing so, companies should fully consider the guidance included in the latest version of ISGOTT (Chapter 11 & 12) and IMO Circular MSC.1/Circ.1216 (Section 9) and consider mixtures as well as pure products.

Where an IBC Code Chapter 18 product has been assessed as Category Z, the loading, carriage and discharge of the product should be in accordance with the relevant regulations contained in MARPOL Annex II and the guidance included in the vessel's Procedures & Arrangement and SMPEP manuals. The procedures referenced above may be incorporated into vessel operational



procedures controlling the carriage of products and may also be subject to other chapters of the IBC Code.

Reference Material:

- **MARPOL Annex II** – Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk
- **SOLAS Chapter VII** – Dangerous Goods
- **MSN 020** – Recognised Organisations
- Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020
- Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015
- International Code of the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (**IBC Code**)
- Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (**BCH Code**)
- International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (**IGC Code**)
- International Code for Ships Operating in Polar Waters (**Polar Code**)
- Code for the Transport and Handling of Hazardous and Noxious Liquid Substance in Bulk on Offshore Support Vessels (**OSV Chemical Code**)
- **MEPC.85(44)** as amended by **MEPC.137(53)** – Guidelines for the Development of Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances
- **MEPC.148(48)** – Revised Guidelines for the Transport of Vegetable Oils in Deep tanks or in Independent Tanks Specially Designed for the Carriage of Such Vegetable Oils in General Dry Cargo Ships
- **MSC.1/Circ.1216** – Revised Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas
- **A.851(20)** as amended by **MEPC.138(53)** – General Principles for Ship Reporting Systems and Ship Reporting Requirements, Including Guidelines For Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants
- **ISGOTT** – The International Safety Guide for Oil Tankers and Terminals, published by ICS, OCIMF and IAPH

Please note - The Isle of Man Ship Registry cannot give legal advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from ship to ship. You should consider seeking independent legal advice if you are unsure of your own legal position.

