



STATUTORY INSTRUMENTS.

S.I. No. 235 of 2024



SEA POLLUTION (CONTROL OF POLLUTION BY NOXIOUS LIQUID
SUBSTANCES IN BULK) (AMENDMENT) REGULATIONS 2024

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by sections 10, 12, 14, 15 and 17 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 351 of 2020)) and for the purpose of giving further effect to Annex II to the MARPOL Convention, hereby make the following regulations:

1. These Regulations may be cited as the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulations 2024.

2. The purpose of these Regulations is to give effect to Resolution MEPC.314(74) and MEPC.315(74) adopted on 17 May 2019 by the Marine Environment Protection Committee of the International Maritime Organization and Resolution MEPC.344(78) adopted on 10 June 2022 by the Marine Environment Protection Committee of the International Maritime Organization.

3. In these Regulations “Principal Regulations” means the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 2008 (S.I. No. 217 of 2008).

4. Regulation 2 of the Principal Regulations is amended—

- (a) by inserting after the definition “depth of water” the following:
“‘Electronic Record Book’ means a device or system, approved by the Administration, used to electronically record the required entries for discharges, transfers and other operations as required under these Regulations in lieu of a hard copy record book;”, and
- (b) by inserting after the definition “Party” the following:
“‘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;”.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 24th May, 2024.

5. Regulation 20 of the Principal Regulations is amended by inserting after paragraph (4) the following:

“(5) 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 International Bulk Chemical Code, the following shall apply in the areas referred to in paragraph (6):

- (a) a prewash procedure as specified in Schedule 6 shall be applied;
- (b) 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
- (c) any water subsequently introduced into the tank may be discharged into the sea in accordance with the discharge standards in Regulation 15.

(6) The areas to which paragraph (5) applies are the following:

- (a) 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 the island 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

- (b) 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;
- (c) the Western European waters is an area that covers the State, United Kingdom, 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

37°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

- (d) 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; 038.355' E
 62° N; 001°22.2498' E
 62° N; 004°52.3464' E.”.

6. Regulation 24 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following:

“(1) Every ship to which these Regulations apply shall be provided with a Cargo Record Book, whether as a part of the ship's official logbook, as an electronic record book which shall be approved by the Minister taking into account Guidelines developed by the Organization¹, or otherwise, in the form specified in Schedule 2, which Schedule includes matters referred to in Appendix 4 of Annex II of the MARPOL Convention.”, and

(b) in paragraph (4), by inserting “or group of electronic entries” after “each page” in the first sentence.

7. Schedule 1 to the Principal Regulations is amended by substituting for the tables under the title, ‘Abbreviated legend to the revised GESAMP Hazard Evaluation Procedure’ the following:

¹ *Guidelines for the use of electronic record books under MARPOL*, adopted by resolution MEPC.312(74)

“

Numerical rating	A Bioaccumulation and Biodegradation		B Aquatic Toxicity		
	A1 Bioaccumulation	A2 Biodegradation	B1 Acute toxicity LC/EC/IC ₅₀ (mg/L)	B2 Chronic toxicity EC ₁₀ or NOEC (mg/L)	
	A1a: log P _{ow}	A1b: BCF			
0	log <1, log > ca.7 MW > 1000	no measurable BCF	R: readily biodegradable	AT >1000	CT >1
1	1 ≤ log <2	1 ≤ BCF <10	NR: not readily biodegradable	100 < AT ≤ 1000	0.1 < CT ≤ 1
2	2 ≤ log <3	10 ≤ BCF <100		10 < AT ≤ 100	0.01 < CT ≤ 0.1
3	3 ≤ log <4	100 ≤ BCF <500		1 < AT ≤ 10	0.001 < CT ≤ 0.01
4	4 ≤ log <5	500 ≤ BCF <4000		0.1 < AT ≤ 1	CT ≤ 0.001
5	5 ≤ log < ca.7	BCF ≥ 4000		0.01 < AT ≤ 0.1	
6				AT ≤ 0.01	

Numerical rating	C Acute Mammalian Toxicity				
	C1 Oral toxicity	C2 Dermal toxicity	C3 Inhalation toxicity		
	LD ₅₀ /ATE (mg/kg)	LD ₅₀ /ATE (mg/kg)	C3a		C3b
			vapour/mist LC ₅₀ /ATE (mg/L)	mist only LC ₅₀ /ATE (mg/L)	vapour only LC ₅₀ /ATE (mg/L)
0	ATE >2000	ATE >2000	ATE >20	ATE >5	ATE >20
1	300 < ATE ≤ 2000	1000 < ATE ≤ 2000	10 < ATE ≤ 20	1 < ATE ≤ 5	10 < ATE ≤ 20
2	50 < ATE ≤ 300	200 < ATE ≤ 1000	2 < ATE ≤ 10	0.5 < ATE ≤ 1	2 < ATE ≤ 10
3	5 < ATE ≤ 50	50 < ATE ≤ 200	0.5 < ATE ≤ 2	0.05 < ATE ≤ 0.5	0.5 < ATE ≤ 2
4	ATE ≤ 5	ATE ≤ 50	ATE ≤ 0.5	ATE ≤ 0.05	ATE ≤ 0.5

Numerical rating	D Irritation, Corrosion and Long-term Health Effects		
	D1 Skin irritation and corrosion	D2 Eye irritation and corrosion	D3 Long-term health effects
0	not irritating	not irritating	C – Carcinogenic M – Mutagenic R – Reprotoxic Ss – Sensitizing to skin Sr – Sensitizing to respiratory system A – Aspiration hazard T – Target Organ Toxicity N – Neurotoxic I – Immunotoxic
1	mildly irritating	mildly irritating	
2	irritating	irritating	
3	severely irritating or corrosive	severely irritating	
	3A Corr. (≤4 h) 3B Corr. (≤1 h) 3C Corr. (≤3 min)		

E Interference with Other Uses of the Sea			
Numerical Rating	E1 Flammability flashpoint (°C)	E2 Physical effects on wildlife and benthic habitats	E3 Interference with coastal amenities
0	- (not flammable, does not burn)	Fp - Persistent floater F - Floater S - Sinker G - Gas E - Evaporator D - Dissolver and combinations thereof	no interference no warning
1	Fp >93		slightly objectionable warning, no closure of amenity
2	60 < Fp ≤ 93		moderately objectionable possible closure of amenity
3	23 ≤ Fp ≤ 60		highly objectionable closure of amenity
4	Fp < 23		

".

8. Section 4 of Schedule 4 to the Principal Regulations is amended—

- (a) by substituting for paragraph (4.5) the following:

"4.5 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 International Bulk Chemical Code and the latest version of the MEPC.2/Circular, when operating in the areas specified in Regulation 20 (6).", and

- (b) by inserting after Note 3 in Addendum A the following:

"Note 4: Within the areas specified in Regulation 20 (6), Regulation 20 (5) applies to substances that are identified by '16.2.7' in column 'o' of chapter 17 of the International Bulk Chemical Code."

9. Schedule 6 to the Principal Regulations is amended by inserting after Category B the following:

"C For all ships

Prewash procedures for persistent floaters to which Regulation 20(5) 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."



GIVEN under the Official Seal of the Minister for
Transport,
22 May, 2024.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 2008 (S.I. No. 217 of 2008) which give effect to Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)

The purpose of these Regulations is to provide for the use of electronic record books as an alternative to a hard copy record book, strengthen discharge requirements in specified areas for cargo residues and tank washings containing persistent floating products with a high-viscosity, and amend the revised GESAMP Hazard Evaluation Procedure.

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