

# **The Merchant Shipping (Prevention of Pollution by Garbage From Ships) Rules, 2009**

UNION OF INDIA

India

## **The Merchant Shipping (Prevention of Pollution by Garbage From Ships) Rules, 2009**

### **Rule**

### **THE-MERCHANT-SHIPING-PREVENTION-OF-POLLUTION-BY-GARBA of 2009**

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**1838.**

Notification No. G.S.R. 847(E), dated November 26, 2009. - In exercise of the powers conferred by 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 Garbage from Ships) Rules, 2009.(2)They shall come into force on the date of their publication in the Official Gazette.

#### **1.**

-A. 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)"Convention" shall have the same meaning as assigned to it in clause (e) of Section 356.3;(d)"government ship" means the ship owned by the Central Government or the State Government;(e)"garbage" means all kinds of victual, domestic and operational wastes, excluding fresh fish and parts thereof, generated during

the normal operational of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the Convention;(f)"nearest land", with all its grammatical variations, means the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that for the purposes of north-eastern coast of Australia, it shall mean from a line drawn from a point on the coast of Australia In-latitude 11°00'S, longitude 142°08'E to a point in latitude 10°00'S, longitude 142°00'E thence to a point latitude 110°00'S, longitude 142°00' E thence to a point latitude 09°10'S, longitude 143°50' E thence to a point latitude 09°00'S, longitude 144°30' E thence to a point latitude 10°41'S, longitude 145°00' E thence to a point latitude 13°00'S, longitude 145°00' E thence to a point latitude 15°00'S, longitude 146°00' E thence to a point latitude 17°30'S, longitude 147°00' E thence to a point latitude 21°00'S, longitude 152°50' E thence to a point latitude 24°30'S, longitude 154°00' E thence to a point on the coast of Australia in latitude 24°42' S, longitude 153°15' E.(g)"Special area" means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory method for the prevention of sea pollution by garbage is required and includes special areas specified in Rule 5.

## **2. Obligation to prevent pollution of sea by garbage.**

- Unless expressly provided otherwise, all ships shall comply with the provisions of these rules to prevent pollution of sea by garbage.

## **3. Disposal of garbage outside special areas.**

(1) Subject to the provisions of Rules 4, 5. and 6, the disposal into the sea of -(a) all plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues shall be prohibited.(b) the disposal into the sea of following garbage shall be made, as far as practicable, from the nearest land : Provided that such disposal shall be prohibited if the distance from the nearest land is less than (i) twenty-five nautical miles for dunnage, lining and packing materials which floats; (ii) twelve nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse except that it may be permitted when it has passed through a comminuter or grinder and made, as far as practicable, from the nearest land but in no case such disposal shall be permissible if the distance from the nearest land is less than three nautical miles: Provided that such comminuted or ground garbage shall be capable of passing through a screen with opening not greater than 25 mm.(2) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall be applicable.

## **4. Special requirements for disposal of garbage.**

(1) Subject to the provision of sub-rule (2), the disposal of garbage is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and from all other ships when alongside or within five hundred metres of such platforms.(2) The disposal into the sea of food wastes have been passed through a comminuter

or grinder may be permitted from fixed or floating platforms located more than twelve nautical miles from land and all other ships when alongside or within five hundred metres of such platforms: Provided that such comminuted or ground food wastes shall be capable of passing through a screen with openings not greater than twenty-five mm.

## 5. Disposal of garbage within special areas.

(1) for the purposes of these rules, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea. Explanation. - For the purposes of Rule 5, (a) the Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36' W; (b) the Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and 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 Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N; (d) the Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6'E) and Husn Murad (12°40.8.4' N, 43°30.2 E); (e) the Gulfs area means the sea area located north-west of the rhumb line between Ras al Hadd (22°30'N, 59°48'E) and Ras al Fasteh (25°04' N, 61°25'E); (f) the North Sea area means the North Sea proper including seas therein with the boundary between - (i) the North Sea southwards of latitude 62°N and eastwards of longitude 4°W, (ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8'N; and (iii) the English Channel and its approaches eastwards of longitude 5°W and northwards of latitude 48°30'N; (g) the Antarctic area means the sea south of latitude 60°S; (h) the Wider Caribbean Region, as defined in Article 2, Paragraph I of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30°N' parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20°N parallel and 59°W meridian, thence a rhumb line to the intersection of 7°20'N parallel and 50°W meridian, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana. (2) Subject to the Rule 6, - (a) disposal into the sea of the following is prohibited, namely: (i) all plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products containing toxic or heavy metal residues; and (ii) all other garbage, including paper products, rags, glass metal, bottles, crockery, dunnage, lining and packing materials; (b) except as provided in clause (c), disposal into the sea of food wastes shall be made as far as practicable from land, but in no case, less than twelve nautical miles from the nearest land; (c) disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land but in no case less than 3 nautical miles from the nearest land : Provided that such comminuted or ground food wastes shall be capable of passing through a screen with openings not greater than twenty-five mm (3) When the garbage is mixed with other discharges having different disposal or discharge requirements, the more stringent requirements shall be applicable.

## **6. Exceptions.**

- The provisions of Rules 3, 4, 5 shall not apply, (a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or (b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of such damage, for preventing or minimising the escape; or (c) the accidental loss of synthetic fishing nets, provided that all reasonable precautions have been taken to prevent such loss.

## **7. Reception facilities.**

(1) The Central Government shall ensure that adequate reception facilities are provided at ports and terminals for the reception of garbage, without causing undue delay to ships in accordance with the provisions of Section 356-1 and according to the needs of the ships using them. (2) The Central Government shall notify the International Maritime Organisation for transmission to the State Parties concerned of all cases where facilities provided under these rules are alleged to be inadequate. (3) The Central Government shall, ---- (a) in respect of ships which depart en route to or arrive from the Antarctica Area, ensure that adequate facilities are provided as soon as practicable for the reception of garbage from all ships, without causing undue delay, and according to the needs of the ships using them; (b) ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage while operating in such area and have concluded arrangements to discharge such garbage at a reception facility after leaving that area.

## **8. Port State Control on operational requirements.**

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

## **9. Placards, garbage management plans and garbage record-keeping.**

(1) Every ship of twelve metres or more in length overall shall display placards which notify the crew and passengers of the disposal requirements of Rule 3 or Rule 5, as applicable : Provided that such placards shall be written in the working language of the ships' personnel, and for ships engaged in voyages to ports or offshore terminals under the jurisdiction of other State Parties, shall also be in English. (2) Every ship of four hundred gross tonnage and above and every ship which is certified to carry fifteen persons or more, shall carry a garbage management plan, providing written procedures for collecting, storing, processing and disposing of garbage, including the use of the equipment on board, to be followed by its crew and shall also designate the person in charge of carrying out such

plan: Provided that such plan shall be in accordance with the guidelines developed by the International Maritime Organisation and written in the working language of the crew. (3) Every ship of four hundred gross tonnage and above and every ship which is certified to carry fifteen persons or more engaged in voyage to port or offshore terminal under the jurisdiction of other State Parties and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record Book, in Form-I. (4) The Garbage Record Book, whether as part of the ship's official log-book or otherwise, shall - (a) record each discharge operation or completed incineration in English and shall be signed on the date of such incineration or discharge by the officer in charge and also, each completed page shall be signed by the master of the ship: Provided that each such entry shall include date and time, position of the ship, description of the garbage and the estimated amount incinerated or discharged; Provided further that such entries shall prevail in the case of any dispute or discrepancy: (b) be kept on board the ship and in such other places that it shall be available for inspection within a reasonable time; (c) be preserved for a period of two years after the last entry is made thereon; (d) record the circumstances of, and the reasons for, any loss, in the event of discharge, escape or accidental loss referred to in Rule 6. (5) The Central Government may waive the requirements for Garbage Record Books for - (a) any ship engaged on voyage of one hour or less in duration which is certified to carry fifteen persons or more; or (b) fixed or floating platforms while engaged in exploration and exploitation of the seabed. (6) The surveyor or, as the case may be the person authorised under Section 356-6 by the Central Government may, inspect the Garbage Record Book on board any ship to which these rules apply, while the ship is in Indian ports or offshore terminals and make a copy of any entry in that book and also may require the master of the ship to certify that the copy is a true copy of such an entry and any copy so made shall be admissible in any judicial proceeding as evidence of the facts stated in such entries: Provided that the inspection of a Garbage Record Book and taking of certified copy shall be done as expeditiously as possible without causing undue delay to the ship.

## 10. Penalty.

- Whoever contravenes any of the provisions of these rules shall be punished with fine in accordance with the provisions of clause (h) of sub-section (2) of Section 458 of the Act. FORM I [See Rule 9(3)] Form of Garbage Record Book

Name of ship: \_\_\_\_\_ Distinctive number or letters \_\_\_\_\_ IMO No.: \_\_\_\_\_ Period: \_\_\_\_\_ from \_\_\_\_\_ To \_\_\_\_\_ :

**1. Introduction. - In accordance with Paragraph 9, a record is to be kept of each discharge operation or completed incineration including the discharges at sea, to reception facilities, or to other ships.**

**2. Garbage and garbage management. - Garbage includes all kinds of food, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to MARPOL 73/78 (such as oil, sewage or noxious liquid substances) and the guidelines for the implementation of Annex V of MARPOL 73/78 should also be referred to for relevant information.**

**3. Description of the garbage. - The garbage is to be grouped into categories for the purposes of this record book as follows :**

**1. Plastics**

**2. Floating dunnage, lining or packing material,**

**3. Ground-down paper products, rags, glass, metal, bottles, crockery,**

**4. Cargo residues, paper products, rags, glass, metal, bottles, crockery, etc.**

**5. Food waste**

**6. Incinerator ash.**

**4. Entries in the Garbage Record Book. - Entries in the Garbage Record Book shall be made on each of the following occasions :**

(a) When garbage is discharged into the sea: (i) Date and time of discharge (ii) Position of the ship (Latitude and longitude) Note. - For cargo residue discharges, include discharge start and stop positions. (iii) Category of garbage discharged (iv) Estimated amount discharged for each category in cubic metres (v) Signature of the officer in charge of the operation. (b) When garbage is discharged to reception facilities ashore or to other ships: (i) Date and time of discharge (ii) Port or facility, or name of ship (iii) Category of garbage discharged (iv) Estimated amount discharged for each category in cubic metres (v) Signature of officer in charge of the operation. (c) When garbage is incinerated: (i) Date and time of start and stop of incineration (ii) Position of the ship (Latitude and longitude) (iii) Estimated amount incinerated in cubic metres (iv) Signature of the officer in charge of the operation (d) When there is accidental or other exceptional discharge of garbage: (i) Time of occurrence (ii) Port or position of the ship at time of occurrence (iii) Estimated amount and category of garbage (iv) Circumstances of disposal, escape or loss, the reason therefor and general remarks. 4.2 Receipts. - The master should obtain from the operator of port reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated

amount of garbage transferred and the receipt or certificate must be kept on board the ship with the Garbage Record Book for two years. 4.3 Amount of garbage. - The amount of garbage on board shall be estimated in cubic metres, if possible, separately according to category Garbage Record Book contains many references to estimated amount of garbage, it is recognised that the accuracy of estimated amounts of garbage is left to interpretation and volume estimates shall differ before and after processing and some processing procedures may not allow for a usable estimate of volume, e.g. the continuous processing of food waste such factors should be taken into consideration when making and interpreting entries made in the record. RECORD OF GARBAGE DISCHARGE Ship's name : \_\_\_\_\_ Distinctive No., or letters: \_\_\_\_\_ IMO No.: \_\_\_\_\_ Garbage categories:

## 1. Plastic

## 2. Floating dunnage, lining, or packing materials

## 3. Ground paper products, rags, glass, metal, bottles, crockery, etc.

## 4. Paper products, rags, glass, metal, bottles, crockery, etc.

## 5. Food waste

## 6. Incinerator ash except from plastic products which may contain toxic or heavy metal residues.

Note. - The discharge of any garbage other than food waste is prohibited in special areas and the garbage discharged into the sea must be categorized and garbage other than Category I discharged to reception facilities need only be listed as a total estimated amount discharge of cargo residues require start and stop position to be recorded.

Date/Time	Position of the ship	Estimated amount discharged into the sea (m <sup>3</sup> )					Estimated amount discharged to reception facilities or to other ship (m <sup>3</sup> )		Certification/Signature
		Cat. 1	Cat. 2	Cat. 3	Cat. 4	Cat. 5	Other	Other	
		2	3	4	5	6			

Master's Signature Date : \_\_\_\_\_