

Dear Sir/Madam

## **CONSULTATION ON THE DRAFT MERCHANT SHIPPING (PREVENTION OF POLLUTION FROM NOXIOUS LIQUID SUBSTANCES IN BULK) REGULATIONS 2017**

1. I am writing to invite your comments on the Maritime and Coastguard Agency's proposals for implementing the revised Annex II of MARPOL through the proposed Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2017.

### **MARPOL Annex II**

2. The aim of MARPOL is to ensure that the marine environment is protected from pollution and where possible to reduce the probability of a pollution incident occurring. The changes made to MARPOL Annex II have been accepted by the International Maritime Organisation (IMO) as it is felt that they ensure MARPOL continues to meet its objectives.

3. Annex II of MARPOL originally entered into force on 6 April 1987 to protect the environment by controlling operational pollution and reducing accidental pollution resulting from groundings and collisions from ships carrying Noxious Liquid Substances (NLS) in bulk, and has undergone various amendments. The revised Annex II of MARPOL came into force on the 1 January 2007 and applies to all ships carrying NLS in bulk – essentially chemical tankers, or oil tankers, when carrying NLS – and also to gas carriers when carrying certain liquefied gases, Offshore Supply Vessels carrying smaller quantities of such substances, and certain dry cargo ships carrying vegetable oils.

4. Annex II refers to a number of Codes that lay down requirements specific to different ship types. These Codes provide an international standard for the safe carriage, in bulk by sea, of dangerous chemicals and NLS. MARPOL Annex II uses the Codes to identify ship types and to ensure that such ships are regulated and certified to industrially agreed standards.

### **Summary of Changes**

5. The major changes to MARPOL Annex II have been to the categorisation and classification of chemicals based on better scientific understanding and their interactions with the marine environment has led to update information regarding the transport of dangerous and noxious substances. These have then been transposed into the requirements of revised MARPOL Annex II to increase safety in shipping and to prevent pollution of the marine environment.

6. Technological advances and developments have also been taken into account in the revisions of MARPOL Annex II. Improvements in the design and in the methods of construction of vessels and the equipment used for the carriage of NLS have been developed and introduced in Annex II.

7. A number of administrative changes have been introduced; including changes to the format of documentation issued by Administrations and changes to the recording requirements onboard vessels. There are also some procedural requirements that will need to be met with regards to the loading and unloading of cargoes.

### **Consultation**

8. As a member of IMO, the UK is committed to introducing into national legislation those conventions and treaties to which it is a signatory, of which MARPOL Annex II is one. Therefore, the UK has a duty to amend existing legislation to reflect the changes made in

2004 and introduced in 2007. Although there is an international commitment to implement these changes outlined it is UK policy to consult on any changes to national legislation.

9. We are inviting you to comment on the draft Regulations and Regulatory Triage Assessment with particular reference to the costs associated with ensuring compliance with the proposed Regulations and the impacts on the maritime sector of the changes in categorisation of products.

### **How to Respond**

10. You are invited to comment on:

- the draft Regulations
- the draft Regulatory Triage Assessment

The consultation will run for eight weeks, the closing date being **14 April 2017**. Please send your responses by **14 April 2017** marked for the attention of David MacRae to:

[environment@mcga.gov.uk](mailto:environment@mcga.gov.uk) or

Environmental Policy Branch  
Maritime and Coastguard Agency  
Bay 2/21  
Spring Place  
105 Commercial Road  
Southampton  
Hampshire SO15 1EG;

### **About this consultation**

11. This consultation document is issued by the Maritime and Coastguard Agency (MCA) in compliance with its duty to consult under section 86 of the Merchant Shipping Act 1995.

12. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)).

13. If you want us to treat any of the information you provide, including personal information, as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, among other things, with obligations of confidence. It would be helpful if you could explain to us in your response why you regard the information as confidential. If we receive a request for disclosure of the information you have provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself be regarded as binding on the Department.

14. The MCA will process all personal data in accordance with the DPA and in the majority of circumstances, this will mean that personal data will not normally be disclosed to third parties.

## Consultation Principles

15. This consultation is conducted in accordance with the Cabinet Office [Consultation Principles Guidance](#).

## Feedback

16. If you have any feedback about the way the consultation has been conducted, please address them to:

The Consultation Co-ordinator  
Office of the Chief Executive  
MCA  
Bay 3/29, Spring Place  
105 Commercial Rd  
Southampton  
SO15 1EG

[Consultation.coordinator@mcga.gov.uk](mailto:Consultation.coordinator@mcga.gov.uk)

Yours faithfully

David MacRae  
Marine Surveyor, Environmental Policy