

Regulations for the prevention of pollution by sewage from ships

I.

Discharge regulations according to Annex IV, MARPOL 73/78

A) Application according to Regulation 2:

- ships of 400 GT and above
- ships of less than 400 GT which are certified to carry more than 15 persons

B) Mandatory equipment according to Regulations 9 and 10:

- Sewage treatment plant of a type approved by the Administration in compliance with IMO criteria
- Comminuting and disinfecting system approved by the Administration fitted with facilities for the temporary storage of sewage when the ship is less than 3 nm from the nearest land, or
- holding tank of a capacity to the satisfaction of the administration, having regard to the operation of the ship, the number on persons on board, and provided with a means to indicate visually the amount of its contents

The flanges for discharge connections must have the dimensions specified in Regulation 10, Annex IV, MARPOL 73/78.

C) Discharge requirements according to Regulation 11:

Under the provisions of Regulation 11, para. 1, Annex IV MARPOL 73/78, the discharge of sewage into the sea is prohibited, except when the following requirements are met:

Discharge of		
sewage from treatment plants Regulation 11, para. 1, no. 2	comminuted and disinfected sewage Regulation 11, para. 1, no. 1	untreated sewage Regulation 11, para. 1, no. 1
- test results of the treatment plant are laid down in the ship's International Sewage Pollution Prevention Certificate - effluent does not produce visible floating solids nor cause discoloration of the surrounding water	- at a distance of more than 3 nm from the nearest land	

II.

Special regulations for the Baltic Sea area under the provisions of the Helsinki Convention

A) Application and discharge regulations under Art. 1d, para 1, MARPOL-ZuwV

(Verordnung über Zuwiderhandlungen gegen MARPOL 73/78 (ordinance on contraventions of MARPOL 73/78), BGBl. I, p. 247, last amended by Art. 1 of the second ordinance to amend environmental regulations in shipping, 9 April 2008, BGBl. I, p. 698)

In the Baltic Sea area, the discharge requirements according to Regulation 11, para. 1, Annex IV MARPOL 73/78 also apply to German pleasure craft equipped with toilet holding tanks (see point II.B):

Under the provisions of the above Regulation, sewage stored in holding tanks is not allowed to be discharged at a distance of less than 12 nm from the nearest land.

When using chemical toilets, care should be taken to use chemicals which do not pollute the marine environment. Discharges of such sewage are subject to Regulation 11, para. 1, Annex IV, MARPOL 73/78, according to which any discharge of sewage into the sea is prohibited, except when it has been treated in an approved sewage treatment plant, or comminuted and disinfected using an approved system. Therefore, any discharge of sewage from chemical toilets on board pleasure craft is prohibited; such sewage has to be kept on board in holding tanks until it can be discharged to a reception facility.

B) Mandatory equipment under Art. 6b, para. 1, Schiffssicherheitsverordnung:

(Schiffssicherheitsverordnung (Ship Safety Ordinance), BGBl I, p. 3013, 3023, last amended by Art. 2 of the second ordinance to amend environmental regulations in shipping, 9 April 2008 BGBl. I p. 701)

- German ships including pleasure craft
- ships of other Baltic Sea states

which navigate the German Baltic Sea waters (territorial sea and EEZ) have to be equipped with toilet holding tanks if they have toilets on board (ships not referred to in Regulation 2, Annex IV, MARPOL = ships of less than 400 gross tonnage which are not certified to carry more than 15 persons).

The required shipboard facilities are subject to HELCOM's Guidelines for Installation of Toilet Retention Systems and Standard Connections for Sewage on Board Existing Fishing Vessels, Working Vessels and Pleasure Craft, HELCOM Recommendation 22/1 of 21 March 2001 (Verkehrsblatt, p. 122, issue 5 – 2008, notification no. 33).

As an alternative to fixed retention systems on board, portable toilets or portable retention systems may be used provided that they are emptied into shoreside reception facilities.

Exemptions from the carriage requirement under Art. 6b, para. 3, Schiffssicherheitsverordnung (Ship Safety Ordinance):

- ships built prior to 1 Jan. 1980
- ships built between 1 Jan. 1980 and 1 Jan. 2003

- a) whose hull length and beam is less than 11.50 m and 3.80 m, respectively, or
- b) which have been issued by Bundesamt für Seeschifffahrt und Hydrographie with a certificate of exemption from the carriage requirement.

III.

Special regulations applying to navigable maritime waterways*

A) Application and discharge regulations under Art. 1d, para 3, MARPOL-ZuwV

- all water craft including pleasure craft which have a toilet equipped with a retention system

The discharge of sewage on navigable maritime waterways* is prohibited. Exceptions are discharges from sewage treatment plants according to Regulation 11, para. 1, no. 2, Annex IV, MARPOL 73/78.

*) Navigable maritime waterways according to Art. 1, para. 1, p. 3, German Traffic Regulations for Navigable Maritime Waterways of 22 Oct. 1998 (BGBl. I, p. 3209, 1999 I p. 193), last amended by Art. 1 of the Ordinance dated 28 June 2006 (BGBl. I, p. 1417).

Prosecution of offences:

Any violation of the provisions in Regulation 11, para. 1, Annex IV, MARPOL 73/78 concerning sewage discharges constitutes an administrative offence under Art. 5, MARPOL-ZuwV, which is punishable by a fine of up to €50,000.

Any violation of the provisions in Art. 1d, para. 1, MARPOL-ZuwV by German pleasure craft in the Baltic Sea area constitutes an administrative offence under Art. 15, para. 1, no. 2, Seeaufgabengesetz (SeeAufG, Federal Maritime Responsibilities Act) and Art. 8, no. 2, MARPOL-ZuwV.

Any discharge of sewage from water craft in contravention of the provisions in Art. 1d, para. 3, MARPOL-ZuwV constitutes an administrative offence under Art. 15, para. 1, no. 2d, SeeAufG and Art. 8, no. 4b) MARPOL-ZuwV.

Administrative offences under Art. 15, para. 1, no. 2, SeeAufG, and Art. 8, nos. 2 and 4b, MARPOL-ZuwV are punishable by fines of up to €50,000