

Regulations for the prevention of pollution by garbage from ships

I.

Discharge regulations according to Annex V, MARPOL 73/78

A) Application according to Regulation 2:

- all ships including pleasure craft

B) Discharge provisions according to Regulations 3 and 5:

The discharge of garbage into the sea is prohibited under Regulations 3 and 5, Annex V, MARPOL 73/78, except when the following requirements met:

Garbage disposal					
Outside Special Areas (Regulation 3, para. 1)			In Special Areas (Regulation 5, para. 2)		
Plastics, ashes from plastic products	Dunnage, lining and packaging material which floats	Food wastes and all other garbage such as cargo residues, paper, rags, glass, metal, bottles, crockery, ashes	Plastics, ashes from plastic products	Other garbage	Food wastes
Prohibited	At least 25 nm from the nearest land	At least 12 nm from the nearest land <u>But:</u> 3nm when using a grinder or comminuter	Prohibited	Prohibited	At least 12 nm from the nearest land

Special areas, according to Annex I, MARPOL Convention:

- North Sea
- Baltic Sea
- Mediterranean Sea
- Black Sea *
- Red Sea *
- Gulfs area
- Antarctic area
- Caribbean area

* Thus far, dates at which the special mandatory methods according to Annex I, Regulations 1.11, 15, and 38, MARPOL Convention become effective have not yet been specified by IMO Resolution.

C) Placards / garbage management plan / garbage record book – obligations under Regulation 9

- a) - Ships of 12 metres or more in length including pleasure craft

are required under the provisions of Regulation 9, para. 1, Annex V, MARPOL 73/78 to display placards on board to notify the crew and passengers of the ship's disposal requirements according to Regulations 3 and 5.

- b) - Ships of 400 gross tonnage and above
- Ships which are certified to carry 15 persons or more including certified pleasure craft

are required under the provisions of Regulation 9, para. 2, Annex V, MARPOL 73/78 to carry a garbage management plan containing written procedures for the collection, storage, processing and disposal of shipboard garbage, and for proper use of the equipment.

- c) - Ships of 400 gross tonnage and above
- Ships which are certified to carry 15 persons or more including certified pleasure craft

which are engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention under Regulation 9, para. 3, Annex V, MARPOL 73/78 are required to keep a Garbage Record Book in which all discharges of garbage to the sea, disposal to landbased reception facilities and incinerations have to be recorded.

II.

Special regulations for pleasure craft and historic ships

A) Also pleasure craft and historic ships of 12 metres in length or more are required to display placards which notify the crew and passengers of the disposal requirements according to Regulations 3 and 5, in compliance with Regulation 9, para. 1, Annex V, MARPOL 73/78.

Alternatives to the display of placards:

- Flyer issued jointly by Bundesamt für Seeschifffahrt und Hydrographie (BSH) and water sports associations, or
- Flyer issued in co-ordination with BSH or Federal Ministry of Transport, Building and Urban Development
- only when operating in German waters (area of jurisdiction and EEZ)

B) Garbage management plan

Pleasure craft and historic ships of 400 gross tonnage or more which are certified to carry 15 persons or more are subject to the provisions of Regulation 9, para. 2, Annex V, MARPOL 73/78 and are thus required to carry a Garbage Management Plan.

C) Garbage record book

Pleasure craft and historic ships of 400 gross tonnage or more which are certified to carry 15 persons or more are subject to the provisions of Regulation 9, para. 3, Annex V, MARPOL 73/78 and are required to keep a garbage record book.

III.

Special regulations applying to navigable maritime waterways*

A) Application and discharge regulations under Art. 1e, para 7, MARPOL-ZuwV

- all water craft including pleasure craft

Any discharge of garbage on navigable maritime waterways* is prohibited.

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

Prosecution of offences:

Any violation of the regulations in Annex V, Regulations 3 to 5, governing the discharge of ships' garbage constitutes an administrative offence under Art. 6, para. 1, MARPOL-ZuwV, which is punishable by a fine of up to €50,000.

Any violation of discharge regulations committed on navigable maritime waterways constitutes an administrative offence according to Art. 15, para. 1, no. 2, Seeaufgabengesetz (SeeAufG, Federal Maritime Responsibilities Act) and Art. 8, no. 2, in connection with Art. 1e, para. 7, MARPOL-ZuwV.

Any non-compliance with the requirement to display placards according to Regulation 9, para. 1, Annex V, MARPOL 73/78 or to provide flyers on board German pleasure craft and historic ships operating in German waters constitutes an administrative offence under Art. 15, para. 1, no. 2, Seeaufgabengesetz (SeeAufG, Federal Maritime Responsibilities Act) and Art. 6, para. 2, no. 1, in connection with Art. 1e, para. 1, MARPOL-ZuwV.

Any non-compliance with the requirement to carry a garbage management plan according to Regulation 9, para. 2, Annex V, MARPOL 73/78 or a garbage record book according to Regulation 9, para. 3, Annex V, MARPOL 73/78 constitutes an administrative offences under Art. 6, para. 2, no. 2, and para. 3, MARPOL-ZuwV.

Such administrative offences are punishable by fines of up to €50,000.