

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the
Transport of Dangerous Goods

Twenty-fifth session
Geneva, 5-14 July 2004
Item 12(a) of the provisional agenda

**HARMONIZATION WITH THE GLOBALLY HARMONIZED SYSTEM
OF CLASSIFICATION AND LABELLING OF CHEMICALS**

Hazards to the aquatic environment

The secretariat reproduces hereafter a document (DSC 9/2/1) received from the International Maritime Organization (IMO) reporting on the outcome of MEPC 51.



SUB-COMMITTEE ON DANGEROUS
GOODS, SOLID CARGOES AND
CONTAINERS
9th session
Agenda item 2

DSC 9/2/1
25 May 2004
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DECISIONS OF OTHER IMO BODIES

Outcome of MEPC 51

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of MEPC 51 relevant to the work of the Sub-Committee
<i>Action to be taken:</i>	Paragraph 15
<i>Related documents:</i>	MEPC 51/22, paragraphs 10.1 to 10.15; LEG 88/12/1; DSC 8/15

Introduction

1 The Marine Environment Protection Committee held its fifty-first session from 29 March to 2 April 2004 and its report on that session is available as a document bearing the symbol MEPC 51/22. The decisions of relevance to the work of the Sub-Committee are given in the ensuing paragraphs.

Review of Annex III of MARPOL 73/74

2 The Committee agreed that the criteria adopted by the UN should also be adopted under MARPOL Annex III and reflected in the IMDG Code to define substances as hazardous to the aquatic (marine) environment.

3 In taking this decision, the Committee noted that the criteria, adopted by the UN TDG Sub-Committee, had been extracted from the GHS for defining products, which are Hazardous to the Aquatic Environment and deemed to be appropriate for the transport of packaged goods by all modes of transport.

4 The Committee agreed that chapter 2.9 of the proposed amendments to the IMDG Code, which were shown in square brackets in annex 6 to DSC 8/3/Add.1, should be deleted at this time, whilst recognizing that the amendments related to GMMOs and GMOs should be included in the text.

5 In this context, it was noted that chapter 2.9 of the proposed amendments to the IMDG Code included various aspects associated with the proposed new criteria for defining marine pollutants, which required consideration by the Committee before they could be included in the IMDG Code, and this was the reason for agreeing that the whole of chapter 2.9, other than the amendments related to GMOs and GMMOs, should be deleted at this time, pending the decisions being made in relation to marine pollutants.

6 The Committee agreed that, until the issues associated with making appropriate amendments to the IMDG Code were resolved, it would be inappropriate to make recommendations for the associated amendments to MARPOL Annex III. In this context it was noted that the Sub-Committee was still working on aspects associated with environmentally hazardous substances including the problem of defining which products should be labelled during transport.

7 The Committee also agreed that there would be no need to identify Severe Marine Pollutants once the criteria adopted by UNCOE on the transport of dangerous goods in compliance with the Globally Harmonized System of Classification and Labelling of Chemicals has also been adopted in the relevant IMO instruments.

8 In this context it was noted that the Sub-Committee had recognized that the application of the GHS criteria to the IMO definition of Marine Pollutants would result in there being no need to distinguish Severe Marine Pollutants from the general definition of Marine Pollutants.

9 It was agreed that the deletion of Severe Marine Pollutants would have an effect on the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) and the related Protocol (1973) which, at that time, applied to Severe Marine Pollutants only but, in future would have to be amended to cover all Marine Pollutants. The Committee also noted that this issue would be brought to the attention of LEG 88.

10 It was recognized that the Sub-Committee had noted the view of the Working Group on the Review of Annex III of MARPOL 73/78, established at its eighth session, that the identification of new substances as "Marine Pollutants", under the system adopted by the UNCOE on the transport of dangerous goods and the globally harmonized system of classification and labelling of chemicals in the 13th edition of the UN Recommendations on the transport of dangerous goods should be done by Self-Classification in general which was in line with the original concept of the new GHS system.

11 Having noted the views of the Sub-Committee, the Committee agreed that, at that time, there was no role for GESAMP/EHS to act as an advisory body when disagreements arose under the Self-Classification system. In this context, it was also noted that there had been general agreement between Sub-Committee and BLG, in that there was no role for GESAMP/EHS other than the one it was performing at that time.

12 The Committee also agreed that the points to be made to the UNCOE on the transport of dangerous goods and the globally harmonized system of classification and labelling of chemicals regarding the harmonization with aspects related to the definition of environmentally hazardous substances should include the following:

- .1 IMO wishes to harmonize its criteria for defining Marine Pollutants with the UN TDG definition of environmentally hazardous substances;

- .2 IMO is concerned about the UN TDG regulations under which many products in classes 1 to 9 are also *deemed* to be environmentally hazardous. This would not allow IMO to distinguish products in classes 1 to 9 as being marine pollutants for stowage requirements and reporting to authorities in the event of loss overboard. However, it was noted that the UN TDG Sub-Committee had since agreed that ALL substances, hazardous to the aquatic environment should be identified with a GHS label, whether they fall into classes 1 to 8 or just class 9; and
- .3 IMO considers that it would be highly desirable for all modes of transport to bring the new criteria into force at the same time.

13 Having recognized the effects that the above changes would have on other IMO instruments, it was agreed that it would be more appropriate to consider such consequential amendments once the IMDG Code amendments had been finalized.

14 The Committee also agreed with the provisional timetable, as shown below, for amending the IMDG Code and MARPOL Annex III, whilst recognizing that this might need to be amended in light of the ongoing discussions on the issue.

Provisional timetable for the revision of Annex III to MARPOL 73/78 and the IMDG Code

Action to be taken	Meeting	Date
Agree the revised text of the IMDG Code and Annex III of MARPOL 73/78	DSC 9	September 2004
Approve the revised text of the IMDG Code and Annex III of MARPOL 73/78	MEPC 52	October 2004
Circulation of amendments to the IMDG Code and Annex III of MARPOL 73/78 by the Secretary-General		November 2004
Adoption of the amendments to the IMDG Code and Annex III of MARPOL 73/78	MEPC 53	July 2005
Tacit acceptance of amendments to the IMDG Code and Annex III of MARPOL 73/78		April 2006
Entry into force of the amendments to the IMDG Code and Annex III of MARPOL 73/78		October 2006*

* In order to harmonize with other modes of transport, this date could be extended to January 2007.

Action requested of the Sub-Committee

15 The Sub-Committee is invited to note the above information and decide accordingly.
