



STATUTORY INSTRUMENTS.

**S.I. No. 459 of 2016**



SEA POLLUTION (HARMFUL SUBSTANCES IN PACKAGED FORM)  
(AMENDMENT) REGULATIONS 2016

S.I. No. 459 of 2016

SEA POLLUTION (HARMFUL SUBSTANCES IN PACKAGED FORM)  
(AMENDMENT) REGULATIONS 2016

I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 10, 12, 14, 15, 17 and 18 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011) (S.I. No. 141 of 2011)), and for the purpose of giving effect to Annex III to the MARPOL Convention, hereby make the following regulations:

1. These Regulations may be cited as the Sea Pollution (Harmful Substances in Packaged Form) (Amendment) Regulations 2016.

2. The Sea Pollution (Harmful Substances in Packaged Form) Regulations 2013 (S.I. No. 510 of 2013) are amended by the substitution of the following Schedule for the Schedule to those Regulations:

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 30th August, 2016.*

## “SCHEDULE

**[Appendix to Annex III to the MARPOL Convention]****Criteria for the identification of harmful substances in packaged form**

For the purpose of this Annex, substances, other than radioactive materials\*, identified by any one of the following criteria are harmful substances\*\*:

**(a) Acute (short-term) aquatic hazard****Category: Acute 1**

96 hr LC <sub>50</sub> (for fish)	≤ 1 mg/l and/or
48 hr EC <sub>50</sub> (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC <sub>50</sub> (for algae or other aquatic plants)	≤ 1 mg/l

**(b) Long-term aquatic hazard****(i) Non-rapidly degradable substances for which there are adequate chronic toxicity data available****Category: Chronic 1**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.1 mg/l

**Category: Chronic 2**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 1 mg/l

**(ii) Rapidly degradable substances for which there are adequate chronic toxicity data available****Category: Chronic 1**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.01 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.01 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.01 mg/l

**Category: Chronic 2**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.1 mg/l

**(iii) Substances for which adequate chronic toxicity data are not available****Category: Chronic 1**96 hr LC<sub>50</sub> (for fish) ≤ 1 mg/l and/or48 hr EC<sub>50</sub> (for crustacea) ≤ 1 mg/l and/or72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) ≤ 1 mg/land the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent the log K<sub>ow</sub> ≥ 4).**Category: Chronic 2**96 hr LC<sub>50</sub> (for fish) >1 mg/l but ≤ 10 mg/l and/or48 hr EC<sub>50</sub> (for crustacea) >1 mg/l but ≤ 10 mg/l and/or72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) >1 mg/l but ≤ 10 mg/land the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent, the log K<sub>ow</sub> ≥ 4).

Additional guidance on the classification process for substances and mixtures is included in the IMDG Code.

\* Refer to class 7, as defined in chapter 2.7 of the IMDG Code.

\*\* The criteria are based on those developed by the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS), as amended. For definitions of acronyms or terms used in this appendix, refer to the relevant paragraphs of the IMDG Code.”.



GIVEN under my Official Seal,  
26 August 2016.

SHANE ROSS,  
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to an amendment to Annex III of the MARPOL Convention, on the prevention of pollution by harmful substances in packaged form from ships.

The purpose of these Regulations is to amend the Sea Pollution (Harmful Substances in Packaged Form) Regulations 2013 (S.I. No. 510 of 2013) by updating the appendix on criteria for the identification of harmful substances in packaged form.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

---

€2.54



Wt. (B32291). 375. 8/16. Essentra. Gr 30-15.