

ANNEX 29**RESOLUTION MEPC.160(55)
Adopted on 13 October 2006****IMPLICATIONS OF THE REVISED ANNEX II TO MARPOL 73/78 FOR
THE REFERENCE IN ARTICLE 1.5(a)(ii) OF THE HNS CONVENTION
TO “NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK”**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by the international conventions for the prevention and control of marine pollution,

BEING AWARE that the conditions for the deemed acceptance of the 2004 amendments to the Annex to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (revised Annex II to MARPOL 73/78), which were adopted at the fifty-second session of the Committee on 15 October 2004, by resolution MEPC.118(52), were met on 1 July 2006, and that the revised Annex II of MARPOL 73/78 will enter into force on 1 January 2007,

NOTING that the definition of “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention), refers to Appendix II of Annex II to MARPOL 73/78, as amended,

NOTING ALSO that the revised Annex II to MARPOL 73/78 does not contain Appendix II; nonetheless, that “noxious liquid substances carried in bulk” remain covered by regulation 1.10 of revised Annex II,

NOTING FURTHER that the Legal Committee adopted resolution LEG.4(91) on the implications of the revised Annex II to MARPOL 73/78 for the reference in article 1.5(a)(ii) of the HNS Convention to “noxious liquid substances carried in bulk”,

DESIRING to ensure that all Contracting States and all States wishing to become Parties to the HNS Convention interpret and implement the Convention in a consistent and uniform manner,

1. URGES Governments concerned to note that, as the revised Annex II to MARPOL 73/78 will enter into force on 1 January 2007, “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the HNS Convention will, as from the same date, refer to noxious liquid substances as defined in regulation 1.10 of the revised Annex II of MARPOL 73/78, which are carried in bulk;

2. REQUESTS the Secretary-General, in accordance with article 53(2)(vii) of the HNS Convention, to transmit certified copies of the present resolution to all States which have signed or acceded to the HNS Convention;

3. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution to the Members of the Organization which have not signed or acceded to the HNS Convention;

4. INVITES Governments to bring this resolution to the attention of all Parties concerned.
