



Guide to Marine Protection Rules Part 170: Prevention of Pollution by Garbage from Ships

QUICK GUIDE

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Te Kāwanatanga o Aotearoa
New Zealand Government

Nō te rere moana Aotearoa
MARITIME
NEW ZEALAND

Disclaimer

This publication provides general guidance on your duties under relevant legislation (including the Maritime Transport Act 1994, Maritime Rules, and Marine Protection Rules).

It is not possible for Maritime New Zealand to address every situation that could occur, and you must make sure you are:

- operating according to the latest Maritime Rules, Marine Protection Rules, and other legislation; and
- obtaining legal advice where appropriate.

Maritime New Zealand regularly reviews and revises guidance to make sure that it is up-to-date and reflects any changes in legislation. However, this guidance might not be current, so you should check maritimenz.govt.nz/rules/ to confirm that you are referring to the latest version of this publication.

Note: This guidance supersedes the Advisory Circular for Part 170 published in 2013. Where Part 170 refers to the Advisory Circular, readers should instead refer to this guidance.

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1. Introduction

This guide is for owners and masters (referred to in this guidance collectively as “operators”) of New Zealand ships, or foreign ships operating within New Zealand’s jurisdiction. In this guide, “you” means ship operator. This guide outlines your responsibilities and explains what you need to do under the Marine Protection Rules Part 170: Prevention of Pollution from Garbage from Ships (Part 170).

As per the definition in the Maritime Transport Act 1994 (MTA), in this guidance, “ship” means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

- a. a barge, lighter, or other like vessel:
- b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- c. a submarine or other submersible.

Part 170 implements the international garbage discharge and management requirements under MARPOL Annex V: Regulations for the Control of Pollution by Garbage from Ships (MARPOL Annex V). New Zealand signed up to MARPOL Annex V, which aims to reduce and eliminate the amount of garbage discharged from ships, in 1998.

1.1 How to read this guidance

The Part 170 requirements that apply to you will depend on your ship type, operation, and location. These requirements apply regardless of whether the ship is used for commercial or recreational purposes.

Use the table below to check which sections of this guide you should refer to.

<p>Section 2: Discharge restrictions</p>	<p>You should read about the Part 170 discharge restrictions in section 2 of this guide if you own or operate:</p> <ul style="list-style-type: none"> – a New Zealand ship (including warships and ships of the NZDF) outside of the coastal marine area (12 nautical miles), or – a foreign flagged ship within New Zealand’s exclusive economic zone (200 nautical miles), or – a foreign ship involved with the exploration or exploitation of the sea or the seabed beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand, or – a New Zealand or foreign ship that is within 500m of an offshore installation within the exclusive economic zone or over the continental shelf of New Zealand. <p>If you own or operate a ship within New Zealand’s coastal marine area (which is 12 nautical miles), you should also refer to the relevant regional council(s) for information about garbage discharge restrictions and ensure you comply with the Resource Management (Marine Pollution) Regulations 1998.</p> <p>The diagram in Figure 1 shows how New Zealand’s regulation of garbage is implemented within the different maritime boundaries.</p>
<p>Section 3: Operational requirements</p>	<p>You should read about the Part 170 operational requirements for managing garbage in section 3 of this guide if you own or operate:</p> <ul style="list-style-type: none"> – a New Zealand ship (including warships or ships of the NZDF) in any location, including within the coastal marine area, or – a foreign flagged ship within New Zealand jurisdiction. <p>Which particular operational requirements apply to you will depend on the length of your ship (that is 12 or more metres in length) and its gross tonnage (whether it is 100 GT or more).</p> <p>This section also outlines the reporting requirements for garbage discharges, including the accidental loss or discharge of fishing gear.</p> <p>The diagram in Figure 1 shows how New Zealand’s regulation of garbage is implemented within the different maritime boundaries.</p>
<p>Section 4: Special areas and Arctic waters</p>	<p>This section describes the special areas designated under MARPOL Annex V, which have a higher level of protection due to their particular characteristics.</p>
<p>Section 5: Garbage reception facilities</p>	<p>This section describes garbage reception facilities (for landing garbage ashore) and the procedure for notifying inadequate port reception facilities.</p>

What is 'garbage'?

Under Part 170, 'garbage' includes all food waste, domestic waste, operational waste, plastics, cargo residues, incinerator ashes, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically. See Table 1 for some examples of these types of waste (page 8).

This definition of 'garbage' does not include fresh fish or parts of fish generated because of fishing activities during the voyage, or because of aquaculture activities. It also excludes sewage and oily waste from machinery spaces – these wastes are covered elsewhere under MARPOL (in Annex IV and Annex I respectively) and in New Zealand law (for example the Resource Management Act 1991 and other Marine Protection Rules).

1.2 New Zealand's garbage rules and regulations

New Zealand is party to MARPOL Annex V, and has strict regulations in place that all ship operators must follow to prevent pollution of the sea by garbage. MARPOL Annex V is given effect in New Zealand through complementary regulations – Marine Protection Rules Parts 170 and 131¹ drafted under the MTA, and the Resource Management (Marine Pollution) Regulations 1998 (drafted under the Resource Management Act 1991).

Part 170 restricts garbage discharge (except as provided otherwise) from ships beyond the coastal marine area (12 nautical miles). It also describes operational garbage management requirements for ships in all geographic zones². The Resource Management (Marine Pollution) Regulations 1998 enact restrictions on garbage discharges within the coastal marine area or territorial sea (within 12 nautical miles). Figure 1 shows how the garbage regulations outlined in sections 2 and 3 apply within these zones.

Maritime New Zealand (Maritime NZ) is responsible for enforcing regulations and rules made under the MTA, including the Marine Protection Rules. In addition to imposing requirements on ship owners, operators, and others on board ships that generally prohibit garbage discharges, Part 170 also implements MARPOL Annex V requirements for ship owners and operators to manage their garbage appropriately. Failure to comply with the legal requirements outlined in this guidance could amount to an offence under the MTA or Resource Management Act 1991.

¹ [Part 131: Offshore Installations](#) – Oil Spill Contingency Plans, Oil Pollution Prevention Certification; Operations

² See [Marine Protection Rule Part 131](#) for requirements around discharge of garbage from offshore installations

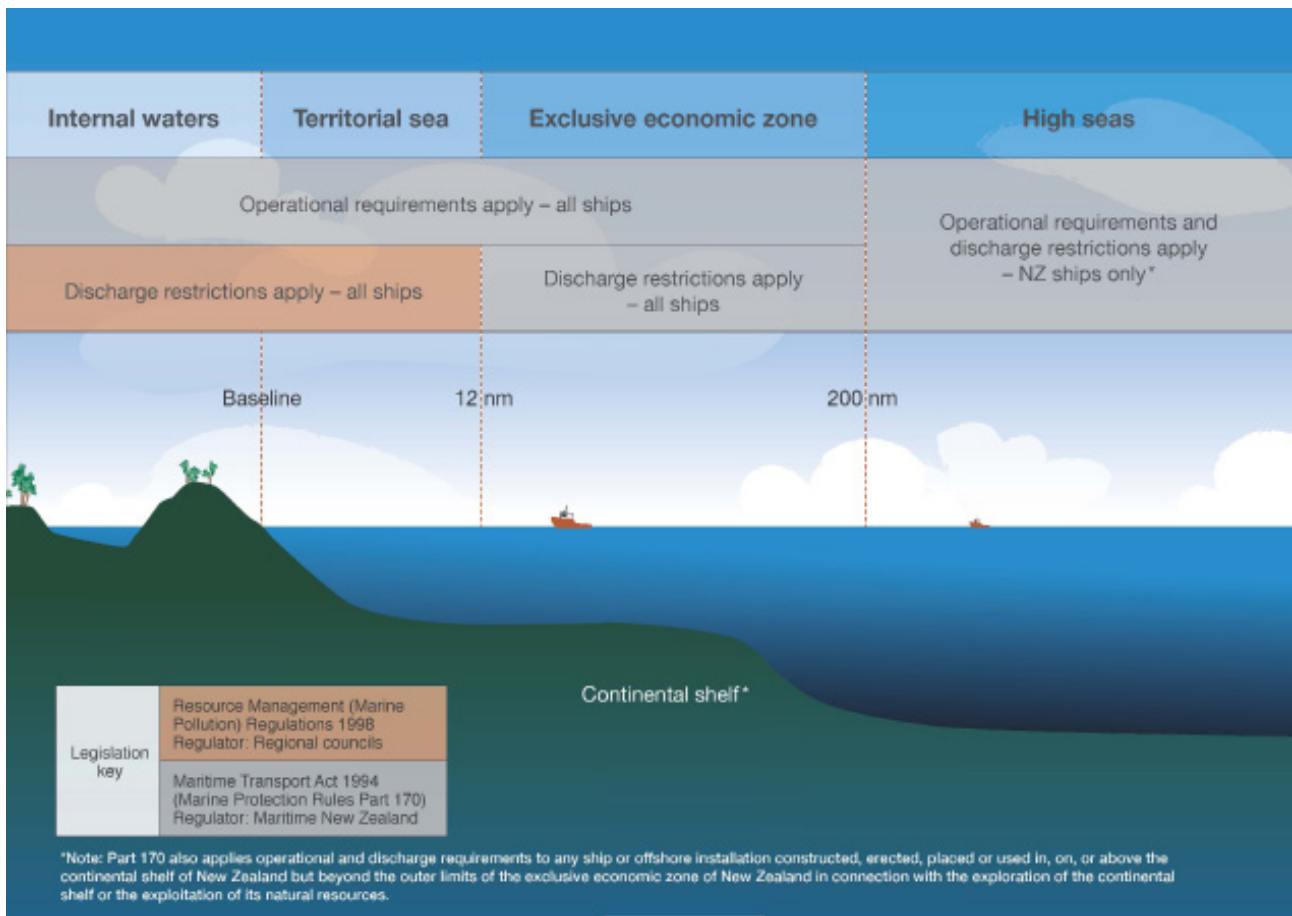


Figure 1: New Zealand's regulation of garbage pollution from ships in the marine environment.

1.3 Key terms

The following table includes definitions for key terms from Part 170 that are used in this guide.

Table 1: Key terms and definitions from Part 170

Term	Definition
Cargo residue	<p>The remnants of any cargo:</p> <ul style="list-style-type: none"> – which are not covered by any annex to MARPOL other than Annex V, and – which remain on the deck or in holds following loading or unloading (including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water;). <p>It does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship.</p>
Cooking oil	<p>Any type of edible oil or animal fat used, or intended to be used, for the preparation or cooking of food. It does not include the food that is prepared using this oil or fat.</p>
Discharge	<p>Includes any release, disposal, spilling, leaking, pumping, emitting, or emptying. Does not include:</p> <ol style="list-style-type: none"> a. dumping in accordance with a permit issued by the Director of Maritime New Zealand (the Director) under section 262 of the MTA b. the release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control
Domestic waste	<p>Any type of waste not covered by any annex to MARPOL other than Annex V that is generated in the accommodation spaces on board the ship. It does not include grey water.</p>
En route	<p>In relation to a ship, means that the ship is underway at sea on a course which, as far as practicable for navigational purposes, will cause any discharge from the ship to be spread over as great an area of the sea as is reasonable and practicable.</p>
Fast ice	<p>Sea ice which forms and remains fast along the coast, where it is attached to the shore, to an ice wall, to an ice front, between shoals or grounded icebergs.</p>
Fishing gear	<p>Any physical device, part of such device, or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms.</p>
Food waste	<p>Any spoiled or unspoiled food substance, and includes any fruit, vegetable, dairy product, poultry, meat product and food scraps generated aboard a ship.</p>

Term	Definition
Garbage	<p>Any of the following generated during normal operation of the ship and liable to be disposed of continuously or periodically:</p> <ul style="list-style-type: none"> – food waste (see separate entry for more information) – domestic waste (see separate entry for more information) – operational waste (see separate entry for more information) – plastic (see separate entry for more information) – cargo residue (see separate entry for more information) – incinerator ash (see separate entry for more information) – cooking oil (see separate entry for more information) – fishing gear (see separate entry for more information) – animal carcasses. <p>Garbage does not include:</p> <ul style="list-style-type: none"> – any substance that is defined or listed in any annex to MARPOL other than Annex V, or – fresh fish or parts of fresh fish generated as a result of: <ul style="list-style-type: none"> • fishing activity undertaken during a voyage; or • aquaculture activity that involves transport of fish, including shellfish, for placement in an aquaculture facility; and • transport of harvested fish, including shellfish, from aquaculture facilities to shore for processing.
Incinerator ash	Any ash and clinkers resulting from a shipboard incinerator used for the incineration of garbage.
New Zealand jurisdiction	<p>Means:</p> <ol style="list-style-type: none"> a. the internal waters of New Zealand, and b. the territorial sea of New Zealand, and c. the exclusive economic zone of New Zealand, and d. those waters under or about any ship or offshore installation constructed, erected, placed or used in, on or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources.

Term	Definition
Offshore installation	Has the same meaning as in section 222(1) of the MTA.
Operational waste	<p>Means:</p> <ul style="list-style-type: none"> – any solid waste (including slurry) not covered by any annex to MARPOL other than Annex V that is collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling; and – includes any cleaning agent or additive contained in cargo hold and external wash water. <p>It does not include any grey water, bilge water, or other similar discharges that are essential to the operation of a ship.</p>
Plastic	<p>A solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat or pressure or both. This includes synthetic rope, synthetic fishing net, plastic garbage bags, and incinerator ash from the incineration of plastic.</p>

1.4 More information

Local council boundaries and contact information: visit the Local Government NZ website [Ngā mahere me ngā paetukutuku kaunihera: Council websites and maps](#)

MARPOL Annex V: see the International Maritime Organization's website and, in particular, the webpage on [prevention of pollution by garbage from ships](#)

2.0 Discharge restrictions

In general, New Zealand law prohibits the discharge of any garbage from ships – except in some limited circumstances, as outlined in this section.

Part 170 discharge restrictions apply to you if you own or operate:

- a New Zealand ship (including warships and ships of the NZDF) outside of the coastal marine area (12 nautical miles), or
- a foreign flagged ship within New Zealand’s exclusive economic zone (200 nautical miles), or
- a foreign ship involved with the exploration or exploitation of the sea or the seabed beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand, or
- a New Zealand or foreign ship that is within 500m of an offshore installation within the exclusive economic zone or over the continental shelf of New Zealand.

Discharge requirements for special areas are stricter than the general requirements described in this section. More information about special areas is provided in section 4 of this guide.

Ships operating within the coastal marine area or territorial sea (12 nautical miles) should also refer to the relevant regional council(s) for information about garbage discharge restrictions and comply with the Resource Management (Marine Pollution) Regulations 1998.

2.1 Discharge types and restrictions

Table 2 below summarises common discharge types and their restrictions under Part 170. Certain types of discharges are strictly prohibited at all times, while other types may be discharged under limited circumstances or are not covered by Part 170 refer to Table 2.

Table 2: Summary of garbage discharge restrictions under Part 170.

Restriction	Discharge type
Prohibited – no discharge allowed	<ul style="list-style-type: none"> – plastics, including plastic garbage bags – synthetic rope – fishing gear – incinerator ashes – clinkers – cooking oil – floating dunnage – lining and packing materials – paper – rags – glass – metal – bottles – crockery – any other garbage similar to the above.
Conditional – discharge allowed under limited circumstances	<ul style="list-style-type: none"> – food waste – cargo residues – cleaning agents or additives – animal carcasses.
Not covered by Part 170	<ul style="list-style-type: none"> – grey water – bilge water – fish and shellfish (from fishing or aquaculture).

If you are discharging mixed garbage types (including garbage contaminated by another type) then the strictest possible requirements apply. For example, if you have plastic that is mixed with other waste, such as food waste, the whole mixture must be treated as plastic and cannot be discharged overboard.

2.2 Conditional discharges

You are able to discharge food waste, cargo residues, cleaning agents or additives, and animal carcasses overboard under certain conditions. These conditions will vary depending on the garbage type and your distance from shore – see Table 3 below. Generally, you are required to discharge when the ship is en route and as far as practicable from the nearest land, ice shelf, or fast ice. As good practice, also ensure that you:

- spread the discharge over as wide an area as possible,
- are in deep water (50 metres or more), and
- take into account the prevailing currents and tidal movement.

Table 3: Conditional discharges outside special areas³ (see [Part 170 Subpart A](#) for more detail)

Garbage type	Conditions
Food waste	<p>You may discharge food waste (other than near an offshore installation – see conditional discharges near offshore installations below), if:</p> <ul style="list-style-type: none"> – discharged while en route; and – discharged as far as is practicable, but at least 3 nautical miles, from the nearest land; and – the food waste has been passed through a grinder or comminuter (reduced to small fine particles – this will speed up degradation in the marine environment); and – the ground or comminuted food waste is able to be passed through a mesh screen with openings no larger than 25 mm. <p>OR:</p> <ul style="list-style-type: none"> – discharged while en route; and – discharged as far as is practicable, but at least 12 nautical miles, from the nearest land. <p>Note: Part 170.6(3) provides an exception to the requirement for the discharge of food waste to occur while a ship is en route, where the retention on board of the food waste presents an imminent health risk to the people on board.</p>
Cargo residues	<p>If you cannot recover cargo residue for unloading ashore, you may discharge it:</p> <ul style="list-style-type: none"> – while en route, and – as far as is practicable, but at least 12 nautical miles, from the nearest land. <p>The cargo residue must not be classified as harmful to the marine environment.</p>

³ See section 4 of this guide for a description of the special areas

Garbage type	Conditions
Cleaning agents or additives	You may discharge cleaning agents or additives contained in the cargo hold, deck, or external surfaces wash water as long as these are not classified as harmful to the marine environment.
Animal carcasses	<p>Animal carcasses may be discharged while en route and as far as possible from the nearest land. As good practice, you should:</p> <ul style="list-style-type: none"> – discharge at least 100 nautical miles from nearest land in the deepest water possible (50 metres or more), and – split, or otherwise treat, animal carcasses prior to discharge to facilitate sinking or dispersal. Treatment involves manually opening the thoracic and abdominal cavities, or passing the carcasses through equipment such as a comminuter, grinder, hogger, or mincer. <p>Ship owners and operators carrying live animal cargo consignments should refer in particular to section 2.12 of the IMO's 2017 guidelines for the implementation of MARPOL Annex V (pdf).</p> <p>Fish, including shellfish, carried on board as cargo that have died or been euthanised during the voyage are considered animal carcasses and should, to the extent practicable, be treated as outlined above. See also section 2.13 of the IMO's 2017 guidelines for the implementation of MARPOL Annex V (pdf).</p>

Conditional discharges near offshore installations

If you operate a ship within 500 metres of an offshore installation and within the exclusive economic zone of New Zealand or over the continental shelf of New Zealand, different conditions for discharging food waste apply (see [Part 170 Subpart B](#)). Food waste must be ground or comminuted (reduced to small fine particles) when discharged near offshore installations, and the resulting particles must be small enough to be passed through a mesh screen with openings no larger than 25 mm.

What does 'harmful to the marine environment' mean and how does it affect conditional discharges?

You must not discharge cargo residues, cleaning agents, or additives that are harmful to the marine environment. This prohibition applies even if the substance is entrained or mixed in wash water.

A **cargo residue** is harmful to the marine environment if the substance is any of the following:

- toxic to aquatic organisms
- carcinogenic, mutagenic, or reprotoxic (CMR)
- able to cause targeted toxicity to organs with repeated exposure
- a synthetic polymer, rubber, or plastic solid bulk cargo.

A **cleaning agent** or **additive** is harmful to the marine environment if the substance:

- is defined as a harmful substance under MARPOL Annex III, or
- contains any components which are known to be CMR.

Generally, if a cleaning agent has either of the following pictures displayed on its labelling then it is harmful to the marine environment and unsuitable for discharge overboard. If you are not sure, you can look at the product Safety Data Sheet (SDS) for more detailed information.



Products that have acute aquatic toxicity (Category 1) or chronic aquatic toxicity (Category 1 or 2) display this label and are marine pollutants.



Products that are CMR (among other harms) display this label.

You may choose to use any cleaning agent, but you must not discharge those that are harmful to the marine environment overboard. This includes when using cleaning agents to wash surfaces that drain over the side. You must retain all harmful wash water on board and discharge it to an onshore waste reception facility.

2.3 More information

Live animal cargo: Ship owners and operators carrying live animal cargo consignments should refer to section 2.12 of the [IMO's 2017 guidelines for the implementation of MARPOL Annex V \(pdf\)](#).

Discharge of fish carried on board as cargo: Refer to section 2.13 of the [IMO's 2017 guidelines for the implementation of MARPOL Annex V \(pdf\)](#).

Conditional discharges: For more information about what you can discharge outside special areas see [Subpart A and Subpart B of Part 170](#)

Cargo residues, cleaning agents or additives: For more information about those that are harmful to the marine environment see sections 1.7.4–1.7.6 and 3.2 of the [2017 Guidelines for the implementation of MARPOL Annex V \(pdf\)](#).

3.0 Operational requirements

In addition to prohibiting garbage discharges, Part 170 also applies certain operational requirements for managing garbage to:

- New Zealand ships (including warships or ships of the NZDF) in any location, including within the coastal marine area, and
- foreign flagged ships while they are operating within New Zealand’s jurisdiction.

This section also outlines the reporting requirements for garbage discharges, including the accidental loss or discharge of fishing gear.

3.1 Placards (signs)

If you own or operate a ship that is 12 metres or more in length, you must display placards (signs) notifying crew and passengers of the applicable garbage discharge requirements.

These signs should state the general garbage discharge prohibition set out in Part 170 and regulation 13 of the Resource Management (Marine Pollution) Regulations 1998 that are applicable to the ship, relevant restrictions for discharging garbage, and that non-compliance may result in penalties. Display placards (signs) in prominent places – such as in galley spaces, on the bridge, on the main deck, and in passenger accommodation – to inform people how to manage their waste on board.

Placards must be written in the working language of the ship’s crew and also in English⁴, and be relevant for the specific operating circumstances of the ship. For example, a placard that is suitable for a domestic fishing ship may not be suitable for a multinational passenger ship. Placards (signs) aimed at passengers should be simple and in a language that the passengers use.

See the appendix for example placards that may be appropriate for your ship. You can also order copies of garbage discharge prohibition stickers from Maritime NZ using [this form](#)

Note: these stickers will not be appropriate for every ship type and operation.

⁴ For foreign ships engaged in international trade, the placards must be written in the working language of the crew and in English, French, or Spanish – see Part 170.23(b).

3.2 Garbage management plans

You must carry on board an up-to-date garbage management plan if you operate a ship that is:

- 100 gross tonnes or more, or
- certified to carry 15 or more people.

The plan must include written procedures for minimising, collecting, storing, processing and disposing of garbage (including the use of garbage related onboard equipment). For some recommendations, see the headings below. The length of your plan will depend on the complexity of garbage handling on board the ship.

All persons on board must comply with the garbage management plan at all times. You must write the plan in both English and the working language of the crew⁵, who must be familiar with its content.

The plan must designate a crewmember responsible for carrying out the procedures. However, this person may be assisted by other crewmembers.

Waste minimisation

As part of your garbage management plan, aim to minimise the amount of garbage that you are generating. Minimising waste will make management easier and help to reduce your garbage handling costs.

You can do this in a number of ways, including:

- using supplies that come in bulk packaging and containers
- ensuring that your supplies have adequate shelf life once they are open
- using supplies that are in reusable or recyclable packaging or containers
- avoiding disposable cups, utensils, dishes, towels, rags and other convenience items whenever possible
- using permanent reusable coverings for cargo protection instead of disposable or recyclable plastic sheeting
- having stowage systems and methods that reuse dunnage, lining, and packaging materials.

Collecting and storing

You should base your garbage collection procedures on what you can discharge en route and what needs to stay on board for recycling, reuse or land-based disposal. This will reduce contamination and the amount of storage space required.

⁵ Foreign ships operating within New Zealand jurisdiction are only required to have a garbage management plan written in the working language of the crew – see Part 170.24(3).

To reduce the need for sorting after collection and to facilitate recycling, you can collect garbage in distinctively marked garbage receptacles such as drums, bins, cans, containers, bags, or wheelie bins. These should be secured in exposed areas and have a tight, fixed lid to prevent any loss or spillage. Bins should be placed throughout the ship in appropriate spaces – for example, the engine room, mess deck, wardroom, galley, and other living or working spaces. Make sure you advise your crew and passengers about what garbage type goes in which bin.

Assign crew responsibilities for emptying the bins and taking the garbage to the appropriate processing or storage locations. Garbage that can only be discharged at a port reception facility should be stored appropriately until it can be landed ashore. In all cases, store garbage in a way that avoids health and safety hazards.

Processing

If you have equipment on board for processing garbage – such as incinerators, compactors, or garbage disposal machines (comminuters or grinders) – you must detail how and when to use them in your garbage management plan. Ensure appropriate members of the crew are trained and assigned responsibility for operating the equipment on a schedule.

Before operating processing equipment, check compliance with any local rules. In some regions, special areas, or ports there may be additional local restrictions or you may need permission – for example, from the appropriate regional council or port authority – before operating a shipboard incinerator. Note that shipboard incineration must comply with MARPOL Annex VI and the Marine Protection Rules Part 199: Prevention of Air Pollution from Ships.

General considerations

When developing a garbage management plan, consider the following factors:

- type and size of ship
- area of operation (such as special area, distance from the nearest land, ice shelf, or fast ice)
- onboard garbage processing equipment
- onboard storage space for garbage
- number of crew and passengers
- voyage duration
- relevant regulations, including any local rules (for example, in special areas or ports of call)
- available port reception facilities for receiving garbage.

3.3 Garbage record books

You are required to maintain a garbage record book and keep it on board if you operate a ship that is:

- 400 gross tonnes or more, or
- certified to carry 15 or more people engaged in voyages to ports or offshore terminals under the jurisdiction of other countries signed up to MARPOL Annex V.

The garbage record book may be part of the logbook or be kept separate. However, it must be in the form specified in Appendix II of MARPOL Annex V, and be written in the working language of the crew and in English⁶. You must promptly record an entry in the garbage record book for each of the following:

- discharge of garbage into the sea
- discharge to a port facility, or to another ship
- incineration of garbage
- discharge or accidental loss of garbage, including fishing gear, as described in Part 170.4 general exceptions.

The master of the ship must sign each completed page of the garbage record book. When discharging garbage to shore reception facilities, you must obtain and keep receipts. If you are unable to obtain a receipt – for example due to the nature of the reception facility or the timing of the discharge – note this in your garbage record book. The owner of the ship must preserve the entire garbage record book, along with any receipts obtained from reception facilities, for 24 months after the last entry has been made or the date of the receipt.

3.4 Reporting garbage discharges

Under sections 227 and 228 of the MTA, both the owner and master of a ship have a duty to report to the Director of Maritime NZ any actual or probable garbage (or other harmful substance) discharge that breaches New Zealand's marine protection rules and regulations. **Reports must be submitted to Maritime NZ** by completing an incident form at maritimenz.govt.nz/report-online and:

- if the incident occurred within 12 nautical miles of New Zealand's coastline, the appropriate regional council (see lgz.govt.nz) or
- if the incident occurred beyond 12 nautical miles and within New Zealand's exclusive economic zone or extended continental shelf area, the Environmental Protection Authority (epa.govt.nz/contact-information).

⁶ For foreign ships engaged in international trade, entries in the garbage record book must be written in English, French, or Spanish and may also be in the official language of the state whose flag the ship is entitled to fly – see Part 170.25(3). For foreign ships engaged in trade other than international trade, entries must be written in English and may also be in the official language of the state whose flag the ship is entitled to fly – see Part 170.25(4).

Only one person (either the owner or master of the ship) needs to submit a report to fulfil this obligation.

If an incident involves a New Zealand ship and occurs beyond New Zealand jurisdiction, the master of the ship must report the incident to both Maritime NZ and the appropriate authority of the nearest state as soon as practicable.

What about accidental losses of fishing gear?

Part 170 and MARPOL Annex V require you to report any accidental loss or discharge of fishing gear (gear) that may pose a significant threat to the marine environment or navigation.

New Zealand ships must report fishing gear losses to Maritime NZ and, if operating overseas, the appropriate coastal state authority (see Part 170.21). Foreign ships operating within New Zealand jurisdiction must notify Maritime NZ of any gear losses as per your responsibilities under Regulation 10.6 of MARPOL Annex V. If the gear loss or discharge occurred within New Zealand's 12 nautical mile limit, you should also notify the appropriate regional council.

Reports should be submitted to Maritime NZ as soon as possible by completing an incident form at maritimenz.govt.nz/report-online You should include the following information:

- ship details (including the ship's name, IMO number and registration)
- contact details
- gear type (such as trawl net, set net, cray pot, bottom longline or dredge)
- description of location, including the latitude and longitude
- date and time of loss
- cause(s) of loss and the proposed mitigation to prevent further similar losses.

As a general guide, report the loss of any whole or large portions of fishing gear – you do not need to report every single lost hook. Be aware that there are penalties for failing to meet obligations to report lost fishing gear without a reasonable explanation.

Discharging fishing gear is a marine protection issue because plastic products (for example, nylon nets and line) are extremely persistent in the environment. Lost or abandoned fishing gear – known as 'ghost gear' – can continue to fish and trap animals, entangle and potentially kill marine life, smother habitat, and act as a hazard to navigation. Other impacts of marine plastic pollution include ingestion, transfer of invasive species and toxins, and beach fouling.

3.5 More information

Operational garbage management requirements: See the following sections of [Part 170 \(pdf\)](#)

New Zealand ships

- Placards see 170.18
- Garbage management plans see 170.19
- Garbage record books see 170.20
- Reporting accidental loss or discharge of fishing gear see 170.21

Foreign vessels

- Placards see 170.23
- Garbage management plans see 170.24
- Garbage record books see 170.25

Guidelines for the implementation of MARPOL Annex V: See [IMO's 2017 guidelines for the implementation of MARPOL Annex V \(pdf\)](#). In particular, for the following garbage management topics refer to:

- waste minimisation see section 2.1
- loss of fishing gear see section 2.2
- shipboard garbage handling see section 2.3
- collecting garbage see section 2.4
- processing of garbage see section 2.5
- storing garbage see section 2.6
- discharge of garbage see section 2.7
- shipboard equipment for processing garbage see section 2.8
- grinding or comminution see section 2.9
- compaction see section 2.10
- incineration see section 2.11
- sample placards see appendix

Shipboard incineration: [MARPOL Annex VI](#) and the [Marine Protection Rules Part 199: Prevention of Air Pollution from Ships](#).

Garbage management plans and record books: For more information, see the [IMO's 2017 guidelines for the implementation of MARPOL Annex V pdf](#) and [2012 guidelines for the development of garbage management plans](#).

4.0 Special areas and Arctic waters

Special areas have a higher level of protection under MARPOL Annex V due to their oceanographic and ecological condition as well as their particular character of sea traffic.

The MARPOL Annex V designated special areas are the:

- Mediterranean Sea area
- Baltic Sea area
- Black Sea area
- Red Sea area
- Middle Eastern Gulfs area
- North Sea area
- Wider Caribbean region (including the Gulf of Mexico and the Caribbean Sea)
- Antarctic area (sea area south of latitude 60 degrees south).

For the Antarctic and Arctic areas, the International Code for Ships operating in Polar Waters contains more restrictive discharge requirements. Chapter 3 of MARPOL Annex V makes the environment-related provisions of the Polar Code mandatory. The Polar Code requires ships that operate in polar waters of the Arctic and the Antarctic to apply for a Polar Ship Certificate.

Ships that operate primarily in special areas, Arctic waters, or within 3 nautical miles from the nearest land, ice shelf, or fast ice are greatly restricted in what they can discharge. For example, you must not discharge minced or ground food waste onto ice.

If you operate a ship within these areas, you should choose one of the following garbage management options⁷:

- storing either compacted or uncompact material for discharging at port reception facilities
- incineration with retention of ash and clinkers

The type of ship, expected volume of garbage, and type of garbage generated will help you to determine how suitable compaction, incineration, and storage options are for your operation.

⁷ See section 2.5.4 of [IMO 2017 guidelines for the implementation of MARPOL Annex V](#)

4.1 More information

Special area requirements: See the [IMO 2017 guidelines for the implementation of MARPOL Annex V \(pdf\)](#)

Exceptions to prohibition in respect of discharge in special areas: see [Part 170 Subpart C \(pdf\)](#)

Safety information and guidance for commercial and recreational ships operating in Polar waters: maritimenz.govt.nz/polarwaters

5.0 Garbage reception facilities

Ports should provide adequate facilities for receiving garbage without causing undue delays to ships. If these are not available, Maritime NZ may require port operators to provide reception facilities under section 444A of the MTA (see also maritimenz.govt.nz/part100)

Depending on a port's specific procedures and additional treatments (for example recycling), some port reception facilities may require the following types of garbage to be separated on board:

- food waste (for example animal-derived products and by-products, due to risk of animal diseases)
- cooking oil (animal-derived products and by-products, due to risk of disease)
- plastics
- domestic waste, operational waste, and recyclable or reusable material
- special items like medical waste, outdated flares and other pyrotechnics, and fumigation remnants
- animal waste including used bedding from the transport of live animals (due to risk of disease) but excluding drainage from any spaces containing living animals
- cargo residues
- e-waste such as electronic cards, gadgets, equipment, computers, printer cartridges.

If you come across inadequate port reception facilities, please notify Maritime NZ by emailing enquiries@maritimenz.govt.nz International operators are also encouraged to report inadequate port reception facilities to the International Maritime Organization.

6.0 Appendix

Example garbage discharge prohibition sticker text

NEW ZEALAND MARINE PROTECTION RULES*

DISCHARGE OF GARBAGE INTO THE SEA IS PROHIBITED
UNLESS IT MEETS THE FOLLOWING EXCEPTIONS

Garbage that cannot be retained on board for proper disposal ashore may only be discharged at sea as follows:

- ▶ The vessel is en route and as far from land as practicable:
 - ▶ Ground-up food waste is less than 25mm in diameter and the vessel is more than 3 nautical miles from land
 - ▶ Other food wastes may be discharged more than 12 nautical miles from land
 - ▶ Cargo residues may be discharged more than 12 nautical miles from land if they are not harmful to the marine environment**



Cleaning agents or additives in washing water may be discharged if they are not harmful to the marine environment.**

More stringent restrictions apply if you are operating in a Special Area such as the Antarctic Area below 60°S

FAILURE TO COMPLY WITH THESE RULES MAY RESULT IN PENALTIES

* Marine protection rules Part 170 give effect to Annex V of the MARPOL Convention 73/78
** Read more about substances that are harmful to the marine environment at www.maritimenz.govt.nz/rules/part-170/part170-advisory-circular-2013.asp

For more information maritimenz.govt.nz



Sample placard aimed at crew from the IMO 2017 guidelines for the implementation of MARPOL Annex V

Discharge of all garbage into the sea is prohibited except provided otherwise

The MARPOL Convention and domestic law prohibit the discharge of most garbage from ships. Only the following garbage types are allowed to be discharged and under the specified conditions.

Outside special areas designated under MARPOL Annex V and Arctic Waters:

- Comminuted or ground food wastes (capable of passing through a screen with openings no larger than 25 mm) may be discharged not less than 3 nautical miles from the nearest land.
- Other food wastes may be discharged not less than 12 nautical miles from the nearest land.
- Cargo residues classified as not harmful to the marine environment may be discharged not less than 12 nautical miles from the nearest land.
- Cleaning agents or additives in cargo hold, deck and external surfaces washing water may be discharged only if they are not harmful to the marine environment
- With the exception of discharging cleaning agents or additives that are not harmful to the marine environment and are contained in washing water, the ship must be en route and as far as practicable from the nearest land.

Within special areas designated under MARPOL Annex V and Arctic waters:

- More stringent discharge requirements apply for the discharges of food wastes and cargo residues; AND
- Consult MARPOL Annex V, chapter 5 of part II-A of the Polar Code and the shipboard garbage management plan for details.

For all areas of the sea, ships carrying specialised cargos such as live animals or solid bulk cargoes should consult Annex V and associated Guidelines for the Implementation of Annex V.

Discharge of any type of garbage must be entered in the Garbage Record Book.

Violation of these requirements may result in penalties.

Sample placard aimed at passengers from the IMO 2017 guidelines for the implementation of MARPOL Annex V

Discharge of all garbage into the sea is prohibited except provided otherwise

The MARPOL Convention and domestic law generally prohibit the discharge of most forms of garbage from ships into the sea.

Violation of these requirements may result in penalties.

All garbage is to be retained on board and placed in the bins provided.



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