

Marine Protection Rules

Part 142A – Documents (Certificates) – noxious liquid substances

MNZ Consolidation

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Part objective

The technical standards contained in the International Convention for the Prevention of Pollution from Ships, 1973/78 (MARPOL) are being incorporated into New Zealand law by means of marine protection rules. These rules enable New Zealand to be a party to the Convention.

Specifically, Part 142A is concerned with requirements, set out in regulations 11 and 12 of Annex II of MARPOL, for the standardised certification of ships carrying noxious liquid substances in bulk in international trade. Part 142A also includes standards for the certification of ships carrying noxious liquid substances in bulk not engaged in international trade.

Regulation 11 of Annex II requires state parties to the Convention to issue International Pollution Prevention Certificates for the Carriage of Noxious Liquid Substance in Bulk to their ships as evidence of their compliance with the pollution prevention equipment and survey requirements of MARPOL Annex II.

Part 142A sets out the requirements for the issue and retention of International Pollution Prevention Certificates for the Carriage of Noxious Liquid Substance in Bulk by New Zealand ships. International Pollution Prevention Certificates for the Carriage of Noxious Liquid Substance in Bulk are also established as marine protection documents under the Part.

In accordance with the Convention, Part 142A requires ships of other states party to MARPOL to hold International Pollution Prevention Certificates for the Carriage of Noxious Liquid Substance in Bulk while within New Zealand's jurisdiction. These foreign IPP Certificates are accepted in New Zealand and deemed to be marine protection documents under section 271 of the Maritime Transport Act 1994 so long as they meet the Convention standards.

Ships visiting New Zealand from countries not party to MARPOL are required by Part 142A to hold a certificate equivalent to an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substance in Bulk. Again these documents become marine protection documents once recognised by the Director under section 270 of the Maritime Transport Act 1994.

Part 142A applies to all New Zealand ships, warships and other ships of the New Zealand Defence Force, and to all foreign ships under New Zealand jurisdiction, that carry noxious liquid substances in bulk. Except, the requirements for foreign ships under Part 142A do not apply to chemical tankers surveyed and issued with certificates of fitness under the International Bulk Chemical Code or Bulk Chemical Code, as applicable.

The basis for Part 142A is found in sections 269, 270, 386 and 387 of the Maritime Transport Act 1994.

Maritime rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Disclaimer:

This document is the current consolidated version of Marine Protection Rules Part 142A produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of Part 142A

Part 142A first came into force on 20 August 1998 and now incorporates the following amendments:

Amendment	Effective date
Amendment 1	4 August 2008
Amendment 2	1 October 2010
Amendment 3	1 January 2015
Amendment 4	1 April 2015
Amendment 5	1 April 2015
Amendment 6	1 February 2018

Summary of amendments

Amendment 1

Marine Protection Amendment – MARPOL Annex 2 142A.7(1)(b), 142A.7(3), 142A.9(1)(b), 142A.7(3), Appendix

Amendment 2

Marine Protection Various Amendments 2010 142A.3(b)

Amendment 3

Marine Protection Rules Various Amendments 2014 142A.2, 142A.7

Amendment 4

Marine Protection Rules Various Amendments 2015 Part Objective

Amendment 5

Marine Protection Rules Various IMO-related Amendments 2015 142A.2

Amendment 6

Marine Protection Rules Various Amendments [Changes Related to Conventions] 2017 142A.2, 142.5

All signed rules can be found on our website.

Contents

General

142A.1	Entry into force	1
142A.2	Definitions	1

International Pollution Prevention Certificates for the carriage of noxious liquid substances in bulk – New Zealand ships

142A.3	Application and compliance dates	3
142A.4	Requirement to have certificate	3
142A.5	Issue, duration and renewal of an certificate	3

International Pollution Prevention Certificate for the carriage of noxious liquid substances in bulk – foreign ships registered in states party to MARPOL

142A.6	Application	5
142A.7	Requirement to have certificate	5

Noxious liquid substance pollution prevention documents – foreign ships registered in states not party to MARPOL

142A.8	Application	5
142A.9	Requirement to carry a noxious liquid substance pollution prevention document or fitness document	5

Appendix

Form of International Pollution Prevention Certificate - International Pollution Prevention Certificate for the carriage of noxious liquid substances in bulk	7
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General

142A.1 Entry into force

Part 142A shall come into force on the 28th day after the date of its notification in the *Gazette*.

142A.2 Definitions

In Part 142A—

Act means the Maritime Transport Act 1994:

administration means the Government of the state under whose authority a ship is operating or the Government of the state whose flag the ship is entitled to fly:

anniversary date means the day and month of each year which will correspond to the date of expiry of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk:

Antarctic area means the sea area south of latitude 60°S:

Arctic waters means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W:

authorised person means a person employed by a recognised organisation who has delegated powers from the Director to issue and suspend or to issue or to suspend certain marine protection documents under Part XXII of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Maritime Transport Act 1994:

Bulk Chemical Code or BCH Code mean the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the International Maritime Organization by Assembly resolution A.212(VII), as amended by that organisation from time to time:

chemical tanker means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in rule 121A.2 when carrying a cargo or part cargo of noxious liquid substances in bulk:

Director means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

foreign ship means any ship that is not a New Zealand ship:

International Bulk Chemical Code or IBC Code means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environmental Protection Committee of the International Maritime Organization by resolution MEPC.19(22), as amended by that organisation from time to time:

International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk means—

Marine Protection Rules

- (a) in respect of a New Zealand ship, the marine protection document in the form shown in the Appendix to Part 142A that is required under rule 142A.4 and issued pursuant to section 270 of the Maritime Transport Act 1994 and rule 142A.5; or
- (b) in respect of a foreign ship registered in a state party to MARPOL, the certificate shown in the Appendix to Part 142A that is required under rule 142A.7 and accepted as a marine protection document pursuant to section 271 of the Maritime Transport Act 1994 and rule 142A.7:

MARPOL means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol or amendment to, or revision of, that convention accepted or ratified by New Zealand:

master means any person (except a pilot) having command or charge of any ship:

New Zealand Defence Force has the same meaning as the term “Defence Force” in section 2(1) of the Defence Act 1990:

New Zealand jurisdiction means—

- (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:

New Zealand ship means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

noxious liquid substance pollution prevention document means the document required under rule 142A.9(1) certifying that a ship registered in a state not party to MARPOL complies with the applicable noxious liquid substance pollution prevention requirements of Annex II of MARPOL:

offshore installation or **installation** includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline:

owner in relation to any ship includes—

- (a) any person who is the legal or equitable owner, or both, of the ship; and
- (b) any person in possession of the ship; and includes any salvor in possession of the ship, and any servant or agent of any salvor in possession of the ship; and
- (c) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship:

Part means a group of rules made under the Maritime Transport Act 1994:

Polar Code means the environment-related provisions in the Introduction, and all of Part II-A, of the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organization:

polar waters means any of the following:

- (a) Arctic waters:
- (b) the Antarctic area:

recognised organisation means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code), governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules:

rules includes maritime rules and marine protection rules:

ship carrying noxious liquid substances in bulk means a ship carrying any noxious liquid substance as defined in rule 140.2 in its cargo spaces without any form of intermediate containment or packaging:

surveyor means a surveyor—

- (a) employed by a recognised organisation; or
- (b) holding a valid marine protection document as a surveyor issued under section 270 of the Maritime Transport Act 1994.

International Pollution Prevention Certificates for the carriage of noxious liquid substances in bulk – New Zealand ships

142A.3 Application and compliance dates

- (1) Except as provided in rule 142A.3(2), rules 142A.4 and 142A.5 apply to—
 - (a) every New Zealand ship carrying noxious liquid substances in bulk; and
 - (b) every New Zealand Defence Force ship, including warships, carrying noxious liquid substances in bulk.
- (2) Rules 142A.4 and 142A.5 do not apply to chemical tankers which have been surveyed and certificated in accordance with the provisions of rules 46.9 and 46.11(6).
- (3)
 - (a) Subject to rule 142A.3(3)(b), compliance with rules 142A.4 and 142A.5 is not required until six months after the date on which Part 142A enters into force.
 - (b) In respect of any ship referred to in rule 142A.3(1) that does not make an international voyage compliance with rules 142A.4 and 142A.5 is not required until twenty four months after the date on which Part 142A enters into force.
- (4) Where a rule in Part 142A places an obligation on the master of any New Zealand ship, the same obligation will apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.

142A.4 Requirement to have certificate

- (1) The owner and the master of any ship to which this rule applies must ensure that a valid International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk is held in respect of the ship.
- (2) The owner and the master of any ship to which this rule applies must ensure that the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk is—
 - (a) carried on board the ship at all times; and
 - (b) made readily available for inspection by the Director.

142A.5 Issue, duration and renewal of a certificate

- (1) If the owner of a ship to which this rule applies makes an application under section 269 of the Act for an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk in respect of the ship, and the Director (if the application is made to the Director) or an authorised person (if application is made to that person) is satisfied that—
 - (a) the ship has undergone an initial or periodical survey in accordance with Part 101B to the satisfaction of the surveyor; and
 - (b) the ship meets the applicable requirements of Parts 141 and 142B;the Director (if application is made to the Director) or the authorised person (if application is made to that person) must issue or renew for that ship an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
- (2) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued to a New Zealand ship must be in the form shown in the Appendix.
- (3) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk is valid for a period specified by the Director where the certificate is issued by the Director, or valid for a period specified by an authorised person where the certificate is issued by that person, up to, in either case, a maximum period of five years from the date of issue, provided that—
 - (a) if a renewal survey is completed—

- (i) within three months before the expiry date of the existing certificate, the new certificate will be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate; and
 - (ii) after the expiry date of the existing certificate, the new certificate will be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate; and
 - (iii) more than three months before the expiry date of the existing certificate, the new certificate will be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.
- (b) If an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk is issued to a New Zealand ship for a period of less than five years, the Director or an authorised person may extend the validity of the certificate beyond the expiry date to the maximum five year period, provided that the surveys referred to in rule 101B.4 are carried out as appropriate.
- (c) If a renewal survey has been completed and a new International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk cannot be issued or placed on board a New Zealand ship before the expiry date of the existing certificate, the Director or authorised person may endorse the existing certificate, and that certificate is to be accepted as valid for a further period which must not exceed five months from the expiry date.
- (d) If a New Zealand ship, at the time when an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under rule 123A.5(1) expires, is not in a port in which it is to be surveyed, the Director, or an authorised person, may extend the period of validity of that certificate, provided that the extension—
- (i) is only granted for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so; and
 - (ii) is not granted for a period exceeding three months; and
 - (iii) shall not entitle a ship, on its arrival in the port in which it is to be surveyed, to be entitled by virtue of such extension to leave the port without having a new certificate.

When the renewal survey is completed, the new International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk will be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

- (e) If an annual or intermediate survey is completed before the period specified in rule 101B.4(1), then—
- (i) the anniversary date shown on the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk must be amended by endorsement to a date which must not be more than three months later than the date on which the survey was completed; and
 - (ii) the subsequent annual or intermediate survey required by rule 101B.4(1) must be completed at the intervals prescribed by that rule using the new anniversary date; and
 - (iii) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by rule 101B.4(1) are not exceeded.
- (4) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk is subject to the following conditions—
- (a) no significant alterations may be made to the construction, equipment, systems, fittings, arrangements or material required in the ship under Part 141 without the approval of a

Marine Protection Rules

- surveyor in accordance with rule 101B.6(3), except the direct replacement of such equipment and fittings; and
- (b) satisfactory completion of annual and intermediate surveys required in respect of the ship by Part 101B; and
 - (c) the ship carries on board the Cargo Record Book and approved *Procedures and Arrangements Manual* required to be carried by Part 142B.
- (5) The Director may identify the operation in polar waters in the Form of the Certificate in the Appendix in accordance with paragraph 2.1.3 of Chapter 2 of the Polar Code.

International Pollution Prevention Certificate for the carriage of noxious liquid substances in bulk – foreign ships registered in states party to MARPOL

142A.6 Application

Rule 142A.7 applies to every foreign ship carrying noxious liquid substances in bulk that is—

- (a) within New Zealand jurisdiction; and
- (b) registered in a state party to MARPOL.

142A.7 Requirement to have certificate

- (1) Subject to rule 142A.7(2), the owner and the master of any ship to which this rule applies must ensure that—
 - (a) a valid International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued by or on behalf of the state the ship is registered in is held in respect of the ship; and
 - (b) if the language of the ship's International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk is neither English, French, nor Spanish the text includes a translation into one of these languages.
- (2) The requirements of rule 142A.7(1) do not apply to any chemical tanker which has been surveyed and issued with a Certificate of Fitness under the provisions of the *International Bulk Chemical Code* or the *Bulk Chemical Code*, as applicable.
- (3) The owner and the master of any chemical tanker referred to in rule 142A.7(2), must ensure that if the language of the tanker's Certificate of Fitness is neither English, French, nor Spanish, the text includes a translation into one of these languages.
- (4) The owner and the master of any ship to which this rule applies must ensure that the ship's International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk or Certificate of Fitness, as applicable, is—
 - (a) carried on board the ship at all times; and
 - (b) made readily available for inspection by the Director.

Noxious liquid substance pollution prevention documents – foreign ships registered in states not party to MARPOL

142A.8 Application

Rule 142A.9 applies to every foreign ship carrying noxious liquid substances in bulk that is—

- (a) within New Zealand jurisdiction; and
- (b) registered in a state not party to MARPOL.

142A.9 Requirement to carry a noxious liquid substance pollution prevention document or fitness document

- (1) Subject to rule 142A.9(2), the owner and the master of any ship to which this rule applies must ensure that—

Part 142A: Documents (Certificates) – noxious liquid substances

- (a) a valid noxious liquid substance pollution prevention document that has been recognised as a marine protection document under section 270 of the Act is held in respect of the ship; and
 - (b) if the language of the noxious liquid substance pollution prevention document is neither English, French, nor Spanish the text includes a translation into one of these languages.
- (2) The requirements of rule 142A.9(1) do not apply to any chemical tanker which has been surveyed and issued with a document of fitness of a standard equivalent to that contained in the *International Bulk Chemical Code* or the *Bulk Chemical Code*, as applicable.
- (3) The owner and the master of any chemical tanker referred to in rule 142A.9(2), must ensure that if the language of the tanker's document of fitness is neither English, French, nor Spanish the text includes a translation into one of these languages.
- (4) The owner and the master of any ship to which this rule applies must ensure that the ship's noxious liquid substance pollution prevention document or document of fitness, as applicable, is—
- (a) carried on board the ship at all times; and
 - (b) made readily available for inspection by the Director.

Appendix

FORM OF INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the country)

By.....
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship

Name of ship.....

Distinctive number of letters.....

IMO Number.....

Port of registry.....

Gross Tonnage.....

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with regulation 8 of Annex II of the Convention.
- 2 That the survey showed that the structure, equipment, systems, fitting, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex II of the Convention.
- 3 That the ship has been provided with a Procedures and Arrangements Manual as required by regulation 14 of Annex II of the Convention, and that the arrangements and equipment of the ship prescribed in the Manual are in all respects satisfactory.
- 4 That the ship complies with the requirements of Annex II to MARPOL 73/78 for the carriage in bulk of the following Noxious Liquid Substances, provided that all relevant provisions of Annex II are observed.

Part 142A: Documents (Certificates) – noxious liquid substances

Noxious Liquid Substances	Conditions of carriage (tank numbers etc.)	Pollution category
Continued on additional signed and dated sheets		

This certificate is valid until (dd/mm/yyyy): subject to surveys in accordance with regulation 8 of Annex II of the Convention.

Completion date of the survey on which this certificate is based (dd/mm/yyyy):.....

Issued at:.....

(Place of issue of certificate)

(dd/mm/yyyy) :.....

(Date of issue)

.....

(Signature of authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that, at a survey required by regulation 8 of Annex II of the Convention, the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH REGULATION 10.8.3

THIS IS TO CERTIFY that, at an annual/intermediate survey in accordance with regulation 10.8.3 of Annex II of the Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION 10.3 APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 10.3 of Annex II of the Convention, be accepted as valid until (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 10.4 APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 10.4 of Annex II of the Convention, be accepted as valid until (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 10.5 OR 10.6 APPLIES

This Certificate shall, in accordance with regulation 10.5 or 10.6 of Annex II of the Convention, be accepted as valid until (dd/mm/yyyy):.....

Signed:.....
(Signature of authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE REGULATION 10.8 APPLIES

In accordance with regulation 10.8 of Annex II of the Convention, the new anniversary date is (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation 10.8 of Annex II of the Convention, the new anniversary date is (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....
Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)