

## Training on EU Maritime Legislation for Newcomers

### Directive 2000/59/EC

Port reception facilities for ship generated waste and cargo residues




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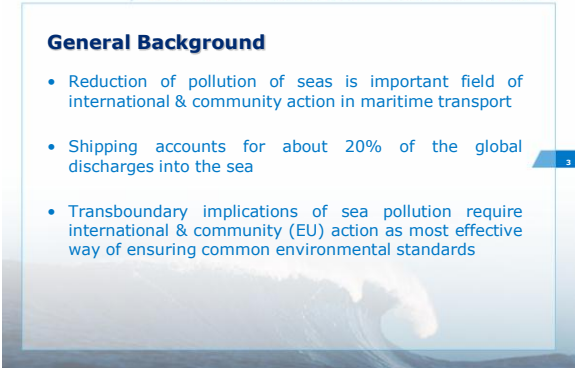
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## General Background

- Reduction of pollution of seas is important field of international & community action in maritime transport
- Shipping accounts for about 20% of the global discharges into the sea
- Transboundary implications of sea pollution require international & community (EU) action as most effective way of ensuring common environmental standards




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## Impact of ship generated waste

What can come from a ship and end up in the sea?

Non-exhaustive examples of ship generated waste (SGR) & cargo residues (CR)

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|--|---|--|--|
| <b>Oily waste:</b>   | <b>Liquid waste:</b>  | <b>Cargo residues:</b>   | <b>Garbage:</b>  |
| <ul style="list-style-type: none"> <li>- Bilge</li> <li>- Sludge/oily sediments from engine area</li> <li>- Waste oil</li> <li>- Polluted ballast water</li> <li>- Stop &amp; oily tank washing</li> </ul> | <ul style="list-style-type: none"> <li>- Sewage (lavatories, kitchen areas)</li> <li>- Pool water</li> <li>- Waste water</li> </ul> | <ul style="list-style-type: none"> <li>- Solid bulk cargo residues from changing cargo</li> <li>- Liquid bulk cargo residues noxious or not</li> </ul> | <ul style="list-style-type: none"> <li>- Food waste</li> <li>- Plastics</li> <li>- Paper Rags</li> <li>- Glass</li> <li>- Metal</li> <li>- Bottles</li> <li>- Cooking oil</li> <li>- Animal carcasses</li> <li>- Cleaning additives</li> <li>- Packaging</li> <li>- Paint</li> </ul> |

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## Impact of ship generated waste

- oily waste, sludge, bilges



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## Impact of ship generated waste

- sewage



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## Impact of ship generated waste

- garbage



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## Impact of ship generated waste

- garbage



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## International & EU action

- SG IMO Mitropoulos at 27<sup>th</sup> IMO Assembly (Nov. 2011):  
"I thank you for enabling me to live the dream: that of an Organization capable of making decisions by consensus and delivering on its mandate in the service of safety of life at sea, maritime security, efficiency of navigation and protection and preservation of the marine environment."
- Commission VP responsible for Transport Kallas at EU Maritime Day (May 2011):  
"Waterborne transport is rightfully recognised to be one of the most environmentally friendly modes of transport. But resting on this comfortable position is not a future-safe option; we have to further improve its environmental footprint. Especially in sensitive maritime areas (...)"

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## International & EU action

- **MARPOL 73/78**

International Convention for the Protection of Pollution from Ships, 1973, as modified by the Protocol 1978

- **Directive 2000/59/EC**

On port reception facilities for ship-generated waste and cargo residues

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## International Legal Basis – MARPOL 73/78

- **MARPOL 73/78:**

International Convention for the Protection of Pollution from Ships, 1973, as modified by the Protocol of 1978:

- Defines harmful substances & effluents which can be discharged in the sea and the conditions thereto;
- Imposes obligation to parties to provide facilities for reception of SGR waste that cannot be discharged into the sea;
- Requires that reception facilities must be *adequate* to meet the needs of ships using the port, *without causing undue delay to ships*.
- The provision of port reception facilities should *create an incentive* for ships to minimize discharges to the sea.

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## International Legal Basis – MARPOL 73/78

The relevant MARPOL Annexes relevant for the provision of port reception facilities are:

- MARPOL Annex I (= oily waste: e.g. sludge, bilges)
- MARPOL Annex II (= noxious liquid substances in bulk)
- MARPOL Annex IV (= sewage; Annex recently revised)
- MARPOL Annex V (= garbage; Annex recently revised)
- MARPOL Annex VI (= ozon depleting substances - air emissions from ships)

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(Annex III – harmful substances carried by sea in packaged form – is not really relevant for PRF)

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## EU Legal Basis – Directive 2000/59/EC

### • Article 1 – Purpose

- aims at reducing discharges of ship-generated waste & cargo residues into the sea, especially illegal discharges, from ships using the EU ports;
- aims at improving the availability and use of PRF for ship-generated waste and cargo residues and;

> supplements MARPOL 73/78 (= ratified by all EU MS):

- > MARPOL describes what and when can be discharged at sea;
- > Directive obliges ships to deliver waste while in EU ports.

## EU Legal Basis – Directive 2000/59/EC

### • Article 2 – Definitions

To ensure a harmonized interpretation/implementation the Directive follows MARPOL 73/78 classification of waste:

#### Ship generated waste

All waste, including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, IV and V to MARPOL 73/78 and cargo associated wastes defined in the guidelines for implementation of Annex V to MARPOL 73/78

## EU Legal Basis – Directive 2000/59/EC

### • Article 2 – Definitions

#### Cargo residues

The remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed, and shall include loading/unloading excesses and spillage

#### Port reception facility

Any facility which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues

To ensure a harmonized interpretation/implementation the Directive follows MARPOL 73/78 classification of waste

## EU Legal Basis – Directive 2000/59/EC

### • Article 3 – Scope

The Directive shall apply to:

- **All ships, including fishing vessels and recreational craft** (exception for war ships, naval auxiliary and other ship owned or operated by the State and used for non-commercial service)
- **All ports** of the Member States normally visited by these ships

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## EU legal basis - Directive 2000/59/EC

### • Main aspects of the Directive

MANAGEMENT	<ul style="list-style-type: none"> <li>- Waste reception and handling plans</li> <li>- Cost recovery systems</li> </ul>
OPERATION	<ul style="list-style-type: none"> <li>- Obligation on Ports to provide adequate PRF</li> <li>- Obligation on ships to deliver their waste</li> <li>- Pre-arrival notification</li> </ul>
ENFORCEMENT & MONITORING	<ul style="list-style-type: none"> <li>- Inspections</li> <li>- Penalties</li> <li>- Information and monitoring system</li> </ul>

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## EU legal basis - Directive 2000/59/EC

### Main aspects of the Directive

The Directive addresses the issues at three levels:

- I. Requirements on port States to provide and manage adequate port reception facilities
- II. Obligation on ships to use these facilities
- III. A regime of effective control of compliance

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## EU Legal Basis - Directive 2000/59/EC

### • Port State Obligations

1. Member States have to ensure the **availability** of port reception facilities **adequate** to meet the needs of ships normally using the port without causing undue delay to ships (Art. 4)
2. Ports have to and maintain develop **waste reception and handling plans** (Art. 5)
3. The costs of port reception facilities shall be covered through the collection of a fee from ships (**polluter pays principle**); these costs shall include also the treatment and disposal of the waste (Art. 8)

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## EU Legal Basis – Directive 2000/59/EC

### • Port State Obligations: Port reception facilities (Art. 4)

Obligation for MS to ensure **availability** of port reception facilities **adequate** to meet the needs of ships **normally using the port** without causing undue delay to ships

**Adequate** = capable of receiving the types/quantities of SGW and CR from ships normally using that port, taking into account the operational needs of the users of the port, and the type of ships calling at that port

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## A few examples of PRF



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## EU Legal Basis - Directive 2000/59/EC

- Port State Obligations: Waste reception & handling plans (Art. 5)
- Develop and implement an appropriate plan for each port following consultations with relevant parties, in particular with port users or their representatives
- MS to evaluate and approve the plans, monitor its implementation and ensure re-approval every three years
- **Annex I** : mandatory requirements for WRH plans:
  - Assessments of the need of PRF
  - Description of the type and capacity of the PRF
  - Detailed description of the procedures for reception and collection
  - Description of the charging system
  - Procedures for alleged inadequacies
  - Procedures for ongoing consultation

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Port of Antwerp International

Services Coastal shipping Customs The Company

Ship-generated Waste Management Plan

PPA SA has elaborated and implemented a Ship-generated Waste Management Plan, in line with the European Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues, as endorsed in Greek Legislation, as well as according to the International Convention Marpol 73/78 for the Prevention of Pollution from Ships.

Through the implementation of this Plan, PPA SA aims at the reduction of discharges into the sea and especially the illegal discharges of ship-generated waste and cargo residues from ships calling at European ports, by improving the availability and use of port reception facilities, thereby enhancing the protection of the marine environment.

PPA SA Ship-generated Waste Management Plan applies to all ships, calling at PPA SA port area, irrespective of the flag they fly. According to this Plan, PPA SA provides port reception facilities, adequate to meet the needs of all kind of ships that normally call at PPA SA port area, without causing them undue delay.

PPA SA, while designing its port reception facilities, takes into consideration the type of ships that normally call at its port area, their operating needs and estimates both the type and amount of waste and cargo residues they generate, in order to ensure the adequacy of the PPA SA port reception facilities.

In the PPA SA Ship-generated Waste Management Plan, waste and cargo residues are categorized according to the International Convention Marpol 73/78, as follows:

- Annex I: Oil waste
- Annex II: Noxious liquid substances carried in bulk
- Annex III: Harmful substances carried in packaged form
- Annex IV: Sewage
- Annex V: Garbage
- Annex VI: Air conditioning substances

PPA SA provides port reception facilities for all the above-mentioned types of waste and cargo residues, according to the PPA SA Ship-generated Waste Management Plan.

According to this Plan, the ship-generated waste management is divided in:

- Liquid waste management
- Solid waste management

Liquid waste is:

- City waste (Annex I): including crude oil, fuel oil, sludge and oil refined products, other than petrochemicals, vegetable and animal oil. City waste can also be divided in:
  - City waste generated in the engine department of any type of ship, including used lubricating oil, fuel residues, sludge and oily ship waste.
  - City waste generated in ship tanks, including oil cargo residues, oily tank washings, oily ballast water etc.

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## Port Handbook

### Waste management

#### Port Handbook

Procedures  
Regulations  
Security  
AIS-network  
Port glossary  
APCS 2

#### Waste management

The fastest route to Europe  
Focus on the port  
Who is Who  
Jobs in the port  
Port of Antwerp International  
News and events  
Port Handbook



#### Documents waste management

Here you can find the various publications on waste management of the Antwerp Port Authority.

Waste management plan port of Antwerp 2009 - 2012

Brochure on waste management vessels - 2010-2012

Authorized port reception facilities at the port of Antwerp with tariffs

NL EN 中文  
Back to homepage



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## EU Legal Basis - Directive 2000/59/EC

- Obligations on ships

1. Obligation to notify (Master/ship agent) – Art. 6
  - notification form (Annex II)
  - 24 hours prior to arrival
  - form to be kept on board at least until next port of call
2. Mandatory delivery for all ship-generated waste – Art. 7
  - Except: when sufficient dedicated storage capacity on-board

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## EU Legal Basis - Directive 2000/59/EC

- Obligations on ships

3. Exemptions for ships (Art. 9) which are:
  - Engaged in scheduled traffic with frequent and regular port calls, and
  - there is sufficient evidence of an arrangement to ensure the delivery of ship generated waste, and
  - Payment of fees in a port along the ship's route

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⇒ Member State of the ports involved may **exempt** these ships from the obligations of **notification, delivery of waste** and **fees** for ship-generated waste

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## EU Legal Basis - Directive 2000/59/EC

- Enforcement (Art. 11)

- MS shall ensure that **any ship** may be subject to an inspection
- Particular attention has to be given to ships which have:
  - not complied with the notification; or
  - notified suspicious information
- Inspections may be undertaken within the framework of Port State Control when applicable
- Whatever the framework of the inspections, the 25% inspection requirement shall apply

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## EU Legal Basis - Directive 2000/59/EC

- Enforcement (Art. 11)

Member States shall establish **procedures**, to the extent required, for **fishing vessels and recreational crafts** authorised to carry no more than 12 passengers to ensure compliance with the applicable requirements

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## IMO activities in the field of PRF

- IMO comprehensive manual on PRF
  - issued in 1999
  - updated in 2010
- IMO Guidelines for ensuring the adequacy of PRF - 2000
- IMO Guide to good practice for PRF providers & users -2009
  - guidance and reference to good practices related to use and provision of PRF
  - list of applicable regulations and guidelines
- Port Reception Facility Database (PRFD) as module of the IMO Global Integrated Shipping Information System (GISIS) including practical information on PRF (location, facilities) & identify + report alleged inadequacies of PRF.

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## IMO activities in the field of PRF

2006 Action Plan on tackling the inadequacy of PRF (MEPC 55)

- Developed by FSI sub-committee based on input of Industry Port Reception Facilities Forum
- 13 work items in 6 focus areas:
  - Reporting (advance notification form + receipt)
  - Information on port reception facilities (GISIS)
  - Equipment and technology (ship to shore transfer)
  - Types and amounts of waste
  - Regulatory matters (regional arrangements for PRF)
  - Technical cooperation and assistance
- Work completed in 2010

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### EMSA activities related to port reception facilities

Assisting the European Commission in monitoring the implementation of the Directive.

- **Reporting tasks** (notes and reports) such as on:
  - The impact of the variety of cost recovery systems in the Community;
  - Assessment of 160 waste management plans
  - Recommend common criteria for ports to grant reduced fee for 'green ships'
  - Fees exemptions



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### EMSA activities related to port reception facilities

- Inspection visits to Member States:
  - assessment of legal + practical implementation of Directive (final evaluation: COM)
  - central administration and/or regional, PA, terminals, ship operators, ...
  - ports (2 to 4 according to the size of the Member State)
  - report: to visited MS (individually) and COM
- Develop an information and monitoring system to identify ships which have not delivered their ship-generated waste and cargo residues

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### EMSA activities related to port reception facilities



- Horizontal Assessment on implementation of PRF Directive in EU
- Workshops and technical meetings with MS and industry on different aspects of the Directive
- Outsourced studies (2005: Availability & use of PRF, 2011: SGW and CR)

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## What is the outcome of EU legislation after ten years of implementation?

- Monitoring in 22 Member-states (2007-2010)
  - Trends give indication that implementation of Directive has improved PRF system operations in MS ports
  - PRF are in general available in EU ports
  - The volume of waste delivered in EU ports has increased with the implementation of the Directive
  - Waste management in ports has improved, leading to reduced quantities of waste being discharged at sea

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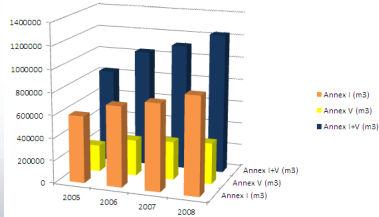
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### What is the outcome of EU legislation after ten years of implementation?

- Monitoring in 22 Member-states (2007-2010)



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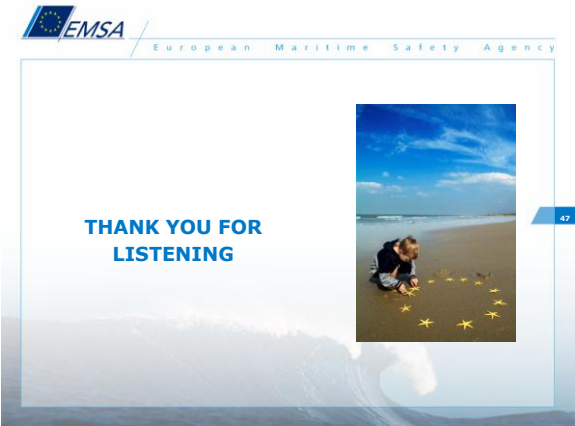
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