



European Maritime Safety Agency

WORKSHOP REPORT

**EMSA workshop on Port Reception
Facilities for ship-generated
waste and cargo residues**

**13 & 14 April 2011
Lisbon**

Table of contents:

I	Introduction	3
II	Workshop objectives	3
III	Workshop programme	4
IV	Workshop summary	4
	Annex 1 – List of participants	8
	Annex 2 – Agenda of the Workshop	9

I. Introduction

In 2005, the Commission, with the assistance of the European Maritime Safety Agency (EMSA), started a broad evaluation of the implementation of the Directive and an assessment of the implementation of the waste reception and handling plans (article 5 of the Directive). This exercise was followed by visits to all coastal EU Member States, covering the whole Directive. This cycle of visits, carried out by EMSA on behalf of the European Commission, not only identified shortcomings in the implementation of the Directive, but also indicated the existence of best practices applied by Member States, ports, operators and shipping companies.

In 2010 EMSA also undertook a Horizontal Analysis, based upon the inspection visits. The Horizontal Analysis aims to provide information to the European Commission on the level of implementation of the PRF Directive by the Member States and other entities. It also identifies, where possible, practices or actions that can help Member States implement the legislation and remedy identified problems. It may also provide indications regarding the functioning and effectiveness of the legislation and the possible need for amendments.

The variety of interpretation of the provisions and obligations of the Directive, the repeated calls from stakeholders to provide guidance and clarification as well as to simplify procedures in line with the work of the International Maritime Organization and the development of modern monitoring systems at EU level, clearly confirmed a need to discuss current practices and exchange views with Member States regarding the possible ways forward, especially in the light of the upcoming review of the Directive. Against this background and following a request from the Commission, EMSA organized a Workshop on 13 and 14 April 2011.

II. Workshop objectives

The overall objectives of the workshop were to present and discuss:

- the upcoming review of Directive 2000/59/EC, including the proposed process and an indication of the timetable;
- issues identified in EMSA's analysis on the findings in relation to the Directive for port reception facilities for ship-generated waste and cargo residues;
- practices applied by the industry (ship as well as shore side) regarding the delivery, reception and handling of the different types of cargo residues, including the practicalities and problems encountered;
- possible ways forward to improve the implementation of the Directive, focussing on the key issues;

and to

- identify possible elements that could be considered during the upcoming review of Directive 2000/59/EC;

- exchange technical views and information between Member States, also aiming to inform the European Commission.

III. Workshop programme

The EMSA Workshop on Port Reception Facilities (PRF) was chaired by Mr Henrik Ringbom, Head of Unit B.3 (Marine Environment, Training and Statistics), who in his introduction referred to the informative character of the meeting, providing a forum for member States to exchange views and ideas on the implementation of the Directive, and on possible ways forward in the light of its upcoming review.

The workshop was attended by 18 delegations of the 22 coastal EU Member States, plus Norway and Iceland. The list of participants is provided in Annex 1 to this report.

The European Commission was represented on the first day (13 April) by Mr Jesus Bonet (DG MOVE), who also gave a presentation on "How to proceed with the review of the Directive." In his presentation, Mr Bonet gave an overview of the current level of implementation in the EU, the main objective of the review, including a timeframe, and the topics to focus on.

After a general introduction to the horizontal assessment process by Mr Jacob Terling (Head of Horizontal Assessment (EMSA Department B)), the following key issues, identified in that assessment, were discussed during the first day: the Waste Reception and Handling (WRH) Plans, the cost recovery systems, and the complex issue of information, monitoring and enforcement. Every key issue was introduced by an EMSA-presentation on the outcome of the Horizontal Analysis for the issue, including some points for discussion.

On the last set of issues, a representative from the Antwerp Port Authority presented the views and experiences with the notification, monitoring and information system for ship-generated waste and cargo residues, currently applied in the port of Antwerp.

The first day was concluded with a more general discussion on other PRF-related issues (exemptions, adequacy of PRF, etc.).

The second day of the workshop focussed specifically on the delivery and reception of cargo residues. Representatives from ECSA, OCIMF and the Dry Bulk Terminals Group (DBTG) were invited to inform the Member States about current practices and experiences encountered by the industry.

The agenda of the workshop is provided in Annex 2 to this report.

IV. Workshop summary

The sections below present the exchange of views on the main issues, according to the agenda topics. It is not the aim to draw firm conclusions, in particular as it should also be emphasized that not all Member States were present.

Waste Reception and Handling Plans

Some Member States mentioned that they did not have many problems regarding the development and approval of WRH Plans for commercial ports, but that they did experience some difficulties when developing plans for smaller ports, in particular fishing harbours and marinas. Several Member States shared the view that there is a need for a more harmonized interpretation of certain issues, and therefore suggested to develop guidance in order to clarify them.

In general, a majority of the Member States seemed to be in favour of introducing a distinction between the requirements imposed on “bigger” ports and the ones on “smaller” ports.

In particular for fishing harbours and marinas, most Member States seemed to support allowing a simpler WRH Plan.

In response to the question on what could be considered a “small” port, for which a simpler WRH Plan might be considered or perhaps even be exempted from developing a plan, the example was brought forward of introducing a threshold level by which recreational harbours with less than e.g. 50 berthing places were not required to draft a WRH Plan. Still, these “small” ports had to provide adequate PRF addressing the needs of its users.

Others considered that the size and type of vessels might not always be the most appropriate criteria, and that instead of a threshold level considering the number of berthing places, it might be better to take into account issues such as other applicable environmental (waste) management regulations and environmental impact.

Some Member States also indicated that it is difficult to monitor and inspect the smaller ports, while other Member States pointed towards specific issues such as fee systems, the lack of resources for drafting these WRH Plans, and difficulties encountered with privately owned small harbours. A general wish was voiced to have some guidance on monitoring/checklist, including the possibility to develop WRH Plans in a regional context, as it might help to avoid some of the problems regarding developing and approving the plans.

On the issue whether the draft WRH Plans should be made publicly available or not, either during its development and/or approval process, some Member States mentioned that more transparency is necessary, although making WRH Plans publicly available will not automatically lead to more involvement and participation of stakeholders. Others added that this might even lead to increased confusion.

Fee systems for ship-generated waste

Some Member States expressed a clear wish for more harmonization of fee systems as the current variety of systems makes it more complicated for shipowners, who have to deal with many different systems in different ports.

Several Member States indicated that there could be benefits from increased harmonization (clarity) of principles. Some key principles (such as the elements of “costs of PRF” and “significant contribution”) are not clear, and it was mentioned that these issues should be clarified first, as that might automatically lead towards a more harmonized approach and certainly will provide more transparency.

However, the view was also expressed that taking into account the huge variety of ports and their specific characteristics, Member States should have sufficient

flexibility to develop and approve fee systems that are adapted to the specificities of their ports.

In addition, reference was made to the fact that not all Member States are on the same level regarding the facilities for treatment and disposal of waste, which has an impact on the cost for the final disposal of the waste.

There was also some discussion regarding the "incentive" issue and whether a waste fee should include the right to deliver (a certain amount of) SGW. In this respect the concentration of waste deliveries to certain ports/Member States ("waste tourism") was mentioned. One Member State launched the idea to introduce some level of "significant volume" to be delivered when calling EU ports. According to some Member States, the key issue is: what/how much waste was delivered in the previous port? Information systems are needed to have that type of info.

Information, monitoring and enforcement

The discussion on information, monitoring and enforcement was, in addition to the analysis overview, also introduced by another EMSA-presentation on the implementation of the waste notification in SafeSeaNet, and a presentation by a representative of the Antwerp Port Authority on their information and monitoring system.

During the discussion most Member States and ECSA indicated that it would be useful to make more use of modern, IT-based, technology.

Some Member States expressed their preference towards including certain information files and tools (such as e.g. exemptions, delivered amounts of waste, availability of PRF in ports, and the possibility to easily inform the next port of call) in SafeSeaNet.

Other Member States seemed to have already implemented certain systems at national or port network level, but perhaps more could be done.

There was also some discussion on the notification form, and which information should be provided by the ship. One Member State emphasized that the system should not be overloaded, and only should request useful and relevant information, while others referred to the IMO notification forms already developed (see also below regarding CR).

On the issue of which enforcement regime would be the most suitable to fulfil the tasks required by Article 11 of the Directive, some Member States mentioned that Port State Control (PSC) officers might be best placed, but also have many other different regulations to enforce, and therefore often have to change hats during inspections.

Some Member States also indicated a need for additional guidance and clarification on article 7 regarding mandatory delivery of SGW, specifically on issues such as what is to be considered as "sufficient dedicated storage capacity".

Other PRF-related issues

Several of the other PRF-related issues were discussed, although most Member States did not seem to have encountered specific problems.

Also here (e.g. in Article 9 on exemptions) it was indicated that additional guidance clarifying certain principles (such as "frequent and regular port calls")

and “arrangement to ensure the delivery of SGW”) might already provide sufficient assistance.

It was mentioned though that a better alignment with MARPOL is needed, specifically regarding the definitions.

Two Member States mentioned that it should be possible to exempt specific vessels which are (very) frequently calling their ports, but strictly speaking are not engaged in a “scheduled traffic” (e.g. dredging vessels, tugs, working vessels in offshore industry, etc.).

Some Member States also referred to certain difficulties caused by solid waste segregation requirements imposed by land waste regulations. Better alignment with land waste regulation therefore might come in useful, but should be kept reasonable.

Cargo residues

The discussions regarding CR were introduced by three presentations by the industry (ECSA, OCIMF and the Dry Bulk Terminals Group/DBTG), in order to inform the Member States about current practices and experiences encountered by the industry.

The discussion on CR was initiated with a *tour de table*, by which Member States could indicate their views regarding an approach towards a more similar regulation of both SGW and CR (such as the introduction of a mandatory delivery, or inclusion of CR in the fee system), or to retain the current situation.

Most of the Member States indicated that they did not encounter any specific problems with the current situation, and thus did not see a need for changing the approach in the Directive. Other Member States (and the industry representatives) indicated that some issues could be looked at, e.g. to allow more pre-arrival information, provided by the advance notification form (annexed to the Directive), as this may be crucial to facilitate deliveries. Reflecting the DBTG presentation bringing up the issue of a poor hold design, it was proposed that this type of information should be also forwarded beforehand. A couple of Member States expressed preference to align CR with SGW in the Directive. Most Member States indicated that there is no need for a mandatory delivery for all types of CR.

The general feeling on the issue of CR was one of caution, and many pointed towards the need to have more information before considering changing the CR matter.

Annex 1 – List of participants

Country	Name	First Name	Organization	E-mail
Belgium	Janssens	Gudrun	Public Flemish Waste Agency	gjanssen@ovam.be
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Denmark	Sørensen	Jette Blendstrup	Environmental Protection Agency	jebls@mst.dk
Finland	Ikonen	Mirja	Finnish Transport Safety Agency	mirja.ikonen@trafi.fi
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Ireland	Miley	Paul	Department of Transport	paulmiley@transport.ie
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Norway	Henriksen	Thor	Climate and Pollution Agency	th@klif.no
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The Netherlands	Tiemens-Idzinga	Marja	Ministry Infrastructure & Environment	marja.tiemens@minvenw.nl
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Speaker	Cribin	Kevin	DBGT	kevin.cribbin@augh.com
	Bonet	Jesús	European Commission (DG MOVE)	
	Todd	Jonathan	Europe Economics	
	Carpenter	Angela	Europe Economics	
	Ringbom	Henrik	EMSA	
	Terling	Jacob	EMSA	
	Van den dries	Peter	EMSA	
	Leino	Olev-Erik	EMSA	

Annex 2 – Agenda of the workshop**Day 1 – 13 April 2011****Introduction**

9h00 – 9h10 Welcome and introduction by EMSA
(Henrik Ringbom, EMSA)

Latest state of play

9h10 – 9h25 The revision process of the PRF Directive 2000/59/EC
(*Jesús Bonet, DG MOVE*)

9h25 – 9h55 The Horizontal Assessment on PRF:
-assessment process
-outcome (key issues, waste flow data)
(*Jacob Terling, EMSA*)

Waste Reception and Handling Plans

9h55 – 10h10 Overview general observations and HA conclusions on WRHP's
(*Olev-Erik Leino, EMSA*)

10h10 – 10h55 Round table discussion

10h55 – 11h25 Tea/coffee

Fees for ship-generated waste

11h25 – 11h40 Overview general observations and HA conclusions on fee systems
(*Peter Van den dries, EMSA*)

11h40 – 12h30 Round table discussion

12h30 – 14h00 Lunch break

Monitoring and enforcement

14h00 – 14h15 Overview general observations and HA conclusions on enforcement
(*Olev-Erik Leino, EMSA*)

14h15 – 14h35 The implementation of the waste notification in SafeSeaNet
(*Lorenzo Fiamma, EMSA*)

14h35 – 15h00 IT based monitoring of ship-generated waste in the port of
Antwerp
(*Patrick Decrop, Port of Antwerp Authority*)

15h00 – 16h00 Round table discussion

16h00 – 16h30 Tea/coffee

Other PRF-related issues

16h30 – 16h45 Overview general observations and HA conclusions on other
issues (exemptions, data gathering, etc.)
(*Peter Van den dries, EMSA*)

16h45 – 17h15 Round table discussion

17h15 – 17h30 Workshop conclusions day 1

Day 2 – 14 April 2011**Cargo residues**

- 9h00 – 9h10 Introduction day 2
(Henrik Ringbom, EMSA)
- 9h10 – 9h30 Overview general observations and HA conclusions on cargo residues
(Jacob Terling, EMSA)
- 9h30 – 9h50 Ship operator's views
(Fabio Faraone, ECSA)
- 9h50 – 10h10 Liquid cargo terminal's views
(Capt. Garry Hallett, OCIMF)
- 10h10 – 10h30 Dry cargo terminal's views
(Capt. Kevin Cribbin, DBTG)
- 10h30 – 11h00 Tea/coffee*
- 11h00 – 12h15 Round table discussion
- 12h15 – 12h30 Workshop conclusions day 2