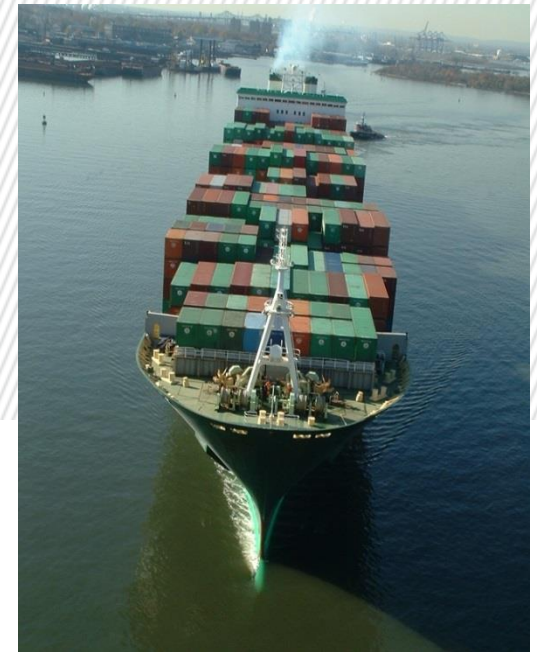


Update on discussions at the ESSF Sub-Group on PRF

EMSA Workshop on PRF Facilities

Brian Elliott /
Senior Project Officer for the Marine
Environment

Lisbon / 18th and 19th March 2015



- **First meeting of this new Subgroup**
 - **23 February 2015 in Brussels.**
- **60 plus stakeholders from relevant sectors;**
- **Aims:**

Provide a stakeholder platform to discuss and provide feedback to the Commission on the following documents:

- **the draft interpretative Guidelines on the implementation of the PRF directive**
- **the Evaluation of the PRF Directive, in particular the results of the Evaluation study conducted by Panteia;**
- **the existing analyses of cost recovery systems, as well as the evaluation of the fees systems in the context of the Panteia study.**

Ex-post evaluation of the Directive

– Interim Findings

The PRF Directive:

- is a relevant instrument to meet the objectives of reducing discharges at sea;
- **has been effective in improving the availability of PRF in EU;**
- is partially effective in improving waste management practices as:
 - Garbage delivery increasing in terms, but no monitored reduction in marine litter levels
 - Delivery of oily waste has decreased over time, but so has the detections of oil spills;
- **resulted in moderate costs, but provides substantial benefits;**
- is largely coherent with other legislation;
- **fits in larger legislative framework to protect marine environment and prevent ship-source pollution.**
- has added value by common application of MARPOL requirements, which ensures level-playing field for MS/ports, but not all aspects of MARPOL are covered;

In addition:

- The adequacy of PRF has improved but this varies from region to region;
- **Enforcement is currently not effective;**
- The cost recovery system has different impacts on waste deliveries;

Discussion then focussed on;

- Differences in conclusions from port users and authorities/operators;
- **That some ships already minimise their waste prior to landing;**
- The non effectiveness of paying a fee in every port
- **That the waste hierarchy is not fully reflected in the ports;**

- **Problems with electronic reporting;**
- **How to develop a new PRF;**
- **Is competition between ports on waste fees a good thing;**
- **The lack of transparency in ports, especially on fees;**
- **Different interpretations of the need for a receipt for ships;**
- **Difficulties in harmonising the fees structure at a political level in the EU.**

2) Draft implementation Guidelines, which had been developed by EMSA and DG MOVE.

Part 1 (*Delivery of ship generated waste*)

Part 2 (*Exemptions*)

Part 3 (*Waste Handling Plans*)

3). Development of a monitoring and information exchange system that is being developed by EMSA (building on SSN and THETIS),

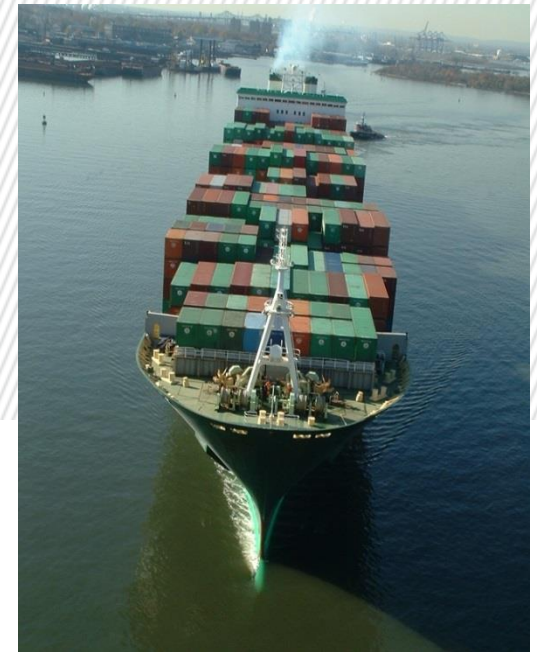
The next meeting of the ESSF will be organised in Brussels on the 28th of April 2015 (TBC).

Technical Discussion on issues raised in the ESSF Sub-Group on PRF

EMSA Workshop on
PRF Facilities

Brian Elliott /
Senior Project Officer for the Marine
Environment

Lisbon / 18th and 19th March 2015



Adequate examination of the waste information notified by masters and issues surrounding the identification of “sufficient storage capacity” on board a ship;

Providing receipts to the ship;

Enforcement;

Notification and the delivery of Cargo Residues;

Exemptions for all ports along a ships route;

Exemption Criteria with respect to replacement vessels;

What should be in a WRH Plan for small ports;

Assessing adequacy of PRF;

Waste management issues on shore: relationship PRF Directive – EU waste legislation (including the issues of segregation/separate collection);

Waste Management Arrangements for ships that do not leave the port, return to one port and port vessels; and,

The relationship between legal discharges under MARPOL and the need to “deliver all waste” under the PRF Directive.

Adequate examination/sufficient capacity



Article 6 - ship (other than fishing vessels or recreational craft authorized to carry no more than 12 passengers) has to notify their waste prior to entering a port.

Article 7 - vessels to deliver their waste before leaving the port.

Article 7 - a ship may proceed to the next port of call without delivering the ship-generated waste, if it follows from the notification, that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery.

Analysis of notification form and the particulars of the ship in the Member State, to ensure it has sufficient capacity to continue next port

Is this happening?

Analysis of this data it is done in different ways, there is no harmonized approach throughout the European Union.

Actively: a ship that has stated in its notification form that it does not intend to deliver [all] its waste in the port as it has sufficient capacity on board, is provided by the competent authority of the Member State with a written confirmation that the ship can depart from the port with this waste on board; or,

Passively: the competent authority only intervenes, normally through a PRF Inspection, after assessing that there is not sufficient capacity on board to handle both the existing waste and waste to be produced on the subsequent voyage.

Which method does your Member State use to analyse the Waste notification forms and decide a ship has sufficient capacity on-board to proceed to the port of delivery?

What are the pro's and con's of the active and passive approaches from the competent authority's perspective?

Are there other ways in which the Competent Authority can be satisfied that there is sufficient storage capacity on ships leaving with waste?

What is the ideal way to ensure that notification forms are analyzed efficiently? Is there another way?

What different formulae are used in the Member States for deciding if the ship has sufficient capacity?

The European Commission assumes that the “port of delivery” would be the next port. Is this a correct assumption?

Can ships be allowed to continue until they have enough waste to land it efficiently?

If this is the case, what should be the definition of efficiently?

How can competent authorities be assured that the waste kept on board is delivered and not discharged into the sea?

Should vessels leaving the EU be allowed to leave the EU with waste on board because they have sufficient capacity? or

Should a ship land all its waste in an EU port prior to leaving the waters of the EU MS ?

- What proof is needed that the waste that has been notified has actually been landed to PRF?
 - only definite way to check delivery is a receipt from the port or the waste contractor to the ship
- Problem when communal and non-manned PRF are provided.

EC has questioned how enforcement is possible without a receipt, therefore a receipt should be integral to the operation of PRF in ports.

A receipt is not required under MARPOL, however the use of a receipt is referred to in the "IMO Guide to Good Practice for PRF Providers and Users".

- Do you believe that a receipt is an integral part of the enforcement of the PRF Directive?
- What are the practical and operational problems in providing receipts for all deliveries in EU ports?
- Is the information on actual quantities of waste delivered used in the assessment of "sufficient storage capacity"?
- What are the best practices for providing receipts to ships, especially those using communal PRF?
- Is there any other way that a ship can prove that waste has been delivered to port?

- Changes in legal Status at IMO
- Article 10 of the PRF Directive,
“Cargo residues are delivered to a PRF in accordance with the provisions of MARPOL 73/78”.
- Pre-notification of cargo residues
- Problematic, as the amount will not be known until cargoes have been delivered
- Use of estimates?
 - however the amount of residues will differ and the amount will depend on factors outside the control of the ship,
- How do the Member States deal with the notification of cargo residues?
- Are estimates adequate for the waste notification form?
- What figures are reported?
- How do terminals/ports plan to provide adequate reception facilities?
- Are notified levels checked with the amount that is landed?

Some debate on whether the Directive allows the practice of exempting a ship from all ports if the ship has an independent contract for delivering and paying for its waste with a third party (i.e. not the ports).

Especially when the PRF Directive states:

“When ships 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, Member States of the ports involved may exempt these ships from the obligations in Article 6, Article 7(1) and Article 8.”

**Have exemptions been given for all the ports on a ships route?
What is the justification for this?**

Should this be possible?

How is the link between the two (or more) MS created and maintained?

Criteria have been developed to facilitate the operation and execution of the exemption.

These criteria include conditions covering:

- **the duration of the exemption;**
- **the arrangements for temporarily applying the exemption to another ship when the exempted ship has to undergo for survey or maintenance;**
- **the time allowed for this switch; and**
- **deviations covering emergencies and force majeure.**

What Criteria are used in your country?

Do the Criteria listed above cover all eventualities?

Are timelines needed for deviations from the Exemptions?

Directive requirement for ships that do not leave the port, return to one port and port vessels – onerous – exemptions (same as short sea shipping)

Legally if these vessels are not scheduled, frequent and regular, they cannot be exempted

Specific waste management requirements under the Directive for these vessels could be outlined in the WRH Plan for each port.

How do the MS ensure that these vessels apply the requirements of the PRF Directive?

Article 5 of the PRF Directive states that

“An appropriate waste reception and handling plan shall be developed and implemented for each port following consultations with the relevant parties.....”

and Annex I covers the major issues that can should be covered in the plans.

How do the MS deal with proportionality to ensure that smaller ports provide a comprehensive WRH plan?

Annex 1 and ISO provide a comprehensive list for what should be in a WRH Plan, do we need a separate list for smaller ports?

What is a smaller port?

Article 4 "MS shall ensure the availability of PRF adequate to meet the needs of ships normally using the port....."

and that the PRF

"shall be capable of receiving the types and quantities of ship-generated waste and cargo residues from ships normally using that port, taking into account the operational needs of the users of the port, the size and the geographical location of the port, the type of ships calling at that port and the exemptions provided for under Article 9".

Guidelines for ensuring the Adequacy of PRF at the IMO, but there is no specific guidance on the matter for the PRF Directive.

No Guidance in EU

- **How do MS assess the adequacy of PRF?**
- **What definition of adequacy do they use?**
- **How is it tested?**

Issues of segregation/separate collection);

**How can ports be encouraged to segregate?
Should guidance be developed on this issue?
What best practice exists?**

The relationship between legal discharges under MARPOL and the need to “deliver all waste” in Article 7 of the PRF Directive

Although MARPOL allow certain discharges at sea (sewage, food waste and oil) under certain conditions, the PRF Directive requires the vessel to land all waste.

**How is this issue overcome by the MS?
How does this apply to vessels operating in waters outside the EU?**



Brian.Elliott@emsa.europa.eu

 twitter.com/emsa_lisbon

 facebook.com/emsa.lisbon

