



**PRELIMINARY DISCUSSION
PAPER**

**Workshop on the handling of
cargo residues**

Lisbon, 7 December 2007

Table of contents

I. Introduction	3
II. Objective of the workshop	4
III. Points to be discussed	4

I. Introduction

EMSA has been requested by the European Commission to provide further clarification on the handling of cargo residues on board ships and in ports. Therefore it was decided to organise a Workshop addressed to a wide range of actors involved in the delivery and reception of cargo residues.

Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues aims at reducing the discharges, especially illegal discharges, of ship-generated waste and cargo residues into the sea from ships using ports in the Community, principally by improving the availability and use of port reception facilities in EU ports. The Directive distinguishes between **ship generated waste** and **cargo residues**, the latter being defined in article 2(d) as *"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"*.

Recently questions have arisen related to the discharge of cargo residues at EU ports, their possible hazardous nature and the rules to be applied onboard and at delivery both in EU ports as well as outside the EU. Where for instance it concerns a mixture of oily waste with toxic chemical slops, the difficulty is to determine the exact nature of the slops (oily, chemical or a mixture of the two) and determine the applicable regime. Furthermore there have been problems in receiving cargo residues and sampling procedures, as well as a lack of sufficient facilities in some terminals to deal with the cargo residues offered for discharge.

As to the legal framework of cargo residues, EMSA, at the request of the European Commission (DG TREN), made an assessment of the relevant international and European instruments in June 2007. The assessment covered the relevant international legislation, as well as the relevant EU Directives and Regulations. The assessment is attached to this note, as well as a summary of the main findings.

The assessment brought the following issues to the light, to be further considered and discussed:

- The issue of cargo residues resulting from the handling of oil products on board the ship does not seem to be sufficiently regulated by current international requirements, in contrast to i.e. the authorization regime applicable to shore side installations / industrial production processes on land;
- It may be necessary to further define what should be understood as "normal operation of ships", in order to clarify the scope of application of the Waste Shipment Regulation (Regulation (EC) 1013/2006) and the 1989 Basel Convention on the Transboundary Movement of Hazardous Waste;
- Verification of the chemical toxicity of slops that are offered for discharge from oil tanker operations under the label of cargo residues could improve the possibilities of competent authorities to identify cases of exceptional toxicity and to take appropriate action.

These and other questions arise in the context of the review of Directive 2000/59/EC. However, before deciding on the options available for such a review, it is important to obtain more information on the current situation with respect to cargo residues, including the problems encountered in EU Member States regarding the handling of (liquid) cargo residues and the type of activities carried out on board tankers.

II. Objective of the workshop

The overall objective of the workshop is to collect more information from a broad range of actors on:

- the implementation of the requirements under MARPOL 73/78, Annex I and Annex II, and other relevant international instruments;
- the implementation of Directive 2000/59/EC in relation to cargo residues (Article 10);
- related activities undertaken by the IMO, and the Basel Convention Secretariat in the field of cargo residues and transport of hazardous substances.

III. Points of discussion

A. Delivery and reception of cargo residues (MARPOL Annex I – Annex II)

The European Commission is seeking more information on the implementation of MARPOL Annexes I and II, the procedures of delivery, as well as the notification requirement laid down in Directive 2000/59/EC. During the on-going visits to Member States in relating to the implementation of Directive 2000/59/EC, EMSA has gained some information about how these matters are dealt with in EU ports. However, this information is not complete, and practices vary between Member States.

Furthermore, the extent to which port authorities and terminals are involved in the context of cargo residues should be clarified. The assessment of the waste management plans made by EMSA showed a lack of information regarding the handling of cargo residues in European ports.

One of the objectives of the workshop is to learn from the experience in Member States so far and to enquire whether there are particular issues that pose problems from a legal or operational point of view.

Points for discussion:

1. How do national authorities implement MARPOL Annex I & II as regards delivery procedures for cargo residues?
2. How do national authorities implement and control the notification and delivery of cargo residues?
 - (a) Should the notification regime be changed?

- (b) Should there be mandatory sampling of delivered cargo residues?
3. Is there sufficient capacity and availability of adequate port reception and treatment facilities in Europe for waste falling under MARPOL Annex I and II?
 4. What measures could be proposed to achieve a better implementation of article 10 of Directive 2000/59/EC?
 5. Is the *International Safety Guide for Oil Tankers and Terminals* (ISGOTT) a sufficient document for the handling of cargo residues?

B. Transport of oil by ships and on board industrial processes

As was already mentioned above, industrial processes on board ships may at times give rise to problems for the appropriate handling and on-shore treatment of cargo residues, due to uncertainties regarding the composition of the slops. It concerns in particular “blending operations” (i.e. the mixing of different quality fuels) or even petrochemical processes (i.e. improving the quality of the oil products carried on board through the addition of chemicals) to ensure that characteristics of the cargo correspond to local requirements. Furthermore it is relevant to assess whether these activities can be considered as falling within the “normal operation of a ship”, a concept that is proposed under the Basel Convention to exclude certain hazardous waste from its scope. It is essential to identify how international regulations applicable to wastes while at sea link to those regulations applying on land.

In this context, the following points deserve further discussion:

1. What is the nature and extent of the industrial/chemical processes that are used on board ships for the blending of lower quality fuel oils?
2. How to characterise and classify the waste arising from these blending operations?
3. What are the existing procedures applying to these operations?
4. What legal international instruments apply to such practices?