



## Technical Recommendations on the Implementation of Directive 2000/59/EC on Port Reception Facilities.

Version 1

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**LEGAL NOTICE**

This document aims to assist users by providing recommendations on the implementation of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues. However, users are reminded that the text of the PRF Directive is the only authentic legal reference and that the information in this document does not constitute legal advice. Only the European Court of Justice can give an authoritative interpretation of Union legislation. Usage of the information remains under the sole responsibility of the user. The European Maritime Safety Agency and the Commission do not accept any liability with regard to the use that may be made of the information contained in this document.

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## 1. Introduction

Directive 2000/59/EC on Port Reception Facilities for Ship-Generated Waste and Cargo Residues<sup>1</sup> (the PRF Directive) was adopted on 27 November 2000. This Directive aligns EU law with the international obligations of the MARPOL Convention and provides specific legal requirements for the provision and operation of Port Reception Facilities (PRF). Since it came into force, the European Commission (DG MOVE), assisted by the European Maritime Safety Agency (EMSA), has been assessing the implementation of this Directive. This assessment process has recently led to a REFIT evaluation of the PRF Directive<sup>2</sup>, which is one of the preliminary steps that have to be undertaken prior to a review of the Directive.

Certain provisions of the PRF Directive have been subject to different interpretations and practices when they have been implemented by Member States (MS). Consequently stakeholders are often confused over the PRF Directive's requirements, which has impacted, to some extent, effective harmonised implementation, management, monitoring and enforcement. The following areas are ones for which the Commission have identified that harmonisation can be achieved through the provision of interpretation and Technical Recommendations:

- The development, approval, monitoring and implementation of Waste Reception and Handling Plans (Article 5 and Annex I), whose main purpose is to ensure the adequacy of PRF;
- The implementation of Article 7 'delivery of ship-generated waste', especially the second paragraph, whereby ships with "*sufficient dedicated storage capacity*" may be allowed to proceed without delivering their waste; and,
- The implementation of Article 9 'Exemptions' for ships engaged in "*scheduled traffic with frequent and regular port calls (...)*".

To promote harmonisation in the implementation of these Articles, whilst respecting the principles of subsidiarity and proportionality, the Commission has recently adopted Interpretative Guidelines for Directive 2000/59/EC (Commission Notice 2016/C 115/05 published on 1/4/2016, O.J. C115/5). The Guidelines set out the European Commission's understanding of certain provisions of the PRF Directive in line with current international and EU law.

This document, builds on the Commission's interpretation and on good practice identified in the MS, to provide Technical Recommendations to MS on how best to implement the PRF Directive. It is intended that these Technical Recommendations:

- will contribute towards a more uniform and harmonised application of the PRF Directive;
- will ensure more efficient use of resources during the application and enforcement of the PRF Directive;
- will help MS follow the requirements of the PRF Directive;
- can be used by the MS to develop new, or enhance any existing, guidance that the MS have developed to implement their national legislation; and,
- will be subject to revision in the light of their use and possible amendments to the PRF Directive.

<sup>1</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues; OJ L 332, 28.12.2000, p. 81–89

<sup>2</sup> Ex-post evaluation of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues, final report (Panteia/PwC, May 2015), available at: <http://ec.europa.eu/transport/modes/maritime/studies/doc/2015-ex-post-evaluation-of-dir-2000-59-ec.pdf>

## 2. Definitions

For the purpose of these Guidelines, the definitions provided in Article 2 of the PRF Directive apply<sup>3</sup>:

- (a) "ship" shall mean a seagoing vessel of any type whatsoever operating in the marine environment and shall include hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- (b) "MARPOL" shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as in force at the date of adoption of this Directive;
- (c) "ship-generated waste" shall mean 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 and cargo-associated waste as defined in the Guidelines for the implementation of Annex V to MARPOL;
- (d) "cargo residues" shall mean 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;
- (e) "port reception facilities" shall mean any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues;
- (f) "fishing vessel" shall mean any ship equipped or used commercially for catching fish or other living resources of the sea;
- (g) "recreational craft" shall mean a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;
- (h) "port" shall mean a place or a geographical area made up of such improvement works and equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft.

Without prejudice to the definitions in points (c) and (d), "ship-generated waste" and "cargo residues" shall be considered to be waste within the meaning of Article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste(8).

These Technical Recommendations will use the following abbreviations: *HFO*: heavy fuel oil; *MDO*: marine diesel oil; *MS*: EU Member States; *PRF*: Port Reception Facilities; *SGW*: Ship-generated waste; *CR*: Cargo Residues and, *WRH Plan*: Waste Reception and Handling Plan.

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<sup>3</sup> Although some of the definitions in this Section have been updated under the recent revision of MARPOL Annex V, these definitions cannot be applied to the PRF Directive until the Directive is revised.

### **3. Article 5: the development, approval, monitoring and implementation of Waste Reception and Handling Plans**

#### **Article 5**

##### *Waste reception and handling plans*

1. *An appropriate waste reception and handling plan shall be developed and implemented for each port following consultations with the relevant parties, in particular with port users or their representatives, having regard to the requirements of Articles 4, 6, 7, 10 and 12. Detailed requirements for the development of such plans are set out in Annex I.*
2. *The waste reception and handling plans referred to in paragraph 1 may, where required for reasons of efficiency, be developed in a regional context with the appropriate involvement of each port, provided that the need for, and availability of, reception facilities are specified for each individual port.*
3. *Member States shall evaluate and approve the waste reception and handling plan, monitor its implementation and ensure its re-approval at least every three years and after significant changes in the operation of the port.*

The key aspects for the management of SGW and CR in a port are included in Annex I of the PRF Directive, which lists the following elements that should be reflected in the WRH Plan:

#### **ANNEX 1**

##### **REQUIREMENTS FOR WASTE RECEPTION AND HANDLING PLANS IN PORTS**

*(as referred to in Article 5).*

*Plans shall cover all types of ship-generated waste and cargo residues originating from ships normally visiting the port and shall be developed according to the size of the port and the types of ships calling at the port.*

*The following elements shall be addressed in the plans:*

- *an assessment of the need for port reception facilities, in light of the need of the ships normally visiting the port;*
- *a description of the type and capacity of port reception facilities;*
- *a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues;*
- *description of the charging system;*
- *procedures for reporting alleged inadequacies of port reception facilities;*
- *procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties;*
- *type and quantities of ship-generated waste and cargo residues received and handled;*

*In addition, the plans should include:*

- *a summary of relevant legislation and formalities for delivery;*
- *identification of a person or persons to be responsible for the implementation of the plan;*

- a description of the pre-treatment equipment and processes in the port, if any;
- a description of methods of recording actual use of the port reception facilities;
- a description of methods of recording amounts of ship-generated waste and cargo residues received; and
- a description of how the ship-generated waste and cargo residues are disposed of.

Furthermore, Annex I of the PRF Directive specifies which information from the WRH Plan has to be made available to all port users.

### **3.1 Introduction**

The purpose of the recommendations in this section is to provide specific guidance to harmonise the development, implementation, approval and monitoring of the WRH Plans being developed in the EU. Although there is international guidance developed by the IMO<sup>4</sup> and International Organization of Standards (ISO)<sup>5</sup> on port waste planning and SGW management, these do not address the specific requirements of the PRF Directive on notification, payment of fees and the delivery of SGW and CR.

Nevertheless, there are some key principles that apply to waste management planning in a port and some specific components of PRF that can and should be used in every WRH Plan. These, in conjunction with the requirements of Article 5 and Annex I of the PRF Directive, form the basis of these recommendations in order to harmonise waste management planning across the EU.

These recommendations also focus on the following aspects encountered in developing a WRH Plan:

- the administrative set up needed to back up the development of WRH Plans;
- which ports should have a WRH Plan;
- what development and implementation measures should be reflected in a WRH Plan;
- the adequacy of PRF;
- how a WRH Plan should be assessed and approved;
- how a MS should monitor implementation of a WRH Plan; and,
- the review and re-assessment of the WRH Plan.

### **3.2 Applicability of Article 5**

A fundamental element of the PRF Directive is the obligation to develop waste reception and handling plans (WRH) in all ports for the reception and treatment of SGW and CR. The WRH Plan forms one of the main mechanisms for implementing the Directive's requirements at the local and port level. Therefore, the requirements of Article 5 are intrinsically linked to accompanying measures in other Articles in the Directive, in particular Articles 4 (provision of PRF), 6 (waste notification), 7 (delivery of SGW), 8 (payment of a fee), 10 (CR) and 12 (accompanying measures) of the PRF Directive.

In line with Article 5.2, the WRH Plan can be regional in nature. This is where a WRH Plan is set up covering numerous ports, combining the essential elements of a plan for more than

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<sup>4</sup> IMO MEPC.1/Circ.834 Consolidated Guidance for PRF Users and Providers

<sup>5</sup> ISO 16304:2013 – Arrangement and management of port reception facilities

one port or terminal into one regional plan. This is not to be confused with the use of the term "regional reception facilities plan" in IMO<sup>6</sup>, which applies to Small Island Developing States (SIDS).

### **3.3 Ports that should have a WRH Plan**

A port is defined in the PRF Directive as:

"a place or a geographical area, made up of such improvement works and equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft"

This includes all ports "normally visited by ships" (Article 3(b)) that are covered by the Directive, which includes all ships, including fishing vessels and recreational craft, with the exception of any warship, naval auxiliary or other ships owned or operated by a State, used on government non-commercial service (Article 3(a)). "Recreational craft" are defined in the PRF Directive as "a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes".

Thus, the following all fall within the wide range of "ports" for which a WRH Plan should be provided:

- an individual jetty;
- an individual terminal;
- a small port;
- marinas;
- a major commercial port;
- part of, or all of, a major commercial port; and,
- facilities or sites where the following operations occur:
  - loading or discharging of cargo;
  - passenger vessel operations;
  - commercial and recreational fishing operations;
  - operation of vessels servicing offshore industries, such as the oil industry or the renewable energy industry;
  - fish farming, where a jetty is used by fish carriers and feed carriers;
  - launching and retrieval of yachts/recreational vessels from marinas, slipways, jetties and sailing clubs;
  - reception and unloading of dredge material from dredging vessels;
  - operation of port service vessels such as pilot boats and tugs; and,
  - mooring ships and/or recreational craft either at a jetty or on buoys.

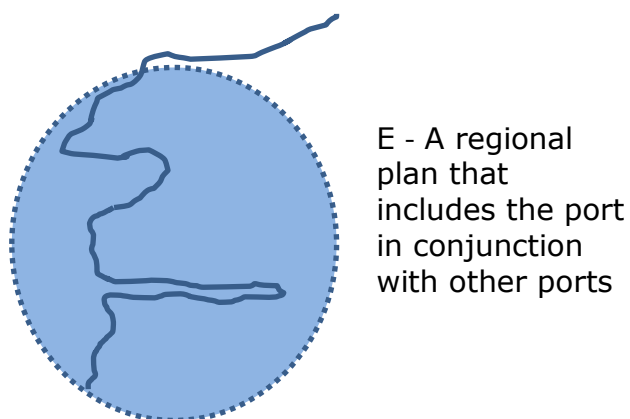
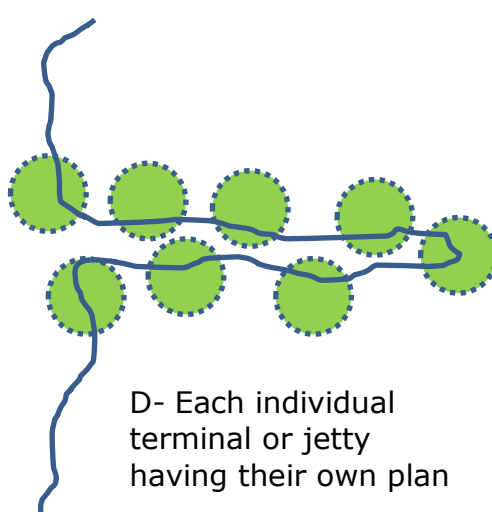
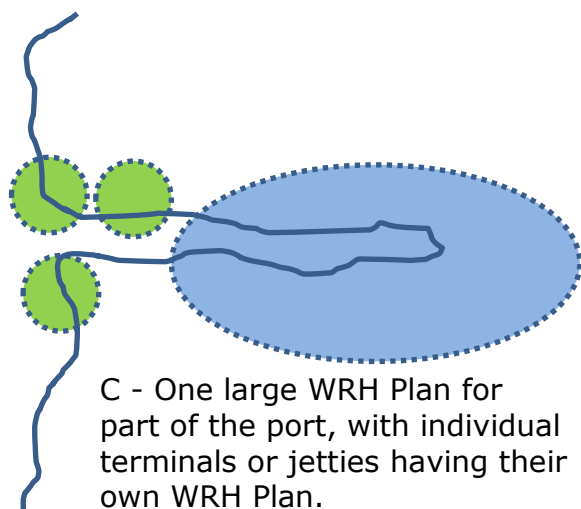
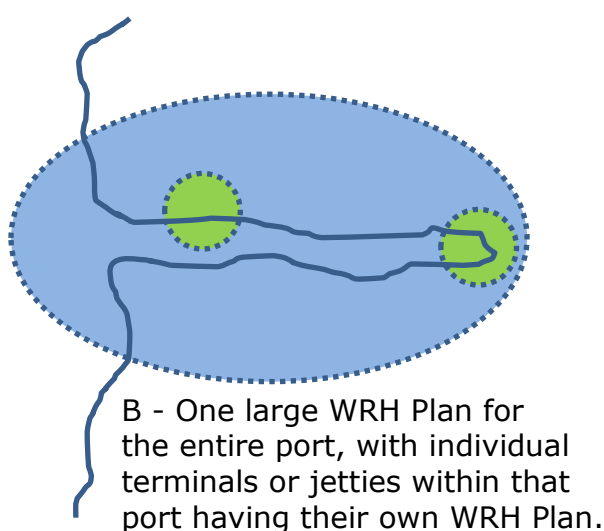
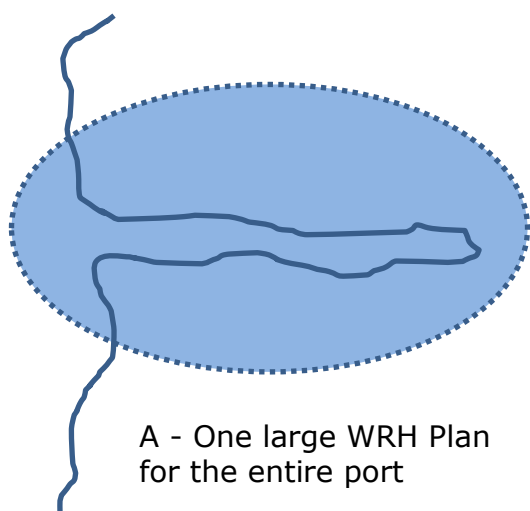
These ports therefore have to provide PRF, charge a fee, receive notifications and prepare a WRH plan - subject to Article 6 (1) of the Directive, which excepts fishing vessels and recreational craft authorised to carry no more than 12 passengers from notification (these vessels still have to deliver their waste and pay for their waste to be disposed of).

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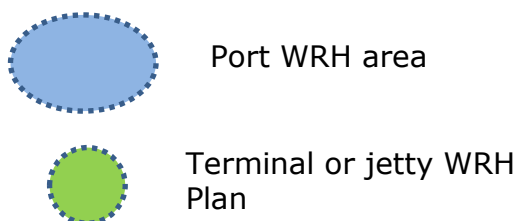
<sup>6</sup> IMO's Consolidated Guidance for PRF providers and users MEPC.1/Circ 834 – Para 18, and 2012 *Guidelines for the Development of a Regional Reception Facilities Plan* (Resolution MEPC.221(63))

A WRH Plan will not be needed for facilities/piers/moorings/landing places for recreational craft that are integral to private coastal properties and are used solely for recreational and non-business purposes by the owner of that property.

Currently, there are many formats and types of WRH Plans and there are many ways that a WRH Plan can be developed for a port. These are depicted below:



### KEY



Ports should liaise with their jetties and terminals to ascertain the best approach to WRH planning in the port. The geography of the port, waste facilities in the region, and the type and amount of ships visiting each terminal or jetty should be taken into account when making this decision. If local agreement cannot be made the competent authority in the MS should be given the authority to direct a specific port entity to create a WRH Plan in the national legislation of the MS.

The WRH Plan should be developed in consultation with relevant stakeholders, either by the port (authority or management body) or a consultant working for the port. Either way the port should maintain the legal responsibility for the content and implementation of the plan.

### **3.4 Elements that should be included in a WRH Plan**

A WRH Plan requires a wide range of issues to be addressed, including those that contribute to the development of the PRF system and the implementation of the Plan. In Annex 1, the Directive states that following elements shall be addressed in the WRH Plan:

- an assessment of the need for port reception facilities, in light of the need of the ships normally visiting the port;
- a description of the type and capacity of port reception facilities;
- a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues;
- a description of the charging system;
- procedures for reporting alleged inadequacies of port reception facilities;
- procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties; and,
- the type and quantities of ship-generated waste and cargo residues received and handled.

In addition, the PRF Directive also states that plans should include:

- a summary of relevant legislation and formalities for delivery;
- identification of a person or persons to be responsible for the implementation of the plan;
- a description of the pre-treatment equipment and processes in the port, if any;
- a description of methods of recording actual use of the port reception facilities;
- a description of methods of recording amounts of ship-generated waste and cargo residues received; and,
- a description of how the ship-generated waste and cargo residues are disposed of.

However it is also recommended that the following is also included in the WRH Plan:

- the legislation applying to the port and the provision of PRF Facilities;
- the port structure and the administration setting up and controlling the provision of PRF;
- any specific waste management practices that need to be implemented;
- the advanced waste notification procedures taking into account obligations under the EU Reporting Formalities Directive (2010/65/EU);

- the process of approving and monitoring the WRH Plan;
- how and where information on the PRF will be made available to port users;
- the process for auditing and reviewing the WRH Plan; and,
- details on how the PRF Directive will be enforced in the port.

The table in Annex 1 of this document provides detailed recommendations on which issues should be included in a WRH Plan<sup>7</sup>.

The level of detail in each plan will relate to the size of the port, and should be based on the requirements of the users of that port/facility. Therefore, by assessing the SGW and CR streams likely to be encountered by the port through stakeholder consultation, the plan developer can develop a suitable WRH Plan through an appropriate analysis of this data. Some of the issues included in these lists may not be appropriate for smaller ports with reduced SGW and CR streams, or only be partially valid. In these cases the issue in question should be dealt with proportionally in line with the level of use of the facilities. Nevertheless, the entire plan should be transparent and the entire document should be made available to port users, preferably via the internet.

### **3.5 Approval of the WRH Plan**

Article 5 (3) of the PRF Directive states that “*MS shall evaluate and approve the waste reception and handling plan, monitor its implementation and ensure its re-approval at least every three years and after significant changes in the operation of the port.*” Therefore each Member State should develop the capability to undertake this approval.

#### **3.5.1 Administrative set up**

Member States should have the necessary administrative resources to assess and approve the WRH plans submitted to them, in accordance with the requirements of Annex I of the PRF Directive. Therefore, MS should:

- identify the competent authority that will assess the WRH Plan (this could be the Maritime Authority, the Environment Authority, the Waste Authority or any other authority with the expertise to undertake this work, or a combination of several authorities). The competent authority should then identify a person or section to assess the WRH Plans that are submitted for approval. The officials approving the plan should be well acquainted with the PRF Directive, the relevant procedures, general port operations and the port making the application;
- identify how the plan should be submitted to the competent authority and any charges to be levied for approving the PRF Plan, if relevant;
- inform all the ports under their jurisdiction of the need to develop an appropriate WRH Plan;
- clearly communicate the address to be used for submission of the plan to all ports in their jurisdiction, as well as the timescale in which the WRH Plans should be developed;
- clearly identify and communicate the fees required for assessing and approving the WRH plan to all ports, if relevant; and,
- provide training and guidance for the personnel undertaking the assessment and approval of the WRH Plan.

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<sup>7</sup> Based on ISO 16304 Ships and marine technology -- Marine environment protection -- Arrangement and management of port waste reception facilities;

### **3.5.2 Assessment and Monitoring**

#### **3.5.2.1 Assessing the WRH Plan**

The competent officials assessing and approving the WRH Plans should:

- provide a receipt after receiving a WRH Plan, and the assessment fee (if appropriate) as soon as it is submitted to the appropriate authority;
- assess the WRH Plans within two months of receipt; and,
- consider the submitted WRH Plan against the requirements in Annex I of the PRF Directive, using the checklist in Annex 2 of this document when undertaking the assessment as appropriate.

When the Plan Assessor is satisfied that the WRH Plan fulfils the requirements of the PRF Directive then it should be approved and the port should be notified without delay. A relevant certification or approval document should also be sent directly to the port. If the WRH Plan cannot be approved, the assessor should provide feedback or request amendments as appropriate in a suitable timeframe.

Further Guidance on the review of WRH Plans and the inspection of PRF in ports can be found in Annex 2 of this document.

#### **3.5.2.2 Review and Re-assessment of the WRH Plan**

Ports should:

- review and update their WRH Plans annually to include changes in any fee levels (when appropriate), changes in contact information or changes in the PRF provision. All these issues should be placed in Annexes to the WRH Plan, or an associated document so they can be changed and approved easily. Although this is not a requirement of the PRF Directive, it will ensure transparency and that relevant information is passed to the users of PRF in an efficient and timely manner;
- undertake a major review of their WRH Plans for re-approval every three years as stipulated in Article 5 (3) of the Directive. This review can be limited if there are no significant change to the traffic of the port and therefore the provision of the PRF; and,
- review and re-approve their PRF Plans after significant changes in the operation of the port, such as the opening of new port infrastructure or expansion to incorporate new imports or exports.

#### **3.5.2.3 Transparency**

Once approved the WRH Plan should be published, along with any summary manuals/leaflets, on the port's website and circulated to all stakeholders in the port. This should include the ship's agents and ships entering the port. An executive summary of the WRH Plan and any summary manuals/leaflets should be published in the working language of the port and in English. Appropriate training on the operation of the WRH should be offered to stakeholders by the port to ensure that they understand the WRH Plan and can use it on a day to day basis. Operatives and ports may consider developing a user manual/leaflets for ships which highlight the major points in the WRH Plan, such as the location/provision of PRF and the fee structure. Where the WRH Plan is operated by an

organisation which is not part of the port, then the port's website should have a link to the relevant website where the plan is published.

Irrespective of how the WRH Plan is published:

- the indirect fee structure and actual indirect fee<sup>8</sup> should be transparent and should clearly identify what SGW can be delivered in the port for that fee, or in the case of Administrative Fee Systems (AFS) what refund is given in relation to the amount of waste delivered to PRF;
- ports or the actual PRF (in the case of Administrative Fee Systems) should make available to port users specific information about the charges and the criteria used to determine them, while respecting the confidentiality of commercially sensitive information. This can be achieved by adding a requirement for the yearly publication of fees as a conditions of the operational permit (license to operate) in the port for waste contractors or PRF;
- the indirect fee should also be broken down into the direct and indirect costs that make up this fee;
- direct costs that are not covered by the indirect fee, such as charges by the PRF for the delivery of SGW not specified in the WRH Plan, extra SGW or for working overtime/unusual hours, should also be clearly identified; and,
- where the indirect fee is incorporated into the general port fee, information on the indirect fee for PRF can be presented in terms of percentages of the general port fee or actual monetary amounts.

#### **3.5.2.4      *Assessment of adequacy and reporting non-adequate PRF***

During the review of the WRH Plans, the MS has to assess the adequacy of the PRF and systems have to be set up for the users of the PRF to report inadequacies in PRF. Article 4 of the PRF Directive requires MS to ensure the availability of port reception facilities adequate to meet the needs of the ships normally using the port without causing undue delay to ships.

Therefore, ports should assess the volume of all SGW and CR categories that will be delivered during the period when the largest amount of ships are in the port. PRF should then be provided to meet this demand. In addition the PRF should:

- be easily accessible to ships using the port, or be provided to each ship visiting the port;
- be provided in a manner that does not cause undue delay to the ship;
- be managed in a way that ensures that the ultimate disposal of SGW to take place in an environmentally sensitive way including the principle of re-use, recycling and recovery before disposal; and,
- be provided in a manner that does not provide ships with a disincentive to use them.

These issues should be included in the WRH Plan and the MS should assess whether the PRF provided by a port meet these criteria. PRF can be described as adequate when all these principles are met.

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<sup>8</sup> Either a direct charge from the port, or an Administrative Fee that is completely or partially refunded on submission of a receipt.

Adequacy should not be separated from the economic realities of providing a service. A port always has to compare the needs of ships “usually visiting the port” and ways of providing the needed service, e.g. if the predicted amounts of waste to be landed are not sufficient to build a case for investing in a dedicated fixed facility at the port, reception and treatment could be contracted from companies outside the port.

## 4. Guidance on the implementation of Article 7 – ‘Delivery of Ship-Generated Waste’

### Article 7

1. The master of a ship calling at a Community port shall, before leaving the port, deliver all ship-generated waste to a port reception facility.

2. Notwithstanding paragraph 1, a ship may proceed to the next port of call without delivering the ship-generated waste, if it follows from the information given in accordance with Article 6 and Annex II, 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.

If there are good reasons to believe that adequate facilities are not available at the intended port of delivery, or if this port is unknown, and there is a risk that the waste will be discharged at sea, the Member State shall take all necessary measures to prevent marine pollution, if necessary by requiring the ship to deliver its waste before departure from the port.

3. Paragraph 2 shall apply without prejudice to more stringent delivery requirements for ships adopted in accordance with international law.

### 4.1 Introduction

Article 7 is one of the key articles of the PRF Directive that focuses on the principle goal of this piece of legislation - avoiding the discharges of SGW at sea – and it obliges masters of ships to deliver all ship-generated waste.<sup>9</sup> Furthermore, this Article allows an exception from this principal obligation in situations where it can be established from the Advanced Waste Notification Form (Article 6), that there is “*sufficient dedicated storage capacity for all ship generated waste*”. This concept has been implemented in many ways and has been identified by the EC as one of the issues that can be harmonised through Technical Recommendations. The following areas also require further guidance:

- appropriate examination of the information notified by masters;
- assessment of situations under Article 7.2 allowing ships to proceed to the next port without delivering their SGW – including a methodology to establish whether the ship has ‘sufficient dedicated storage capacity’ on board; and,
- appropriate and uniform follow-up and enforcement action by the competent authorities.

### 4.2 Article 7.2: sufficient storage capacity

If a ship notifies that it intends to leave a port without delivering of all of its SGW, an assessment needs to be performed to determine whether the ship has ‘sufficient dedicated storage capacity’ on board. Sufficient dedicated storage capacity is defined as enough capacity to store the SGW a ship is leaving port with, plus the SGW it is likely to produce on the next voyage<sup>10</sup>. This next voyage can be within the EU, outside the EU or be

<sup>9</sup> Article 10 imposes an equivalent requirement for the delivery of cargo residues to PRF, in accordance with the provisions of MARPOL.

<sup>10</sup> Based on the text of Article 7(2) of the PRF Directive.

unknown. Please see the Interpretative Guidelines for Directive 2000/59/EC for further guidance on the term “next port of call”. There are various best practices that could be used to determine the sufficient capacity, and each MS should decide which is appropriate for their enforcement of the PRF Directive. These methodologies have been outlined below.

#### **4.2.1 Method 1**

This methodology uses an arithmetic assessment based on the sum of SGW amounts retained on board and the amount estimated to be generated until the next port of delivery, in relation to the maximum storage capacity. The resulting percentage indicating the Used Waste Capacity (UWC) at the end of the voyage should not exceed 75% of the maximum storage capacity:

$$UWC_{\text{FINAL}} (\%) = \frac{(A + E)}{M} \times 100$$

where:

- A – Amount of the individual waste type retained on board (m<sup>3</sup>),
- E – Estimated amount of waste to be generated between advanced notification and next port of call, care must be taken to ensure this figure is realistic - please see Section 4.3 below.
- M - Maximum dedicated storage capacity (m<sup>3</sup>).

All this information can be obtained from the Advanced Waste Notification Form.

#### **4.2.2 Method 2**

This method expresses the Used Waste Capacity at the beginning of the voyage as a percentage of maximum dedicated storage capacity.

$$UWC_{\text{BEGINNING}} (\%) = \frac{A}{M} \times 100 (\%),$$

where:

- A – Amount of the individual waste type retained on board (m<sup>3</sup>), and
- M - Maximum dedicated storage capacity (m<sup>3</sup>).

As a general rule the dedicated storage capacity is sufficient when the  $UWC_{\text{BEGINNING}}$  is less than 25% (i.e. storage tanks are less than 25% full). In case of ships involved in the liner trade/short-sea shipping the UWC should be less than 50% (i.e. storage tanks less than 50% full).

Both methods could be applied to the storage of all types of SGW on-board a vessel, where and when appropriate.

##### **4.2.2.1 Method 2 - Threshold variations**

Other suggestions have been put forward by stakeholders for thresholds when using Method 2, based on trading patterns and type of waste. These take into account a safety margin looking at the intended voyage and the SGW to be accumulated, measured at the port of departure.

Next port of call	Annex I <sup>1</sup>	Annex IV	Annex V <sup>2</sup>
<b>Next port EU<sup>3</sup>-port</b>	The master can refrain from delivery of sludge and/or bilge water if at least 25% tank capacity remains for this type of waste.	The master can refrain from delivery of annex IV waste if at least 25% tank capacity remains for this type of waste.	The master can refrain from delivery of annex V waste if at least 75% capacity remains for this type of waste.
<b>Next port not an EU<sup>3</sup>-port and/or the next port unknown</b>	The master can refrain from delivery of sludge and/or bilge water if at least 75% tank capacity remains for this type of waste.	The master can refrain from delivery of annex IV waste if at least 25% tank capacity is left for this type of waste.	100% (dedicated) capacity <sup>4</sup> should be available for this type of waste.
<p><sup>1</sup> <b>Annex I:</b> Capacity sludge- and bilge tank are to be judged separately. Capacities of the tanks are to be found on the supplement of the IOPP certificate.</p> <p><sup>2</sup> <b>Annex V:</b> See MARPOL Annex V (resolution MEPC.201(62)) of de 2012 Guidelines for the Implementation of MARPOL Annex V (resolution MEPC.219(63)).</p> <p><sup>3</sup> <b>EU:</b> Includes Iceland, Norway and Russia and the EU-countries.</p> <p><sup>4</sup> <b>100%</b> is to be judged during the inspection. Mandatory delivery should be proportional.</p>			

- Sufficient (dedicated) capacity of Annex V is based on the calculations and figures set out in the garbage management plan.
- In case of mandatory waste delivery, all waste of that type should be discharged.
- Anchorage/Mooring counts as 'next port unknown' unless a ship only visits EU ports.

#### 4.2.3 **Method 3 (for sewage):**

According to HELCOM (Recommendation 11/10, 1990), it can be calculated whether the sewage holding tank has the capacity to hold the untreated sewage produced on the next voyage using the following equation (however it should be noted that this has to be added to the amount of sewage that may be kept on board the ship as notified in the Advanced Waste Notification Form):

$$C_r \geq A \times N_p \times D_a,$$

Where:

$C_r$  = capacity of the holding tank ( $m^3$ )  
 $A = 0.06$  ( $m^3$ /person/day), value of  $A$  may reduce according to the flushing system, etc.  
 $N_p$  = the total number of persons on-board  
 $D_a$  = the maximum number of days operating in areas where the discharge of sewage that is not comminuted or disinfected into the sea is prohibited (minimum 1 day)

### 4.3 Expected amounts of SGW<sup>11</sup>

One key element in calculating whether there is sufficient dedicated storage capacity is the understanding of the amounts of SGW that are likely to be generated on a vessel. An initial problem arises, however, as the reporting for the PRF Directive focuses on the volume of SGW and some of the published figures indicating how much waste may be expected from vessels are based on weight. Conversion charts are available from the waste authorities in each MS and may be helpful in this respect.

Details of the amount of SGW produced by a ship vary from ship to ship and finding one definitive answer for the expected amount of SGW, for each type of waste, is difficult. Recycling, minimising potential waste prior to goods being taken on to the vessel, route planning, incineration (where allowed) and using MDO can all significantly reduce SGW levels on board, and this will affect the reliability of any estimations.

#### 4.3.1 Oily wastes

It can be estimated that the amount of sludge generated during the voyage is about 1.0 % - 1.5 % of the daily fuel consumption for ships using HFO, and about 0.5 % of the daily fuel consumption for ships using MDO.<sup>12</sup> The daily consumption of fuel can be calculated from the fuel logs on the vessel, or directly from the master of the ship and on most ships the capacity of sludge tanks are designed for 30 days capacity. It should be noted that vessels undertaking route planning or slow steaming can significantly reduce their SGW.

#### 4.3.2 Bilge water quantities

These cannot be estimated accurately. However there must be evidence for appropriate handling of oily bilge water in the Oil Record Book.<sup>13</sup> Ships over 400GT are allowed to discharge their bilge water at sea through an approved oil-water separator with a maximum effluent oil content of 15 ppm, and will therefore usually only discharge the remaining oily water mix to reception facilities. For ships under 400GT and for ships which have not discharged their bilge at sea through an oily water separator, the bilge water will amount to 1-5  $m^3$ .

#### 4.3.3 Garbage

Garbage production on ships may vary widely per ship. Usually about 1.5 kg of food waste and domestic waste (i.e. all types of food wastes and wastes generated in the accommodation on board) is generated each day for each person on a cargo ship and about twice as much on a passenger ship.<sup>14</sup>

#### 4.3.4 Sewage

<sup>11</sup> Please note EMSA are planning to undertake a study to ascertain if the figures in this Section need updating.

<sup>12</sup> Paris MOU "GUIDELINES ON MARPOL ANNEX I Volume 1 - Section D.1.19

<sup>13</sup> Paris MOU "GUIDELINES ON MARPOL ANNEX I Volume 1

<sup>14</sup> IMO Manual "PRF: How To Do It", 2015

The amount of sewage expected from ships in ports is very difficult to calculate as sewage may be treated on board in sewage treatment plants. HELCOM<sup>15</sup> however, gives guidelines for the capacity calculation of sewage systems on-board passenger ships which apply to passenger ships engaged in voyages with a length of more than 24 hours:

	<b>Litres per person per day</b>	
	<b>Conventional system</b>	<b>Vacuum system</b>
Sewage (black water)	70	25
Sewage and grey water	230	185

## **4.4 Exchange of information and examination**

### **4.4.1 Advance waste notification (Article 6)**

According to Article 6 of the PRF Directive the master of a ship (except a fishing or recreational vessel) bound for a community port, shall complete the Advanced Waste Notification Form of Annex II of the PRF Directive and notify this information to the competent authority in the MS where the next port of call is located. As of the 1<sup>st</sup> of June 2015, electronic reporting through the National Single Window<sup>16</sup> has become mandatory for advance waste notification. In addition the Notification Form in Annex II of the PRF Directive was updated by comitology to align it as far as it is practicable with the revised version of IMO's Advance Notification Format in Appendix 2 of the Consolidated Guidelines (MEPC.1/Circ.834). The changes also require the ship to state what waste it actually landed at its last port of call. The agreed changes are published in Directive (EU) 2015/2087 and the new form should be used by ships to notify their waste via the National Single Window by the 1<sup>st</sup> Jan 2017.

The timescales for this notification are dictated in the Directive:

*"Article 6 (1) - The master of a ship, other than a fishing vessel or recreational craft authorised to carry no more than 12 passengers, bound for a port located in the Community shall complete truly and accurately the form in Annex II and notify that information to the authority or body designated for this purpose by the Member State in which that port is located:*

*(a) at least 24 hours prior to arrival, if the port of call is known; or*

*(b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or*

*(c) at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours."*

It should therefore be noted that a ship notifying less than 24 hrs prior to arrival in a port is not in contravention of the PRF Directive if it can prove it has met at least one of these three stipulations and it still should be allowed to deliver its SGW to PRF in the port.

### **4.4.2 On Receipt of the Advanced Waste Notification Form**

<sup>15</sup> HELCOM Recommendation 11/10, 1990: Capacity calculations for sewage systems on-board passenger ships

<sup>16</sup> Article 5 of Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

The port, or the appropriate waste management authority in the port, should, on receipt of the Advanced Waste Notification Form:

- arrange for PRF, to be provided to the ship, that can receive and accommodate all the SGW and CR volumes that have been notified in advance. This could be provided by supplying mobile facilities on a ship by ship basis, mobile facilities on the shoreline or permanent facilities in the port that can be easily accessible from the ship. Please note this is not appropriate for Ports that use an Administrative Fee system. These ports should ensure that the ship's representatives have the latest updates of PRF that are accepted by the port as licenced waste carriers/registered waste contractors;
- ensure that, in situations where waste delivery is under the port's control, a receipt, either from a registered waste contractor, or from the port stating that SGW and CR have been delivered into communal PRF which are managed and emptied by a registered waste contractor, is provided to the ship. Although this is not a requirement of the PRF Directive it will help with ensuring waste is received, managed and disposed of appropriately; and,
- report any inconsistencies with the requirements of PRF Directive, including absence of notification or non-delivery (for non-exempted vessels), immediately to the authority undertaking the PRF Inspection.

#### **4.4.3 Assessment of the Advanced Waste Notification Form**

Article 11(2a) of the PRF Directive states that

*"in selecting ships for inspection the Member States shall pay particular attention to*

- *ships which have not complied with the notification requirements in Article 6;*
- *ships for which the examination of the information provided by the master in accordance with Article 6 has revealed other grounds to believe that the ship does not comply with this Directive"*

Therefore, it follows that the Competent Authority for PRF Inspections or the Competent Authority for assessing the Advanced Waste Notification Form in each MS should:

- receive the advanced notification from the vessel (unless the vessel has been granted an exemption to notification or is excepted from notification under Article 6(1)). It should be noted that in accordance with Directive 2010/65/EU<sup>17</sup> the system to be used for meeting the reporting requirements of the PRF Directive shall be SafeSeaNet, through the National Single Window of each MS. The National Single Windows then enable the information to be circulated between national authorities via SafeSeaNet. MS and the Commission have also agreed that information of ships which have not delivered their SGW and CR should be transmitted via SSN (in meeting the provisions of Article 12.3 of the PRF Directive<sup>18</sup>). Please note that when the Advanced Waste Notification Forms are electronically submitted there will be no signature on the document;
- evaluate the Advanced Waste Notification Form and/or any inconsistency report without delay to identify any infringement of the PRF Directive;

<sup>17</sup> Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC; OJ L 283, 29.10.2010, p. 1–10

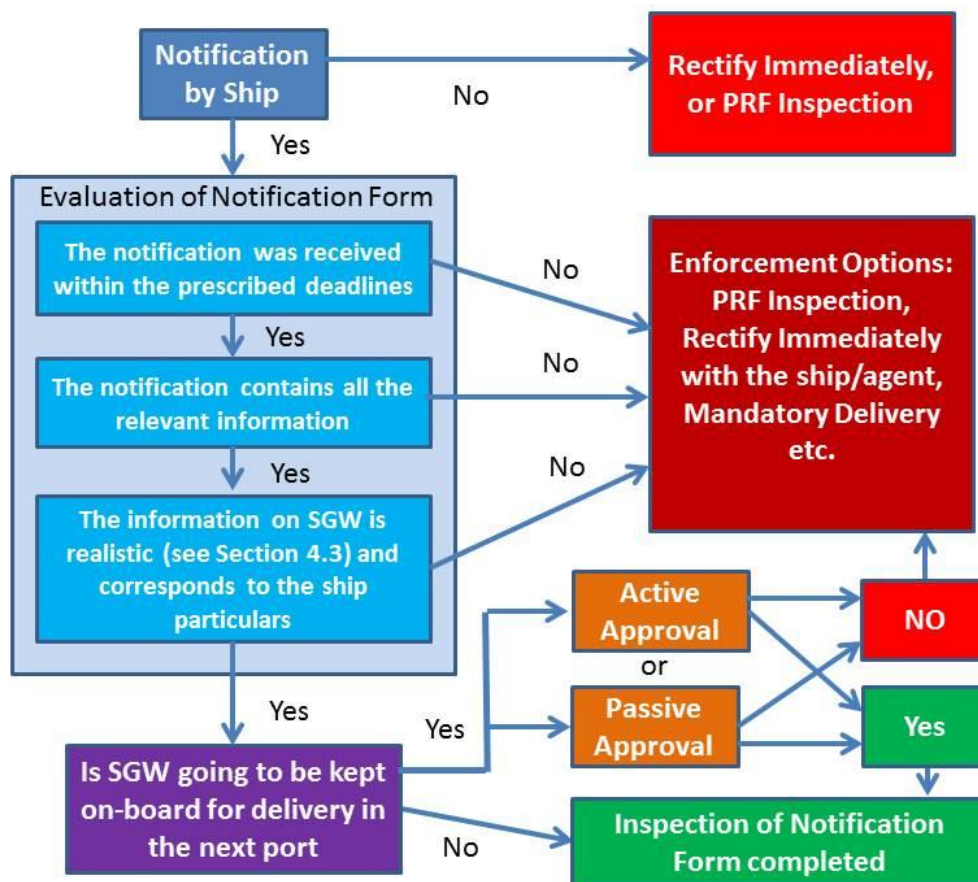
<sup>18</sup> See "SAFESEANET: Incident Report Guidelines;

- receive reports of inconsistencies from the port or third parties, especially those ships not delivering what they have notified; and,
- take action as appropriate through a PRF Inspection.

Following the information provided in the advance waste notification (Annex II of the PRF Directive, as amended (Commission Directive (EU) 2015/2087), the competent authority should decide whether the ship has filled out the Advanced Waste Notification Form properly and has provided realistic information. The competent authority nominated by the Member State to undertake this work (which may not necessarily be the Competent Authority for PRF Inspections) should then give active or passive approval as appropriate.<sup>19</sup>

To enhance efficiency and reliable decision making, the accuracy of the information provided on the Advanced Waste Notification Form is very important. Therefore, the authorities responsible for the decision to allow a ship to progress to the next port of call, as it has sufficient capacity on-board, may wish to access alternative or available information. This can be obtained through a PRF Inspection which can confirm the information on the notification by comparing it to documents such as the Garbage Record Book, waste receipts of previous discharges, IOPP Certificate. During this Inspection a visual evaluation of the actual situation on board can be carried out.

The recommended methodology for assessing the Advanced Waste Notification Form is laid out below.



<sup>19</sup> See the Commission Notice providing Guidelines for the interpretation of Directive 2000/59/EC for definition of these terms.

The assessment of the notification form should assess the following issues

- was the notification received in the appropriate timescale?
- is the notification filled in correctly?
- using the figures in Section 4.3 - is the SGW notified to be delivered and kept on board realistic? (please see Section 4.3) and,
- is the amount of SGW to be kept on board plus the SGW calculated for the next journey less than the agreed percentage of the ship's capacity for each type of waste? (please see Section 4.2.2 on the Used Waste Capacity)

If any of these factors are not met then the MS should take appropriate action, including warning the vessel, ensuring the problem is rectified and holding in port until any non-conformity is rectified.

An approval for a ship to leave the port with SGW on board that it has notified to land some of all of its SGW at the next port of call, should be given, either actively or passively, when the amount of SGW kept on board and the SGW calculated for the next journey is less than the agreed percentage of the ship's capacity for each type of waste.

## 4.5 Enforcement

If the Competent Authority in the MS decides that enforcement action is to be taken then the following authorities should be informed, as appropriate:

- the enforcement authorities;
- the port authority;
- the port state control authority;
- the PRF providers; and
- the Flag State of the ship, as appropriate.

The MS should also inform the next port of call, through SafeSeaNet, if the ship has left:

- without approval for not delivering their SGW;
- without following an order to discharge wastes following the evaluation of the Advanced Waste Notification Form or a PRF Inspection; and,
- with insufficient waste storage capacity following evaluation of all the available information.

This notification through SafeSeaNet will mean that the authorities in the next port of call will be aware of the situation in the last port of call, and be able to take appropriate action so that the ship will not be permitted to leave their port until a more detailed assessment has taken place. Further guidance on PRF Inspections is being produced by EMSA.

Ensuring that ships which do not have to apply the PRF Directive or only have to apply part of it is also important in the enforcement of Article 7. The table below provides guidance for enforcement of the PRF Directive for these ships.

Situation	Action / guidance
Ships exempted (from the advanced notification, delivery and payment of fees) under Article 9	The MS should monitor their waste delivery behaviour and ensure that these ships may also be targeted with an inspection.
Port calls by ships that are not	Ports and/or the competent authorities

required to forward the advance advanced notification (i.e. fishing vessels and recreational craft authorised to carry no more than 12 passengers) (Article 6)	should liaise with the ships that do not have to send an advance waste notification to be informed of their intentions to deliver SGW, with a view of assessing the actual needs to comply with Article 7. According to Article 11.3 MS should have control procedures for these ships.
Ships falling out of the scope of the PRF Directive (Article 3): warships, naval auxiliary or other ship owned or operated by a State and used only on government non-commercial service.	Ports and/or the competent authorities should ensure that these ships deliver their SGW and CR in a manner consistent, in so far as is reasonable and practicable, with the PRF Directive. This can be done through Memorandum of Understanding with the organisations managing these ships.

## 5. Guidance on the implementation of Article 9: "Granting of Exemptions"

### Article 9

1. *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.*
2. *Member States shall inform the Commission of exemptions granted in accordance with paragraph 1 on a regular basis, at least once a year.*

### 5.1 Introduction

Article 9.1 empowers MS to exempt ships in scheduled traffic with frequent and regular port calls from any or all of the following provisions:

- advance waste notification in Article 6;
- the mandatory delivery of ship-generated waste in Article 7.1; and,
- payment of the waste fee in Article 8.

Exemptions should only be granted on the condition that the Member State is satisfied that the ship takes care of its SGW management along its regular route. In particular, this guidance addresses the following identified gaps:

- the applicability of Article 9;
- general exemption principles;
- the assessment of an exemption application;
- information sharing and reporting; and,
- the monitoring of the exemptions.

### 5.2 Applicability of Article 9

Any ship that meets the definitions of scheduled, frequent and regular, and whose owners/managers can provide sufficient evidence, as outlined in the Interpretative Guidelines, should be eligible for an exemption. In general, exemptions for ships using ports outside the EU should not be given as many of the ships will have trade patterns that do not fit the definitions in the Directive (as clarified by the Commission in its Interpretative Guidelines). This is complicated by the fact that:

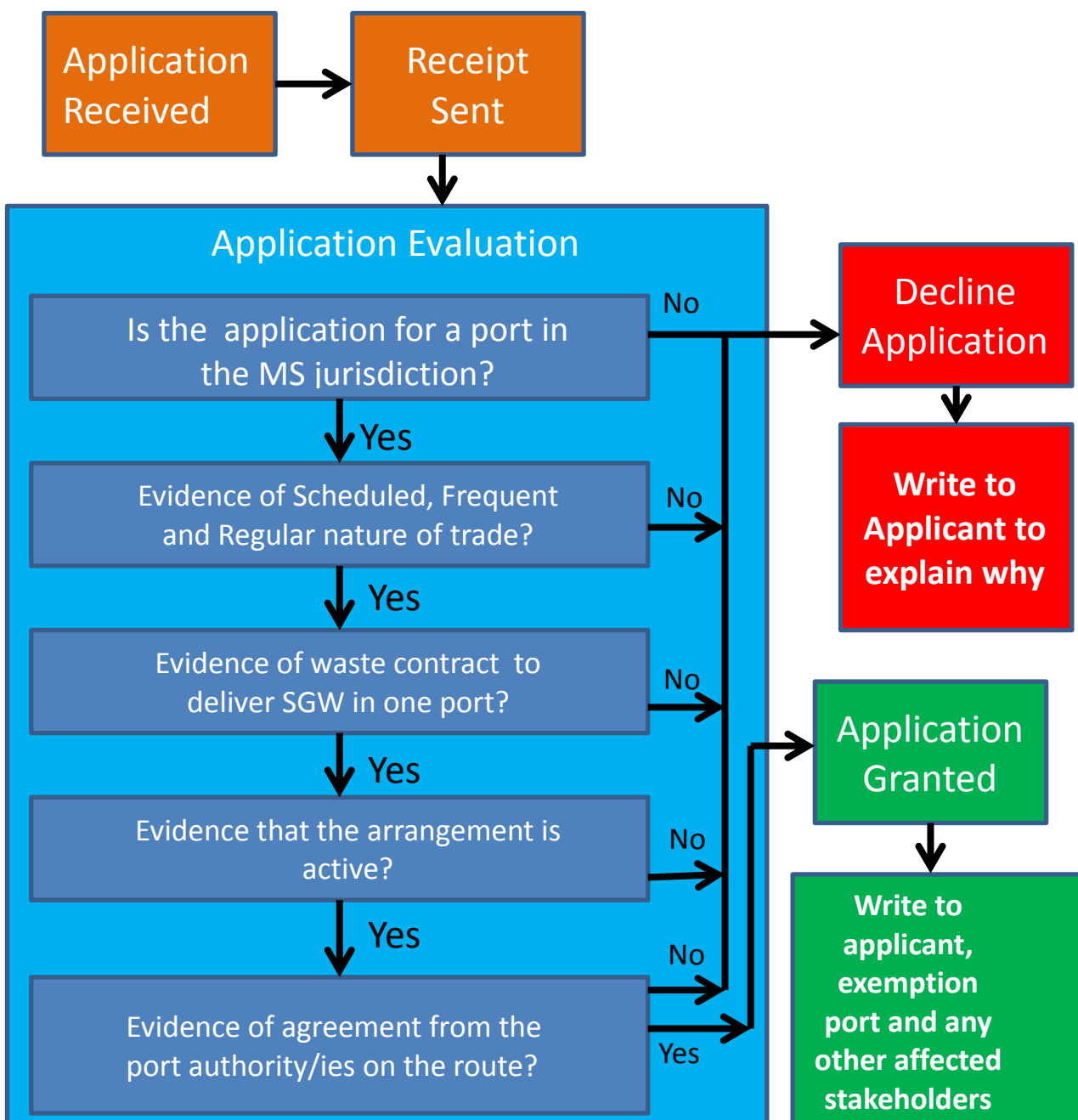
- exemptions cannot be given for ports in third countries;
- information on the waste management arrangement in third country ports is limited; and,
- in principle SGW should be delivered at PRF located in EU ports.

However, exemptions could be given to ships if the vessels on the following routes, provide sufficient proof that they meet the exemption criteria, the MS is satisfied that the SGW on that vessel is being managed in accordance with the PRF Directive and it is proven that there are sufficient PRF in the third country port:

- on voyages to Norway and Iceland, as the text of the PRF Directive has EEA relevance; or,
- on voyages to countries or territories near the EU (e.g. Russia, Turkey, other Black or Mediterranean Sea countries, the Isle of Man or the Faroe Islands); or,
- on other international voyages to non-EU countries.

It would be the responsibility of the vessels owner or master to provide information to prove that there is sufficient PRF in the third country port in the application for an exemption.

### 5.3 General exemption methodology



An example of an exemption application form can be found in Annex 3.

#### **5.4 Criteria to cater for exceptional circumstances in the exemption**

In addition to the requirements set out above, exemptions should:

- only be granted to the ship having submitted the application. However, allowances should be made for temporarily applying the exemption to another ship during essential maintenance periods for the exempted ship. This period should be no longer than 1 month. During this period the ship en-route for maintenance will have to notify in advance, deliver and pay the fee for their SGW in any port it visits. Any exemption does not apply to ships switched onto a route to temporarily increase the capacity of the route (although article 7.2 can still be applied to this vessel); and,
- allow deviations in case of an emergency, maintenance, for safety reasons (incl. extreme and/or unfavourable weather conditions), participation in search and rescue and carrying out exercises and drills at sea, incidents/ accidents and other cases of *force majeure*.

Guidance on how to set up a system to assess an exemption application can be found in Annex 4 and a model evaluation procedure for an exemption can be found in Annex 5.

#### **5.5 Exchange of information: application and granting the exemption**

If an exemption is granted by the MS, the following information should be provided to the ship by means of a letter and an exemption certificate:

- particulars of the ship;
- place where the exemption was granted;
- a reference to the Article(s) in the PRF Directive from which the ship has been exempted: Article 6, 7(1) and 8;
- grounds on which the ship has been exempted (route, schedule, waste delivery arrangements);
- validity of the exemption (up to a maximum of five years or the validity of the waste management contract underlying the exemption, or the period for which the sailing schedule can be guaranteed);
- validity conditions (reasons resulting in early termination);
- name and contact details of the issuing authority; and
- the date of issuance.

This information should be transmitted to the ports included in the exemption application and to all the MS of the ports concerned. In case of internationally trading ships, the information on the certificate should be presented also in language(s) facilitating understanding of its content by the relevant officials and employees in ports and MS along the ship's route.

A model exemption certificate can be found in Annex 6.

## **5.6 Enforcement**

MS should:

- maintain and keep an up-to-date record of the granted exemptions;
- ensure that any exempted ship may be subject to a PRF Inspection (as required in Article 11.1) on a regular basis, at least once per year in one of the ports it visits, to verify that they follow the waste delivery arrangements that the exemption is based on. Particular attention should be given to ships which have been exempted in other MS ports along their route to verify that these vessels fulfil their SGW delivery obligation;
- consider the results of such monitoring and enforcement activities when deciding on the prolongation or early termination of the granted exemption.

## **Annex 1:**

### **Guidance on issues that should be included in a WRH plan**

Note:

- 1) This table has been structured to match the ideal format for a WRH plan. In order to link this to the Directive, cross references to the issues that should be included in the WRH Plan, as included in Annex I of the Directive, have been added to the sub headings of this table.
- 2) For this table "Larger Ports" are defined as those receiving cargo ships or passenger vessels on international trade, however the application of this definition should be left to the MS.

<b>A) Legislation:</b>	
- (including Annex I, point 8: a summary of relevant legislation and formalities for delivery)	
<i>Key issues for all ports</i>	
The official responsibilities placed on the ports by national legislation.	
The duty of care responsibilities for the port with respect to SGW and CR management, waste transfer and waste handling, and any special rules regarding health, safety, security and the environment.	
Licensing and other requirements for the port, waste carriers, storage of waste; transfer of waste; management of waste; and the disposal of waste.	
<i>Issues for larger ports only</i>	
An analysis of the EU, national, and local legislation that applies to PRF, the reception, handling, treatment and disposal of all relevant types of SGW and CR within the MS where the port is located	
Identification of who is legally responsible for the provision of PRF and implementation of the WRH Plan in the port.	
<b>B) The port structure and administration:</b>	
- (including Annex I, point 9: identification of a person or persons to be responsible for the implementation of the plan)	
<i>Key issues for all ports</i>	
A brief review of the location of the port, including a map of its extent and facilities.	
An outline of the detailed responsibilities of the key stakeholders in the use and operation of the PRF.	
<i>Issues for larger ports only</i>	
The geographical scope of the WRH Plan following liaison with the owners and managers of the terminals and jetties within the port.	
A review of the Administration of the Port, indicating which department(s) is/are responsible for the different aspects related to the WRH Plan, who in the relevant department(s) is responsible and the management team developing, implementing and operating the WRH Plan. The contact information for all these people should be included.	
An outline of the detailed responsibilities of the following parties –	Contractors developing the WRH Plan and any consultants (if applicable).
	Contractors implementing/operating PRF (if applicable).
	The Harbour Master or Port Manager, as appropriate.
	The Executive Board and Management Team of the Port.

including:	The PRF Manager, the Port Officials responsible for the development of the PRF Plan and other staff involved in the implementation and operation of the PRF.
	Ships, including: <ul style="list-style-type: none"> <li>- the ship's Master;</li> <li>- the ship's nominated waste management officer; and</li> <li>- other appropriate staff on board ship.</li> </ul>
	The ships' agents active in the port.
	PRF providers.
	Waste transfer providers.
	The local licensed waste contractors, including those handling and disposing all kinds of SGW.
	The companies located in the port, if they are included in the WRH Plan.
	Independent terminals or jetties within the scope of the WRH plan.
	The PRF Approval Authority.
	Others, as appropriate.

### **C). Waste management:**

*(including Annex I, points:*

- 1) *an assessment of the need for port reception facilities, in light of the need of the ships normally visiting the port;*
- 2) *a description of the type and capacity of port reception facilities;*
- 3) *a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues;*
- 5) *procedures for reporting alleged inadequacies of port reception facilities;*
- 8) *a summary of relevant legislation and formalities for delivery;*
- 10) *a description of the pre-treatment equipment and processes in the port, if any;*
- 11) *a description of methods of recording amounts of ship-generated waste and cargo residues received; and*
- 12) *a description of how the ship-generated waste and cargo residues are disposed of.)*

#### **Key issues for all ports**

A review of the waste streams likely to be encountered in the port. Special consideration needs to be given to food wastes from vessels operating outside the EU and hazardous waste so that their disposal would conform to relevant EU Waste Legislation.

Detailed descriptions of how the port will operate the PRF system, managing the SGW and CR in the most appropriate fashion, based on analysis of expected use and volumes received.

A review of the location of PRF in the port, including a map/scheme of these facilities (if appropriate).

Detailed description of the final destination of SGW and CR removed from the port.

Detailed information on how all vessels use and/or obtain access to the facilities as appropriate, especially if they are time dependant or the vessel is on a berth

or mooring away from the shore.
If appropriate, detailed information on how to report that un-manned facilities are full and how the port will provide alternative PRF are provided to users.
If appropriate, detailed information on how to report that PRF independent providers have not fulfilled the task required by the port, or did not fulfil any bi-lateral contractual arrangements, and how the port will provide alternative PRF to these users.
A system to appropriately examine the Advanced Waste Notification Forms for the purposes of PRF provision, and consequently, the delivery of SGW.
A system to provide waste receipts (waste handling notes) to the vessel from the port or PRF provider, as appropriate, and to monitor the actual use of PRF.
Measures to receive the SGW on the user-pays basis from vessels that do not have to apply the Directive, to ensure they manage their wastes in a manner consistent with the PRF Directive.
Measures related to fishing vessels and recreational craft authorised to carry no more than 12 passengers. These vessels should still deliver their waste and pay for it to be received and disposed of.
A procedure for reporting and alleviating alleged inadequacies of PRF to the port and reporting any outstanding inadequacies to the National Competent Authority.
A procedure for reacting to alleged inadequacies of PRF.
Performance standards for waste management in the port so the efficiency of the system can be measured (e.g. number of times the PRF will be emptied a week based in the PRF capacity and traffic volume, time taken to provide PRF to a vessel).
A review of the volume of waste likely to be encountered based on previous waste receipts/Advanced Waste Notification Forms over the last three years. This should be used to identify the total amount and type of waste to be received and the peak needs / times of PRF use.
Detailed descriptions of how the developed PRF systems are adequate as they: <ul style="list-style-type: none"> <li>- do not cause undue delay to ships;</li> <li>- do not cause disincentives to land SGW in the port's PRF;</li> <li>- are appropriate to meet the peak needs/times in normal use of the port;</li> <li>- are convenient for both the users and the PRF providers (e.g. good access (if appropriate));</li> <li>- do not hinder other port/terminal operations;</li> <li>- do not impact adversely on the local community;</li> <li>- are clearly identified;</li> <li>- are safe to use and well lit; and,</li> <li>- do not contaminate or pollute the port, the local shoreline, the water table or waters in the port.</li> </ul>
<i>Issues for larger ports only</i>
An analysis of how the expected waste streams should be collected, recovered and disposed of in an environmentally friendly manner, considering, as appropriate, the waste hierarchy of waste segregation, reuse, recycling, treatment and disposal.
An analysis of the PRF needed, considering the identified peak demand of SGW and CR expected in normal operations of the port, their appropriateness for the port in question and the ships normally visiting the port. For example, collection by a dedicated barge may be more efficient in a larger port with limited shore side access than collection by road or using static facilities.
Measures to avoid pollution or contamination of the surrounding environment,

especially from oily waste, food wastes or runoff and collection from these wastes.
A list of licensed PRF providers/waste contractors authorised to operate in the port.
<b>D). Advanced Waste Notification and Receipts:</b> <i>(including Annex I, point 7: type and quantities of ship-generated waste and cargo residues received and handled)</i>
<i>Key issues for all ports</i>
In line with Directive 2010/65, a system that receives and uses the Advanced Waste Notification Forms from all ships using port, except for those that are exempted under the PRF Directive under Article 9, ships that do not have to legally apply the Directive, or do not have to notify as specified in Article 6 (fishing vessels or recreational craft authorised to carry no more than 12 passengers).
A process to act upon any unusual requests for PRF.
A system to identify vessels that have not notified and/or are keeping waste on-board for delivery in the next port of call.
A system to recognise any ship exempted from advanced notification.
The Advanced Waste Notification Forms should be kept for at least a year by the port.
The provision of waste receipts, if appropriate, that have been provided upon delivery and payment.
<b>E). Cost recovery system:</b> <i>(including Annex I, point 4: description of the charging system)</i>
<i>Key issues for all ports</i>
An assessment of the cost of providing the PRF, including defining the cost elements included, such as planning, provision of PRF, the collection of segregated waste, treatment (re-use, recycling and recovery) and the final disposal of the waste, and how the costs should be divided amongst the different user groups of these facilities.
Clear descriptions of the following elements of the fee system: <ul style="list-style-type: none"> <li>- general description / characteristics of the fee system;</li> <li>- A clear explanation and justification of the elements and levying mechanism of the indirect fee irrespective of whether a ship uses the PRF, as specified in Article 8.2 (significant contribution), especially if it is included in the general port dues;</li> <li>- what SGW delivery rights the indirect fee comprises;</li> <li>- A clear explanation and justification of any differentiation in charges, e.g. by size or type of ship;</li> <li>- the reasons for fee alterations and reductions;</li> <li>- any additional charges, including those for the reception of SGW amounts not included in the general fee; and</li> <li>- all the valid fee levels relevant to SGW delivery (charged by the port, PRF providers or third parties), or a reference to where they are easily available.</li> </ul>
A mechanism to ensure that a fee is charged to all vessels using the port to cover the costs of PRF.

The general fee forming the significant contribution covers/exceeds 30% of the total cost of providing the PRF – as suggested in the relevant Declaration issued by the European Commission on the adoption of the PRF Directive <sup>20</sup> .	
A methodology for invoicing/providing a receipt for the payment of the indirect fee/waste receipt.	
<b>F). Consultation:</b> <i>(including Annex I, point 6: procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties);</i>	
<i>Key issues for all ports</i>	
Evidence that the following stakeholders have been consulted with and all reasonable concerns have been addressed.	Operating contractors (if applicable).
	Ships using the port, including those exempted from part of, or the entire Directive.
	The ships' agents.
	The local licensed waste contractors, including those handling and disposing of oil and sewage.
And if appropriate	
	Waste PRF providers.
	Waste transfer providers.
	Other relevant Government Authorities (e.g. environmental, waste, port health etc. (as applicable)).
	The companies located in the port, if they are included in the PRF Plan.
	Independent terminals or jetties within the scope of the PRF plan.
	Others, as appropriate.
Evidence that the views of the stakeholders have been considered, addressed and acted upon (if appropriate).	
Evidence that an ongoing consultation process is in place.	
<b>G). Information</b> <i>Key issues for all ports</i>	
Information on the PRF and the fee structure is effectively provided to the users of the port, and is easily available to new or occasional users.	
<b>H). Audit and Review:</b> <i>(including Annex I, point 11: a description of methods of recording actual use of the port reception facilities);</i>	
<i>Key issues for all ports</i>	
A methodology for regular internal auditing and reviewing the WRH Plan.	
A limited review should be undertaken annually for large ports or every three years for other ports to include changes e.g. in any fee, changes in contact information or changes in the PRF provision. The revised WRH Plan should be resubmitted to the appropriate authorities for comment and information.	
Additionally, a major review should be undertaken:	

<sup>20</sup> OJ L 332, 28.12.2000

- towards the end of the three-year validity of the WRH Plan; or
- after significant changes in the operation of the port or the PRF.

In the latter case the WRH Plan should be reviewed and re-approved within six months of a major change.

Examples of a significant change in the operation of the port include:

- a significant increase or decrease in the number or type of calling ships;
- the development of a new terminal or jetty;
- a change in the provision of PRF; or,
- the inclusion of a new waste stream.

Limited and major reviews should involve stakeholders' participation.

### **I) Enforcement measures:**

*Key issues for all ports*

Appropriate sanctions/penalties and enforcement measures that have been developed in conjunction with the appropriate authorities and communicated to the users of the port.

## **Annex 2:**

### **Checklist for the inspection of WRH Plans by the MS**

Issue to be Checked		Pass	Fail
<b>General Issues</b>			
The WRH Plan has been widely distributed amongst stakeholders and is readily available.			
The WRH Plan provides PRF facilities that are adequate to meet the needs of the ships normally visiting that port, taking into account the operational needs of the users of the port, the size and geographical location of the port, the type of ships calling at that port and the exemptions provided.			
The WRH Plan provides PRF facilities that do not cause undue delay to ships or cause disincentives to the landing of SGW in the port.			
Information is available on line about the charges, how SGW should be notified by ships and how the fee should be paid.			
<b>Consultation</b>			
Relevant authorities and stakeholders have been consulted as, and if, appropriate.	The relevant Environmental, Waste and other appropriate Governmental Authority/ Authorities.		
	The relevant enforcement authorities, (if different from the National Competent Authority).		
	The port users, including those exempt from the Directive.		
	The companies located in the port, if they are included in the WRH Plan.		
	The ships' agents.		
	The local licensed waste contractors, including those handling and disposing of garbage, oil and sewage.		
	Independent terminals or jetties within the scope of the WRH plan.		
The Government organisations consulted are content with the WRH Plan. This can be checked by examining the letters sent by these bodies which should be included in the PRF plan.			
Concerns raised by the stakeholders during consultation have been considered, addressed and if needed acted upon.			
The users consulted are content with the plan and all reasonable concerns have been addressed.			
The ongoing consultation process for the WRH Plan is functioning and the method is included.			
There is a procedure to review and update the WRH Plan.			
<b>Capacity of PRF</b>			

There is a methodology in the WRH Plan that analyses the SGW flows through the port in relation to the traffic of ships normally using the port.		
Historical data has been collected to be used to appraise the adequacy of PRF and to set the indirect fee for the landing of waste. This should include data from waste receipts on actual deliveries, or, as a minimum, data from the Advanced Waste Notification Form (when these values are not available then they should be estimated and justified accordingly).		
This information has been used to identify the capacity of PRF in the port for all waste types (different garbage incl. food wastes, oil, sewage, hazardous waste and cargo residues), to determine the type and size of the PRF that is needed and to design the waste management process.		
<b>Delivery and Disposal of SGW</b>		
The type and capacity of PRF provided is sufficient to meet the amount of SGW expected to be delivered during the peak needs/times (the busiest period of the port from ships normally using the port, taking into account any expected change of traffic (by volume or ship type)).		
<p>The PRF provided are easy to use, and their use</p> <ul style="list-style-type: none"> <li>• does not cause undue delay to ships;</li> <li>• does not cause disincentives to deliver SGW in the port;</li> <li>• fulfil the needs of the stakeholders;</li> <li>• are convenient for users, contractors and vehicles;</li> <li>• does not hinder other port/terminal operations;</li> <li>• does not impact adversely on the local community;</li> <li>• are clearly identified;</li> <li>• are safe, with well-lit PRF; and</li> <li>• do not contaminate the port's shoreline, the water table or waters in the port.</li> </ul>		
A map of the PRF facilities is included in the WRH plan (if appropriate).		
Detailed information is provided on how a vessel accesses the PRF, especially if they are time dependant.		
Detailed information is provided on how waste will be collected from the PRF, stored, treated, transported and disposed of in an environmentally friendly, sound and safe way, including reduction, re-use, recycling, composting and energy recovery, as appropriate; cf. Directive 2008/98/EC (Waste Framework Directive)		
The disposal, transport and storage of food waste originating from vessels trading outside the EU conforms with the relevant EU waste legislation.		
The disposal, transport and storage of hazardous (special) waste conform to relevant waste EU Legislation.		
Detailed information is provided on how often any static		

facilities will be emptied.		
A method exists for reporting facilities that are full to the PRF managers/providers.		
A method exists for providing alternative PRF to users when existing static PRF are full.		
The PRF provide for the collection of segregated SGW from ships and facilitate reuse/recycling opportunities.		
The PRF are designed so that contamination of the surrounding environment is avoided, especially from oily waste, food waste or runoff and collection of these wastes.		
Adequate signage has been designed and be placed around the port.		
A methodology exists for providing a receipt for the waste if appropriate.		
<b>Cost of the PRF and the Charging Regime</b>		
The Cost Recovery System includes a method of charging a indirect fee (significant contribution to the costs of PRF) for the use of the PRF irrespective of whether the PRF are used.		
There is a methodology in the WRH Plan that explains how the indirect fee has been calculated and is adjusted.		
An explanation is included of any differentiation in charges by size or type of ship.		
A clear explanation is included of what is covered by the indirect fee.		
If the WRH Plan includes volume thresholds of the amount of waste or the type of waste that can be delivered to the PRF, then the charges for delivering additional waste need to be published and be made easily available to the user. This should include direct charges levied by external contractors.		
The fee covers/exceeds 30% of the cost of providing the facilities (as per the separate Declaration from the European Commission made after the adoption of the PRF Directive).		
The WRH Plan explains how the fee should be paid.		

If any of these points have not been adequately addressed, then the assessor should not accept the WRH Plan, explain the problem to the port and ask them to rectify the outstanding issues immediately.

The approval of the WRH Plan should include a site visit to see if the plan has been implemented appropriately. This visit should use the following checklist as appropriate:

Issue to be checked during a site visit	Pass	Fail	Comments
The existing practices for waste handling follows the submitted WRH Plan.			
No changes have been made to the WRH Plan after its submission for approval.			
If changes have been made to the WRH Plan after its submission for approval: - they have been recorded in the WRH			

Plan; - the stakeholders have been informed/consulted, with no negative feedback received; and, - these changes are acceptable from the point of view of the assessment by the competent authority/ies.				
The location of the facilities matches that proposed in the WRH Plan.				
The list of approved/authorised waste handlers in the WRH Plan is up-to-date.				
Contact details for the port and the waste contractors are up to date.				
Signage for waste management in the port is obvious and correct.				
All information on the WRH Plan required by Annex I of the PRF Directive, including on the port's waste management system, is being provided to users.				
Facilities are provided for segregation of waste (if appropriate).				
Facilities are provided for recycling of waste (if appropriate).				
The plan appears effective: in this case the port/PRF users could be questioned to see how they perceive the measures in place to receive their waste.				
The notifications are kept by the port at least a year (if appropriate).				
Information on the following is recorded by the port:	SGW that has been kept on board the vessel.			
	Quantities of SGW delivered by each vessel.			
	Use of the PRF.			
	Copies of waste receipts/consignment notes issued to the ship or port.			
	The income from waste fees.			
	The PRF costs.			
	Complaints.			
The local complaints procedure to rectify problems is in place and users are aware of this system.				
Problems reported to the port have been rectified quickly.				
Ongoing consultation is taking place.				
The facilities are clean, tidy and not				

contaminating the surrounding environment.			
Internal operational standards for the implementation of the WRH Plan have been set and met.			

## **Annex 3:** **Port Waste Exemption Application Form**

### **PORT WASTE EXEMPTION APPLICATION FORM**

Note: Applications can be for an exemption from any combination of the requirement to notify in accordance with article 6, to deliver the SGW in accordance with article 7, and to pay the indirect fee in accordance with article 8. Exemptions can also be differentiated by waste type.

For an exemption to be granted, the vessel in question must:

- *have a published or planned list of times of departures and arrivals, between identified ports or terminals, or have recurrent<sup>21</sup> crossings that constitute a recognizable schedule. This schedule or equivalent can also take the form of declarations of sailing times. It should be noted that the ship's schedule should be set in advance and remain stable over at least 4 months to include seasonal sailings;*
- *operate on repeated journeys with a constant pattern between the identified ports or terminals and no others, or undertake a series of voyages from and to the same port without intermediate calls; and*
- *visit the port for which the exemption applies and the port at which it discharges the ship generated waste at least once a fortnight.*

<b>APPLICANT DETAILS</b>	
Completed Exemption will be sent to this address unless otherwise requested	
Name	
Job Title	
Employer/Company	
Address	
Telephone no. / Fax no.	
Email	

This application is for an exemption to (delete as appropriate) [notify in accordance with article 6], [to deliver SGW in accordance with article 7], [to pay the fee in accordance with article 8] of Directive 2000/59/EC for [specify SGW type(s)].

<b>SHIP DETAILS</b>	
Name of Vessel	
IMO Number	
Official Number	
Flag state and Port of Registry	
Owner/ operator of vessel (with	

<sup>21</sup> Recurrent refers to shuttle or "turn up and go" service type of journeys on very short routes.

address)			
Gross tonnage			
Vessel type	Oil tanker/ Chemical tanker, Ferry, Cruise ship, Cargo ship, Bulk carrier, Container, Other (please delete as appropriate)		
Approximate amount of waste produced on vessel (per voyage) and storage capacity (m <sup>3</sup> ) on the vessel for these wastes.		<i>Vol produced</i>	<i>Capacity</i>
	Garbage		
	Oil		
	Hazardous Waste		
	Food Waste		
	Others (please state)		

### PORT DETAILS

Name of Port(s) that the Exemption is being applied for.	
Contact point/Agent for the vessel at that port (including name, address and telephone number).	
<b><i>Route covered by the vessel – please list all ports on route.</i></b>	
Is this a Scheduled, Frequent and Regular Route? Please provide evidence.	
Does the vessel deviate from this route at any time? If yes please state why.	
Has an Exemption been applied for, granted or refused for any other Port on this route? If so when and where?	

Please ensure that the following evidence is provided and attached to this application form:

- 1). Evidence of the scheduled traffic with frequent and regular port calls of the vessel, and if there is a third or fourth port involved evidence of exemptions (or exemption application) for the ports in question;
- 2). Evidence of a signed contract, or contracts, covering each type of ship generated waste with a port or with a registered waste contractor in the port where the waste is to be delivered, along with the frequency of which the waste will be delivered to these facilities;
- 3). Receipts and other proof that this contract/arrangement is active; and,
- 4). Evidence that these arrangements are acceptable to the port receiving the ship generated waste, the port(s) for which the exemption is being applied for and other ports on the route.

### DECLARATION

I confirm that the information in this completed form is correct

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

## ***Annex 4:***

### ***Guidance on systematic assessment of an exemption application***

MS should:

- Identify the competent authority who will administer the exemption procedure;
- Develop and adopt procedures covering the application, decision making, and communication, which should set out:
  - how the application for an exemption will be processed by the competent authority to assess the applications, what resources are needed by the authority, what training will be required and how the cost of these resources will be recuperated from the applicants (if relevant);
  - the validity conditions and period of the exemption;
  - the content requirements of applications, including what evidence has to be enclosed;
  - how to submit applications and to whom they should be submitted to;
  - targets for responding to an application (which should preferably not exceed the normal timelines in which the authorities are required to respond to requests);
  - how the evaluation should be undertaken, including how to verify the information provided by the applicant;
  - the standard terms in which the granted exemptions and negative decisions are presented and communicated to the applicant (letter, certificate, conditions), whereas the negative decisions should indicate the reasons for rejection and possible way forward; and
  - identify how to inform other relevant parties of the granted exemption or its termination. This should include relevant ports, relevant authorities of the port States along the ship's route and the flag State of the ship.

## **Annex 5:**

### ***A model evaluation form for an exemption application***

If the answer to any of the questions is "No" - the exemption application should be rejected.

**Ship:**

**Application Reference:**

**Date:**

Stage	Issue	Yes	No
1.	Has the application been made on the appropriate form?		
2.	Have the vessel's details been included on the form?		
3.	Following a check of these details can they be verified?		
4.	Does the application involve an exemption for a port in your MS?		
5.	Has the exemption handling fee been enclosed (if relevant)?		
6.	Has proof been provided of the scheduled nature of the traffic the ship is engaged in; is there a published schedule, or has evidence of a recognizable schedule been determined by regular and frequent crossings? Can this be verified?		
7.	Has proof been provided that the vessel only calls at the ports nominated in the exemption application? Can this be verified with the ports, or through independent records of vessel movements or port calls?		
8.	Has proof been provided that the vessel visits the port for which the exemption applies and the port in which SGW is landed at least once a fortnight? Can this be verified with the ports, or through independent records of vessel movements or port calls?		
9.	Have receipts and other proof that this contract or arrangement is active, been provided? Can this be verified with the waste management company?		
10.	Has evidence been provided that these arrangements are acceptable to the receiving port and the port(s) for which the exemption is requested? Can this be verified with the ports concerned?		
11.	Will the vessel have sufficient on-board storage capacity to handle the SGW accumulated during the journey between subsequent deliveries?		

## **Annex 6:** **A Model Exemption Certificate**

### **CERTIFICATE OF EXEMPTION UNDER ARTICLE 9 OF THE DIRECTIVE 2000/59/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 27 NOVEMBER 2000 ON PORT RECEPTION FACILITIES FOR SHIP-GENERATED WASTE AND CARGO RESIDUES**

**FOR THE REQUIREMENTS TO** *(delete as appropriate)*  
**[NOTIFY IN ACCORDANCE WITH ARTICLE 6],**  
**[TO DELIVER SGW IN ACCORDANCE WITH ARTICLE 7],**  
**[TO PAY THE FEE IN ACCORDANCE WITH ARTICLE 8]**  
**OF DIRECTIVE 2000/59/EC**  
**FOR** *(delete as appropriate)*  
**[SPECIFY SGW TYPE(S)]**  
**AT THE PORT[S] OF [INSERT PORT] IN [INSERT COUNTRY] ]**

Name of vessel	Distinctive number or letters	IMO Number	Flag
State			

is in regular traffic and repeatedly calls at the following port(s) according to a schedule or predetermined route: *[INSERT PORT(s)]*

calls at these ports at least once a fortnight and has made an agreement on delivery of waste with the port or a registered waste contractor at the port of:

and is thus exempted, from *(delete as appropriate)*:

- [the requirements notify in accordance with *[INSERT RELEVANT ARTICLE(s) IN NATIONAL LEGISLATION OF THE COUNTRY]*],
- [to deliver the SGW in accordance with *[INSERT RELEVANT ARTICLE(s) IN NATIONAL LEGISLATION OF THE COUNTRY]*],
- [to pay the indirect fee in accordance with *[INSERT RELEVANT ARTICLE(s) IN NATIONAL LEGISLATION OF THE COUNTRY]*],

for *(delete as appropriate)* [all types of SGW] [specify SGW type] [Cargo Residues]

The exemption is only applicable to the ship named above on the route named above. It may be temporarily applied for one month to another ship replacing this vessel during essential maintenance periods, however, during this period the ship named on this exemption and undergoing maintenance will have to notify, land and pay the fee for their SGW in any port it visits. The exemption becomes invalid if the route listed above is not followed, unless the ship has to deviate from its route in case of an emergency, for safety reasons (incl. extreme and/or unfavourable weather conditions), participation in search and rescue and carrying out exercises and drills at sea, incidents / accidents and other cases of *force majeure*.

This certificate is valid until *[INSERT DATE]* unless the grounds for issuing the certificate are changed before that date.

Place and Date

**CERTIFICATION CHANGE**  
Official Stamp

.....  
Name  
Title



**European Maritime Safety Agency**

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