

GIBRALTAR MARITIME ADMINISTRATION
(Ministry of Maritime Affairs)



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Shipping Guidance Notice – 060

Port Waste Reception Facilities

To: Ship Owners, Operators, Masters, Officers and Classification Societies

References:

- Gibraltar Merchant Shipping (Port Waste Reception Facilities) Regulations 2002 as amended;
- Council Directive 2000/59/EC as amended;
- MARPOL 73/78 Convention as amended.

1. Background

The purpose of the Directive is to reduce the discharges of ship-generated waste and cargo residues into the sea, especially illegal discharges from ships using European Ports by improving the availability and use of port reception facilities from ship-generated waste and cargo residues, thereby enhancing the protection of the marine environment.

Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues is implemented in the Gibraltar through the Gibraltar Merchant Shipping (Port Waste Reception Facilities) Regulations 2002, as amended. These Regulations are referred to in this SGN as the “Regulations” as amended. Directive 2000/59/EC as amended are also implemented by the Regulations as amended. Directive 2000/59/EC is referred throughout this SGN as the “Directive”. Please study these Regulations and Directive carefully.

2. Requirements for ships

In summary the following are the main requirements for vessel:

- a. Ships must notify the port authority or terminal operator before entry into the port/terminal of the waste they will discharge, including information on types and quantities. Ships do not have to notify about sewage if they intend to discharge it at sea in accordance with MARPOL.

- b. Ships must deliver their waste to port reception facilities before leaving the port or terminal, unless it is sewage or they have sufficient dedicated storage capacity for the waste that has accumulated and is expected to accumulate during the voyage to the next port of call.
- c. Ships must pay a mandatory charge to significantly contribute to the cost of port reception facilities for ship generated waste, whether they use them or not.
- d. Recreational craft authorised to carry, or designed to carry no more than 12 passengers and fishing vessels must deliver their waste (other than sewage) to port reception facilities but are exempted from the requirement to notify before entry into port and the requirement to pay a mandatory charge.

3. Further details relating to requirements for ships

a. Notification

The information that ships must supply to ports/terminals is set out in Schedule 3 of the regulations as amended (which reflects the notification form set out in the original Directive and amendments found in Directive 2007/71/EC). A sample form can be found attached (see Annex I).

It includes information on the type of waste to be delivered, dedicated storage capacity, amount to be retained on board, the harbour/terminal at which the remaining waste will be delivered and the estimated amount of waste to be generated between notification and the next port of call.

The information on the form may be passed electronically or by some other means if the port/terminal offers such a facility. The information should be sent to the port authority or terminal operator responsible for port waste management planning at the harbour or terminal.

It is expected that in most cases this information will be provided through the ship's agent, although the obligation to notify falls on the master of the ship.

The information must be provided at least 24 hours before the ship is due to arrive, or if the destination port/terminal is not known until less than 24 hours before arrival, as soon as it is known.

If the voyage is of less than 24 hours duration, notification must be made at the latest on departure from the previous port/terminal. In all such cases an estimation of waste generated during the final part of the voyage should be made.

A copy of the notification form must be kept on board until at least the next port of call is reached and must be produced on request to the relevant maritime authorities in that port. In addition to notifying, ships must separately make whatever arrangements are necessary to land waste in accordance with the normal practice of the port or terminal. If the ship wishes to land wastes other than those handled by the port/terminal then arrangements should be made with local contractors.

b. Delivery of waste

All ships must deliver all ship-generated wastes to a waste reception facility before they leave a harbour or terminal. These are wastes that are generated during the service of the ship and consist of: garbage, sewage, oil, cargo residues and oily mixtures.

The only exceptions to this are as follows:

- i. If the waste is sewage and the Master is not required to notify under the relevant Regulations. This may be because the ship is not within the scope of regulations, or because it is within the scope but it is intending to discharge at sea in accordance with MARPOL Annex IV;
- ii. If the ship has sufficient dedicated storage capacity on board to hold the current waste and any additional waste that will be generated in the period until the ship reaches the harbour/terminal at which it proposes to deliver its waste. Masters must land waste when the foreseeable production of waste on board on the next voyage will exceed the remaining storage capacity. The notification information supplied must demonstrate that the ship has sufficient storage capacity and that the proposed destination port/terminal has adequate reception facilities.
- iii. If the port authority is of the opinion that the destination port/terminal has inadequate facilities, the destination is unknown or the ship does not have sufficient capacity and could pollute during its next voyage, they may carry out an inspection on the vessel and may direct a ship to deliver its waste before it leaves the port or terminal.
- iv. In the case of sewage, ships may deliver their sewage to the port or dispose of it at sea in accordance with MARPOL (and any other local Regulations which may apply).

Under the Regulations as amended, waste has to be estimated by **volume** (cubic metres), but ships may, if convenient, additionally estimate the waste in weight (kilograms). Dual reporting will aid ships and ports especially when they have waste disposal arrangements based on the tonnage of waste.

It is recommended that ships adopt schemes to minimise their waste and to use recycling facilities where they are available. Information on such schemes can be found in the International Chamber of Shipping publication - "Guidelines for the Preparation of Garbage Management Plans incorporating a Model Plan" - available from Marisec Publications (www.marisec.org). If a ship operates a waste segregation system the operator should contact the harbour/terminal where waste will be landed to discuss the availability of segregated reception facilities.

c. Sewage

Ship-generated sewage can be discharged at sea in accordance with MARPOL Annex IV. Directive 2007/71/EC clarifies the position that ships may discharge sewage at sea in accordance with Regulation 11 of Annex IV of MARPOL 73/78 as amended.

d. Mandatory charge

The requirement for ships to pay a mandatory fee to cover the costs of providing port waste reception facilities is inherent to both the Directive and the Regulations as amended. Under these Regulations, all ships other than fishing vessels and recreational craft authorised to carry, or designed to carry, no more than 12 passengers, must pay such a fee. Those ships which are not required to pay the mandatory fee but which want to deliver their waste must make local arrangements and pay for delivery of ship-generated wastes on a commercial basis.

4. Exemptions from the Regulations and Directive as amended

Under the Regulations and Directive as amended, Port states may exempt ships from all three of the following requirements of the Regulations at one or more ports of call.

These requirements are:

- a. to notify the harbour authority or terminal operator before entry;
- b. to deliver all ship generated wastes; and
- c. to pay a mandatory charge at each harbour/terminal regardless of use.

When a ship is applying for an exemption it should liaise with the port/terminal to discuss how such an exemption will affect their harbour/terminal dues which the ship will have to pay, as an exempted ship should not be charged the mandatory element of the harbour/terminal charges.

To be exempted, a ship must be engaged in “scheduled traffic with frequent and regular port calls” and there needs to be sufficient evidence of an arrangement ensuring the delivery of ship-generated waste (this now includes sewage) and payment of charges in a port along the ship’s route. (Regulation 15(3)).

5. Reporting of inadequate Facilities

Under the Regulations and Directive as amended, ports must provide adequate reception facilities to receive the types and quantities of waste from ships normally using the harbour or terminal. There is also a requirement under the International Convention for the Prevention of Pollution by Ships 1973, as modified by the Protocol of 1978 relating thereto (usually known as MARPOL 73/78) that all signatory States must provide adequate reception facilities.

Information on how to report alleged inadequacies of waste reception facilities can be obtained from the relevant Port authorities.

The Master of a Gibraltar registered vessel faced with a lack of reception facilities should bring the alleged inadequacy to the attention of the port, harbour or terminal concerned immediately.

If the problem is not resolved at the time to the Master’s satisfaction then the form at Annex 1 should be completed by the Master, ship owner or agent and sent to the GMA Survey Division (maritime.survey@gibraltar.gov.gi)

6. Non-Compliance

Ships which have not complied with the need to notify and/or offload waste may be targeted by the Port State for inspection.

Ships which have failed to comply with the relevant notification requirements may be subject to inspection regardless of the period since their last periodic PSC inspection. Examples of failure to comply with the notification requirements are:

- a. Forms which are completed incorrectly;
- b. Forms which are not submitted;
- c. Forms which are not submitted within the time limit.

Port States will record an “unexpected factor” message on vessels which fail to comply with the notification requirements making the vessel a Priority II ship and as such become eligible for PSC inspection.

Furthermore Masters and owners of ships that fail to comply with the above requirements, may be guilty of an offence and may be liable to fines.

7. Further Guidance

Any questions about this Notice may be referred to the GMA Survey Division (maritime.survey@gibraltar.gov.gi)

Richard Montado
Maritime Administrator

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ANNEX 1
GIBRALTAR MARITIME ADMINISTRATION
Form for reporting alleged inadequacy of oily waste, noxious liquid substances and
garbage reception facilities (Form Rev. 25.03.15)

The Master of a ship having encountered difficulties in discharging waste to reception facilities should forward the information below, together with any supporting documentation, to the Gibraltar Maritime Administration 2/8 Watergate House, Casemates square, Gibraltar email: maritime.survey@gibraltar.gov.gi ; Tel: +350 200 50424 Fax: +350 200 47771.

1 SHIP'S PARTICULARS

1.1 Name of Ship:				
1.2 Owner or operator:				
1.3 Distinctive number or letters:				
1.4 IMO Number ² :				
1.5 Port of registry:				
1.6 Type of ship:	Oil Tanker		Chemical tanker	Bulk carrier
	Other Cargo		Passenger ship	Other (specify)

2. PORT'S PARTICULARS

2.1 Country:				
2.2 Name of port or area:				
2.3 Location/terminal name: (e.g. berth/terminal/jetty)				
2.4 Name of the company operating Reception facility:				
2.5 Type of port operation:	Unloading port		Loading Port	
	Other (Specify e.g shipyard)			
2.6 Date of arrival:				
2.7 Date of occurrence:				
2.8 Date of departure:				

3 INADEQUACY OF FACILITIES

3.1 Type and amount of waste for which the port reception facility was inadequate and nature of Problems encountered

Type of waste	Amount for Discharge (m ³)	Amount <u>not</u> Accepted (m ³)	Problems encountered Indicate the problems encountered by using one or more of the following code letters, as appropriate. A No facility available B Undue delay C Use of facility technically not possible D Inconvenient location E Vessel had to shift berth involving delay/cost F Unreasonable charges for use of facilities G Other (please specify in paragraph 3.2)
MARPOL Annex I-related			
Type of oily waste:			
Oily bilge water			
Oily residues (sludge)			
Oily tank washings (slops)			
Dirty ballast water			
Scale and sludge from tank cleaning			
Other please specify			
MARPOL Annex II-related			
Category of NLS residue/water			
Mixture for discharge to facility from			
Tank washings:			
Category X substance			
Category Y substance			
Category Z substance			
MARPOL Annex IV-related			
Sewage			
MARPOL Annex V-related			
Type of garbage			
Plastic			
Floating dunnage, lining, or packing			
Materials			
Ground paper products, rags, glass,			
Metal, bottles, crockery, etc.			
Food waste			
Incinerator, ash			
Other please specify			
MARPOL Annex VI-related			
Ozone-depleting substances and			
Equipment containing such substances			
Exhaust gas-cleaning residues			

4 Indicate, in paragraph 3.2, the proper shipping name of the NLS involved and whether the substance is designated as 'solidifying' or 'high viscosity' as per MARPOL Annex II regulation 1 paragraphs 15.1 and 17.1 (as amended) respectively.

3.2 Additional information with regard to the problems identified in the above table.

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3.3 Did you discuss these problems or report them to the port reception facility.

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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If Yes, with whom (please specify)

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If Yes, what was the response of the port reception facility to your concerns?

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3.4 Did you give prior notification (in accordance with relevant port requirements) about the vessel's requirements for reception facilities?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not applicable
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If Yes, did you receive confirmation on the availability of reception facilities on arrival?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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4 ADDITIONAL REMARKS/COMMENTS

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Master's Signature

Date:

