



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

MGN 387 (M+F)

Guidance on the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 and amendments

Notice to all UK Shipowners, Masters and Officers of Merchant Ships, Skippers of Fishing Vessels and Ports and Terminals that undertake Port Waste Management Planning.

This note replaces MGN 253, 259 and 326.

This note should be read in conjunction with the following documents:

Statutory Instrument 2003/1809 : The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003.

Statutory Instrument 2009/1176 : The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009

Statutory Instrument 2008/3257 : The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008, as amended

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

Key points:-

This Marine Guidance Note (MGN) consolidates previous MGNs on this subject - MGN 253, 259 and 326 and revises information where appropriate. It also sets out the additional Sewage requirements and the updated notification form include sewage which needs to be completed.

The MGN also provides notification and information on the introduction of an hourly fee for the issue of a Port Waste Exemption certificate, together with an explanation of the exemption process, and the appropriate application form.

The IMO Inadequacy reporting form has been updated to reflect changes agreed by the IMO and the new updated version is attached to this MGN.

Background

1. 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 UK through the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (SI 2003/No: 1809) as amended by the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009. These Regulations are referred to in this MGN as “the 2003 Regulations as amended”. Directive 2007/71/EC is also implemented by the 2003 Regulations as amended. Please study these Regulations carefully.

2. This MGN unifies and replaces the information found in MGN 253, 259 and 326 and provides additional clarifications relating to the implementation of the regulations for sewage, information on the fee for processing exemptions and inadequacy reporting.

3. Detailed guidance for Harbour Authorities and terminals undertaking Port Waste Management Planning (PWMP) is available in the booklet ‘Port Waste Management Planning - A Guide to Good Practice’ which can be obtained from the Maritime and Coastguard Agency (MCA) Marine Offices or viewed on the MCA website - http://www.mcga.gov.uk/c4mca/guidetgp_final_version.pdf

Applicability to Ports and Terminals

4. The 2003 Regulations as amended are applicable to any harbour or terminal within the UK. Every harbour authority and terminal operator is required by the Regulations to provide waste reception facilities adequate to meet the needs of ships normally using the harbour or terminal in question, without causing undue delay to ships. Many UK ports operate on a landlord (ie a terminal is rented from the port) basis and in such ports it may fall to the terminal operator to produce a port waste management plan and have appropriate reception facilities. In new cases the Secretary of State will, upon a request from the port and terminal in question, provide a direction to the terminal in question to provide a port waste management plan and appropriate reception facilities. However most, if not all terminals in this situation, already have plans and facilities. These will need to be updated in the light of the 2009 amendments to the 2003 Regulations. Where responsibility is unclear, terminals should clarify the local situation with the Harbour Authority. We anticipate that in most cases there should be no disagreement about who should produce the plan but in cases where there is a dispute the Secretary of State has the powers to issue a direction determining who has to discharge the duties under the 2003 Regulations as amended.

5. The port waste management plan is discussed in detail in the MCA’s Guide to Good Practice which is available from Marine Offices. The booklet outlines the requirements of the Regulations, discusses the practical issues facing port waste management planners and provides more detail on the applicability of the 2003 Regulations as amended to ports, terminals, marinas and other locations that handle ships.

Requirements for ships

6. The major requirements of the 2003 Regulations as amended are as follows:

a) Ships must notify the harbour 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.

Applicability to Ships

7. The following table indicates how the 2003 Regulations as amended apply to some types of ships and indicates what is required for that type of ship to comply with those Regulations.

Ship Type	Requirements under the 2003 Regulations as amended.
1. Vessels under the Small Commercial Vessel Code of Practice	Are exempt from the requirement to notify and to pay the mandatory charge but are required to deliver their waste to port. Further guidance can be found in the harmonised Small Commercial Vessel Code of Practice.
2. Warships, Naval Auxiliary ships and Vessels owned or operated by a state, and on government non-commercial service (for example HM Customs and Excise vessels)	The Regulations do not apply to these vessels, but they are encouraged to follow the spirit of the Regulations and to adopt sound waste management practices.
3. Class IV – Passenger Ships engaged only in voyages in category A, B, C and D waters.	Fall outside the scope of the 2003 Regulations as amended. Should adopt good waste management practices in accordance with the Domestic Safety Management Code.
4. Class V – Passenger Ships engaged only in voyages in category A, B and C waters.	Fall outside the scope of the 2003 Regulations as amended. Should adopt good waste management practices in accordance with the Domestic Safety Management Code
5. Class VI – Passenger Ships carrying not more than 250 passengers to sea, or category A, B, C, and D waters in all cases in favourable weather and during restricted periods ¹ during which the vessel is at no time more than 15 miles exclusive of A, B, C and D waters from their point of departure nor more than 3 miles from land.	Fall outside the scope of the 2003 Regulations as amended. Should adopt good waste management practices in accordance with the Domestic Safety Management Code
6. Class VI (A) – Passenger ships carrying not more than 50 passengers for distances not more than 6 miles on voyages to or from isolated communities on the islands or coasts of the UK and which do not proceed for a distance of more than 3 miles from land.	Fall outside the scope of the 2003 Regulations as amended. Should adopt good waste management practices in accordance with the Domestic Safety Management Code
7. Class IX(A) – Ships (other than ships of class IV to VI inclusive) which do not proceed to sea.	The 2003 Regulations as amended do not apply but these ships are encouraged to ensure that their ship-generated wastes are

¹ Restricted periods are described in several Merchant Shipping Statutory Instruments for example SI 1998 no. 1011

	handled in an environmentally sound manner. If the ship proceeds to sea then it must fulfil the requirements of the 2003 Regulations as amended.
8. Class IX(A) (T) – Tankers which do not proceed to sea.	The 2003 Regulations as amended do not apply but these ships should ensure that their ship-generated wastes are handled in an environmentally sound manner. If the ship proceeds to sea then it must fulfil the requirements of the 2003 Regulations as amended.
9. Fishing Vessels excluding factory ships (vessels with equipment for processing dead marine life whilst still at sea but not involved directly in catching marine life)	Fishing vessels are required to offload all ship-generated waste (other than sewage) to shore reception facilities but are not required to notify the harbour authority or terminal operator in advance or to pay the mandatory charge. They should make arrangements and payment for the landing of waste with the harbour/terminal in question.
10. Recreational Craft authorised to carry, or designed to carry, no more than 12 passengers.	These ships are required to offload all ship-generated waste (other than sewage) to shore reception facilities but are not required to notify the harbour authority or terminal operator in advance or to pay the mandatory charge. They should make arrangements and payment for the landing of waste with the harbour/terminal in question.

Dredgers, Survey Ships and comparable vessels

8. Those ships which are not “bound” for another harbour/terminal, may apply to the MCA for an exemption in the same manner as any other vessel if they can demonstrate scheduled, frequent and regular sailings with robust waste management practices at their home port or terminal.

Further details relating to requirements for ships

Notification

9. The information that ships must supply to harbours/terminals is set out in Schedule 2 of the 2003 Regulations as amended (which reflects the notification form set out in the original Directive and amendments found in Directive 2007/71/EC). 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. A proforma for notification is included at Annex A.

10. The information on the form may be passed electronically or by some other means if the harbour/terminal offers such a facility. The information should be sent to the harbour 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. Harbours and terminals must indicate in their port waste management plans to whom the notification should be submitted.

11. The information must be provided at least 24 hours before the ship is due to arrive, or if the destination harbour/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 harbour/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.

12. In addition to notifying, ships must separately make whatever arrangements are necessary to land waste in accordance with the normal practice of the harbour or terminal. If the ship wishes to land wastes other than those handled by the harbour/terminal then arrangements should be made with local contractors.

Delivery of waste

13. 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:

- First, if the waste is sewage and the Master is not required to notify under regulation 11 of the 2003 Regulations as amended. This may be because the ship is not within the scope of regulation 11, or because it is within the scope but it is intending to discharge at sea in accordance with MARPOL Annex IV.

- Or secondly, 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 harbour/terminal has adequate reception facilities. Where there is any cause for concern that the destination harbour/terminal has inadequate facilities, the destination is unknown or the ship does not have sufficient capacity and could pollute during its next voyage, then an MCA surveyor may be tasked to investigate. If MCA officials believe there is a risk that waste could be disposed of at sea, then (acting on behalf of the Secretary of State) they may direct a ship to deliver its waste before it leaves the harbour or terminal.

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).

14. Under the 2003 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.

15. 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.

Sewage

16. 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.

Mandatory charge

17. 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 2003 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. Ships with an MCA exemption under regulation 15(3) are not liable to pay the mandatory fee but will be liable to pay a fee if they make use of the facilities at the harbour/terminal for which the exemption applies (outside the terms of any contract their exemption is based upon). Harbours and terminals must ensure that they have a charging system in place in order to levy such a fee.

Local arrangements

18. Where ships operate between two terminals with two different waste management plans there is ordinarily a requirement for the ship to notify, offload and pay a mandatory charge at each terminal. However in cases where a ship moves between two distinct terminals in close proximity with separate plans there is scope for a local arrangement to be reached whereby the traffic would only be expected to notify, land and pay at a single location. This arrangement is intended to cover specific localised issues such as bulk carriers offloading at one berth and then moving to another to load within the same port where both berths have separate waste management plans.

Regional arrangements

19. In some cases, in remote areas of the UK such as the smaller Scottish islands the level and nature of use will indicate a need to produce a port waste management plan and provide adequate facilities. However, local factors would render this impractical and environmentally unsustainable. In these cases an option exists to implement regional waste management planning in the locality.

20. This provision is not intended to apply to the majority of harbours/terminals and should not be seen as a substitute for adequate port waste management plans – it is only applicable under special circumstances where the environmental and economic costs of port waste management planning clearly exceed the benefits.

21. Terminals who have the responsibility to operate port waste management plans may also consider merging plans with other harbours and terminals to create local port waste management arrangements as long as the requirements of the regulations are fulfilled.

Internal recharge/notification

22. In cases where the harbour/terminal is owned by the same company that operates the ships there is a possibility that internal recharge will occur whereby a ship is charged for waste reception provided, operated and paid for within the organisation. In these cases a mandatory charge should still be calculated and applied to ships but no actual funds need to be transferred within the organisation. This theoretical charge is necessary both for the upkeep and review of the plan, the reporting of information to the MCA and so that a charge is available in the event that a non-company owned ship arrives at the facility.

Port Waste Management Plans

23. Harbour authorities/terminal operators must amend and have their port waste management plan approved within 9 months after a significant change in the operation of the port under regulation 7(3)(a).

24. Harbour authorities/terminal operators must amend their port waste management plans to include provisions for sewage when they submit their plan for approval as part of their usual 3-yearly update

Exemptions from the 2003 Regulations as amended

25. Under the 2003 Regulations as amended, the MCA may exempt ships from all three of the following requirements of the Regulations at one or more ports of call. These requirements are:

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

However, if the exempt ship lands any waste in a UK harbour/terminal to that harbour's/terminal's general waste facilities then it will be required to notify the harbour/terminal of this use, land the waste and pay the mandatory charge to the harbour/terminal.

26. When a ship is applying for an exemption it should liaise with the harbour/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.

27. 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)).

28. The MCA uses the following descriptions of "scheduled", "regular" and "frequent" when considering whether an exemption will be granted:

Scheduled: The ship in question must have a published or planned list of times of departures and arrivals, between nominated harbours or terminals. This schedule or equivalent can also take the form of declarations of sailing times for example that the ship will leave daily at high tide. It should be noted that the ship's schedule should be set in advance and remain stable over the course of the year – a ferry with pre-planned timetables for the year that incorporates seasonal destinations would be acceptable while a ship whose route is dependent upon commercial concerns and is planned a week in advance would not normally be accepted as scheduled.

Regular: The ship must make repeated voyages between those nominated harbours or terminal and no others (except in the case of an emergency, maintenance or for safety reasons).

Frequent: The ship must visit the harbour/terminal for which the exemption applies at least once a fortnight. This requires that a ship must demonstrate that it will visit the harbour/terminal at least twice within a calendar month and that these calls are spaced in such a way that there will be no more than 12 calendar days between each visit. For the other harbours/terminals on the route for which an exemption has not been requested there are no such requirements. For example a ship applying at port A could call once a month at ports B and C and still qualify for exemption as long as the route was also scheduled and regular.

29. It is expected that ferries and regular short sea shipping will fall into this category. Ships applying for exemption must fulfil **all three requirements** discussed above before an exemption can be granted. It should be understood that the exemption system is intended to

be restrictive and the majority of ships will be expected to fulfil the requirements of the 2003 Regulations as amended.

Applying for an Exemption

30. Applications should be made to the Environmental Policy Branch at the address found at the end of this note.

31. An application can be made for one or more harbours/terminals along a ship's route. It is possible in some circumstances for a ship to be exempt at all ports of call on its route if it has a contractual arrangement for waste reception within one of those ports. It should be understood that this arrangement will require the ship to show robust waste management arrangements and provide full details of how the waste is to be landed, removed and paid for.

32. The application for an exemption should consist of the following:

a) A completed exemption application form (Annex B). Care should be taken to ensure that all sections of the form are completed fully or the application is likely to be rejected.

b) Evidence of the scheduled, regular and frequent nature of the trade of the ship, and if there is a third or fourth port involved evidence of exemptions (or exemption application) for the ports in question. This evidence should take the form of hardcopy schedules, lists of ports and frequency of visits at each location and any other applicable evidence that demonstrates compliance with the definitions of scheduled, frequent and regular.

c) Evidence of a contract with the port or company to which the waste is to be delivered or landed. This can take the form of a written agreement between the port and the ship in question, a contract arranging provision of waste services to the ship or a comparable arrangement. This can also include arrangements involving a ship which is calling into a port owned/operated by the ship's owner/operator where facilities are provided to the ships by the owner/operator directly. If waste is landed to another port under the mandatory delivery requirements of the 2003 Regulations as amended this should be communicated in writing outlining where each waste type is landed.

d) Receipts and other proof that this contract/arrangement is active. This should incorporate written evidence from waste contractors/ports, copies of waste transfer notes (if applicable) and copies of invoices.

e) Evidence that these arrangements are acceptable to the receiving port – for example correspondence with the harbour/terminal confirming that waste will be landed there, or an agreement with the harbour/terminal that the ship will use a waste contractor operating within the port.

33. Only one application should be made per ship – if multiple agents are involved in a ship's waste management practices then these should be consulted and a single application made for all harbours/terminals for which the ship requires exemption.

34. If a ship application has been rejected previously any reapplication should include the MCA reasons for rejection and indicate how these have been overcome in the new application.

Charges for applying for an Exemption

35. Each application is subject to an application charge for the review of the exemption and, if successful the issue of the certificate. A completed MSF 5100 form (Annex C) should accompany the application form together with the appropriate fee. This charge is the equivalent of one hour of survey work and will change in accordance with the hourly survey rate. This charge is a fixed fee per ship and is non-refundable. In the event that the exemption is rejected the fee will not be returned. The full fee must be paid before any application for the exemption

will be considered. Failure to pay the full fee or supplying relevant information will result in the application being delayed.

36. Full details of the charges can be found in Statutory Instrument SI 2006 No 2055, The Merchant Shipping (Fees) Regulations 2006 as amended, available from The Stationery Office – ISBN 0-11-049636-1. All payments should be made to “The Maritime and Coastguard Agency”, by cheque, postal order, bankers draft, BACS transfer or credit card.

37. The MCA will contact each rejected ship in writing outlining the reasons for an exemption being rejected. The MCA will retain the paperwork for all rejected ships on file. If there is a concern that an application for an exemption has been rejected that fulfils the requirements of the 2003 Regulations as amended and the applicant considers the guidance in this MGN has been followed, then the applicant should contact the MCA in writing requesting further clarification of the rejection. If the MCA considers there to be reasonable grounds for a review of the decision on the exemption the MCA will reconsider the application.

38. On receipt of an exemption application the MCA will initially review the documentation to determine if it has been completed fully. It should be understood that incomplete applications are liable to be rejected immediately by the office and that **no refund will be given**. Therefore, it is in the interests of the applicant to ensure that the application is compliant with the requirements and is completed fully. If an application is judged to be lacking in minor details MCA Headquarters **may** opt to contact the applicant for clarification without rejecting the application but this is dependent upon the application being otherwise complete.

39. Exemptions will normally be valid for five years until there is a change in the circumstances of the trade or route of the ship or a major alteration in waste management practices. For example if a ship was employed on a scheduled, regular and frequent route between Hull and Rotterdam and had an exemption in Hull, the exemption would immediately become void if the route had to change to Hull and Oslo. If a ship alters its waste management practices significantly – for example landing waste to a different port then the exemption would also cease to apply. In this case a new application is required including the void exemption certificate. However, the following particular cases should be noted:

a) If the ship calls at a different port for reasons of force majeure, refuge, shelter, emergency maintenance or safety reasons on its scheduled journey, the ship would be subject to the internationally accepted arrangements for entry into that port.

b) If an exempt ship needs to be replaced temporarily by another comparable ship due to a breakdown, accident or scheduled maintenance, the exemption will still be valid and pass over to the new ship on that route for the period of replacement. The replacement ship should be identified when the application to the MCA for the exemption is made. The exemption letter from the MCA will state that the exempted ship may be replaced for up to 1 month for the above reasons. If the replacement ship remains on the scheduled route for longer than 1 month the MCA needs to be informed of the reasons for this, to assess whether a new exemption is needed.

c) Exempt ships may still opt to offload waste after notifying the harbour authority/terminal in the manner described for non-exempt ships and upon payment of the ports waste related charges. This may be necessary if a ship is weatherbound or unexpectedly laid up for example.

40. Once an exemption certificate is given for a harbour/terminal in the UK, the MCA will inform the relevant ports. The MCA must be notified in writing of any changes to the route of the ship or the arrangements for disposing or paying for waste disposal. Ships must carry a copy of the exemption certificate on board and the MCA will hold a database of ships that have been given an exemption.

41. If an exempted ship calls at a non-UK port within Europe on its route the MCA will contact the Port State point of contact to inform them of the exemption within the UK.

42. The European Commission will be informed of all exemptions granted by the United Kingdom on an annual basis.

Renewal of an Exemption

43. Exemption certificates are valid for five years. Paragraph 39 above provides examples for when a certificate may cease to be valid. At the end of the five year certificate period, a renewal certificate will be required, if you still wish the ship to be exempted from the regulations.

44. If the ship continues to operate under the same timetable and the same waste management handling procedures, as declared in the previously approved exemption application, then a renewal certificate can be requested by letter. The letter must state the above, together with which port the exemption is being applied for. The old exemption certificate must also be attached.

45. If there have been changes to the ship's trading pattern, waste management handling etc a full exemption application will be required, as set out in paragraphs 30-38.

Inadequate Facilities

46. Under the 2003 Regulations 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. Plan holders must carry out ongoing consultation over this plan with harbour/terminal users and make information available on how to report alleged inadequacies of waste reception facilities.

47. Inadequacy Reporting procedures for UK Flagged Ships : Where possible, the Master of a UK flagged ship faced with a lack of reception facilities should bring the alleged inadequacy to the attention of the harbour or terminal concerned immediately. If the problem is not resolved at the time to the Masters satisfaction then the form at Annex D should be completed by the Master, shipowner or agent and sent/faxed to the MCA at the following address:

PWR Inadequacies,
Environmental Policy Branch,
Maritime and Coastguard Agency,
Spring Place,
105 Commercial Road,
Southampton, SO15 1EG.
Fax: 023 8032 9204

48 Inadequacy reporting procedures for Foreign Flagged Ships: Where possible, the Master of a foreign flagged ship faced with a lack of reception facilities should bring the alleged inadequacy to the attention of the harbour or terminal concerned immediately. If the problem is not resolved at the time to the Masters satisfaction then the ship should contact their own flag, who should take appropriate action through the IMO.

Ship Non-Compliance

49. Where possible the terminal operator or harbour authority faced with a ship that has not complied with the need to notify and/or offload waste should inform the nearest Marine Office. Such ships may then be targeted by MCA for inspection and destination harbours/terminals will

be warned of their non-compliance. Masters and owners of ships that fail to comply with the requirements may be guilty of an offence and liable on summary conviction to a fine as provided for in regulations 18 (2), (3) and (4) of the 2003 Regulations as amended.

Further Guidance

50. Any questions about this Note should be referred, in the first instance to MCA's Environmental Policy Branch, Telephone: 023 8032 9503

More Information

Environmental Policy Branch
Maritime and Coastguard Agency
Bay 2/8
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 23 8032 9503
Fax : +44 (0) 23 8032 9204
e-mail: environment@mcga.gov.uk

General Inquiries: infoline@mcga.gov.uk

MCA Website Address: www.mcga.gov.uk

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Transport*

Annex A

INFORMATION TO BE NOTIFIED BEFORE ENTRY INTO THE PORT OF:

(The harbour, terminal or port referred to in regulation 11 of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 as amended and Article 6 of Directive 2000/59/EC)

1. Name, call sign and, where appropriate, IMO identification number of the ship:

2. Flag State:

3. Estimated time of arrival (ETA):

4. Estimated time of departure (ETD):

5. Previous port of call:

6. Next port of call:

7. Last port and date when ship-generated waste was delivered:

8. Are you delivering (tick appropriate box):

all

some

none

of your waste into a port reception facilities?

9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

If delivering all waste, complete second column as appropriate.

If delivering some or no waste, complete all columns.

Type	Waste to be delivered m ³	Maximum dedicated storage capacity m ³	Amount of waste retained on board m ³	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call m ³
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Waste Oils

Sludge					
Bilge Water					
Others (specify)					

Garbage

Food waste					
Plastic					
Other					
Sewage (1)					
Cargo-associated waste (2) (specify)					
Cargo residues (2) (specify)					

1) Sewage may be discharged at sea in accordance with Regulation 11 of Annex IV of Marpol 73/78. The corresponding boxes do not need to be completed if it is the intention to make an authorised discharge at sea.

2) May be estimates

Notes:

1. This information may be used for port State control and other inspection purposes.
2. EEA states will determine which bodies will receive copies of this notification.
3. This form is to be completed unless the ship is covered by an exemption in accordance with Article 9 of Directive 2000/59/EC.

I confirm that:

-the above details are accurate and correct and there is sufficient dedicated onboard capacity to store all waste generated between notification and the next port at which waste will be delivered.

Date: _____

Time: _____

Signature _____

Annex B

PORT WASTE EXEMPTION APPLICATION FORM

Note: Applications are for exemption from all three elements of the regulations (the requirement to notify, to pay the mandatory charge and the requirement to deliver ship-generated waste) it is not possible to issue exemptions from one or two of the elements.

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

SHIP DETAILS			
Name of Vessel			
IMO Number			
Official Number			
Flag state and Port of Registry			
Owner/ operator of vessel (with address)			
Gross tonnage			
Vessel type	Oil tanker/ Chemical tanker, Ferry, Cruise ship, Cargo ship, Bulk carrier, Other (please delete as appropriate)		
Approximate amount of waste produced on vessel (per annum) and storage capacity (m ³) 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 Exemption is being applied for	
Contact point/Agent for vessel at that Port (including name and address and telephone number)	
<i>Route covered by the vessel – please list all ports on route</i>	
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 where?	

**** **N.B. For an exemption to be granted, the vessel in question must :**

- **have a published or planned list of times of departures and arrivals, between nominated ports or terminals;**
- **make repeated journeys between those nominated ports or terminal and no others; and**
- **must visit the port(s) where the exemption applies, at least once a fortnight.**

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

- 1) Evidence of the scheduled, regular and frequent nature of the trade 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 contract with the port/company to which the waste is to be landed/delivered
- 3) Receipts and other proof that this contract/arrangement is active;
- 4) Evidence that these arrangements are acceptable to the receiving port at which garbage/wastes are being landed;

DECLARATION	
I confirm that the information in this completed form is correct and that the crew has been trained in accordance with the relevant provisions of MARPOL, Annex V.	
SIGNATURE _____	DATE _____



APPLICATION FOR SURVEY AND INSPECTION OF SHIPS AND FISHING VESSELS

For Guidance Notes (see overleaf). Complete form using BLOCK CAPITALS

1 APPLICANT DETAILS

Name	<input type="text"/>	Company	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
	Postcode <input type="text"/>		
Country	<input type="text"/>		
	Telephone	<input type="text"/>	
	Fax	<input type="text"/>	
	E-mail	<input type="text"/>	

NAME AND ADDRESS OF OWNER/OPERATOR (IF DIFFERENT FROM ABOVE)

Name	<input type="text"/>	Company	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>		
	Postcode <input type="text"/>		
Country	<input type="text"/>		
	Telephone	<input type="text"/>	
	Fax	<input type="text"/>	
	E-mail	<input type="text"/>	

2 PARTICULARS OF SURVEY / INSPECTION APPLIED FOR

Ship Name	<input type="text"/>	Ship type	<input type="text"/>
Official No.	<input type="text"/>	IMO No.	<input type="text"/>
Fishing Vessel No.	<input type="text"/>	Year of Build	<input type="text"/>
Name of contact	<input type="text"/>	Telephone	<input type="text"/>
Requested date and time of survey	<input type="text"/>	Fax	<input type="text"/>
Where ship can be seen	<input type="text"/>	E-mail	<input type="text"/>

Nature of survey / inspection

<input type="text"/>
<input type="text"/>

I apply for the survey / inspection described above and enclose a additional fees. £ and agree to pay any

Our Customer Order Number is (if appropriate)

Please tick the box if you require a receipt

I am aware that the ship should be prepared ready for survey, and appropriate safety precautions taken for all areas to be surveyed, including provision of safe means of access for boarding. I understand that Surveyors may refuse to continue with surveys if it is not safe for them to do so and may consider charging for any time wasted.

Name	<input type="text"/>	Position in Company	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>

PLEASE COMPLETE THE PAYMENT DETAILS SECTION OVERLEAF

GUIDANCE NOTES

- When you have completed this form please send it to the Marine Office with the appropriate deposit / fee. You can get information on the level of fees from your local Marine Office. Additional charges will be levied for overtime, surveys abroad, waiting time and abortive time.
- You can make payment by cheque or postal order made payable to the "Maritime and Coastguard Agency". Cheques must be paid in sterling. Credit transfers can be accepted by prior arrangement. Credit card payments are accepted. Please complete the **PAYMENT DETAILS** section below.
- Any refunds or requests for additional fees will be made to the applicant, in whose name the account will be held.
- Work will not start until this form has been completed, signed and the deposit / fee received
- The MCA's service standards are laid out on MCA's website - www.mcga.gov.uk
- Please note that if paying by cheque, any refund due will be paid directly to the bank account stated below by BACS transfer.

PAYMENT DETAILS (To be completed by applicant)

Bank Details (where chosen method of payment is by cheque)

Name in which Bank Account held																			
Name of Bank																			
Address of Bank																			
	Postcode																		
Sort Code							Bank Account Number												

Please tick () the appropriate box below to indicate your chosen method of payment and complete as necessaryMaestro Visa Mastercard / Access Delta Cheque/banker's draft Postal Orders

Name of Card Holder																	Security Code			
Card Number																				(The Security Code is the last three digits of the numbers on the reverse of the card, near to the signature strip)
Start Date																				
Expiry Date																				
Maestro Issue Number (Maestro Cards only)																				
Signature																	Date			

OFFICIAL USE ONLYThe sum of £ has been received Initials Date Cheque drawn against account of

Ship Owner No.																	}	Initials	<input type="text"/>
Account Owner No.																		Date	<input type="text"/>
Account No.																			
Job No.																			
Job Type																			
Record Deposit	£																		

REVISED CONSOLIDATED FORMAT FOR REPORTING ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES¹

The Master of a UK flagged ship having encountered difficulties in discharging waste to reception facilities should forward the information below, together with any supporting documentation, to the Maritime and Coastguard Agency.

1. SHIPS PARTICULARS

1.1 Name of Ship _____

1.2 Owner or Operator: _____

1.3 Distinctive Numbers or Letters: _____

1.4 IMO No²: _____

1.5 Gross Tonnage: _____

1.6 Port of Registry: _____

1.7 Flag State³: _____

1.8 Type of Ship:

- | | | |
|---|--|--|
| <input type="checkbox"/> Oil tanker | <input type="checkbox"/> Chemical tanker | <input type="checkbox"/> Bulk carrier |
| <input type="checkbox"/> Other cargo ship | <input type="checkbox"/> Passenger ship | <input type="checkbox"/> Other (specify) _____ |

2. PORT 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 company operating the reception facility (if applicable): _____

2.5 Type of port operation:

- | | | |
|--|---------------------------------------|-----------------------------------|
| <input type="checkbox"/> Unloading Port | <input type="checkbox"/> Loading Port | <input type="checkbox"/> Shipyard |
| <input type="checkbox"/> Other (specify) _____ | | |

2.6 Date of Arrival: ___ / ___ / ___ (dd/mm/yyyy)

2.7 Date of Occurrence: ___ / ___ / ___ (dd/mm/yyyy)

2.8 Date of Departure: ___ / ___ / ___ (dd/mm/yyyy)

¹ This format was approved by the fifty-third session of the Marine Environment Protection Committee in July 2005.

² In accordance with the IMO ship identification number scheme adopted by the Organization by Assembly resolution A.600(15).

³ The name of the State whose flag the ship is entitled to fly

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 not 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 delays/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 ⁴ 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..			
Cargo residues, paper products, rags, glass, metal, bottles, crockery			
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 paragraphs 15.1 and 17.1 respectively.

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

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

Yes No

If Yes, with whom (please specify)

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

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

Yes No Not applicable

If Yes, did you receive confirmation on the availability of reception facilities on arrival?

Yes No

4. ADDITIONAL REMARKS/COMMENTS

Master's signature

Date: __ / __ / ____ (dd/mm/yyyy)