
Exemptions to the Port Waste Reception Facilities Regulations 2003 –

Notice to Ship Owners and Operators, Agents, Masters, Port and Harbour Authorities and Marina and Terminal Operators.

Summary

Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues will be implemented in the UK through the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 in Mid July.

This Marine Guidance Note (MGN) outlines the basis of these new regulations prior to the legislation coming into force and summarises the cases where exemptions can apply. This document also explains how exemptions can be applied for and are granted along with the information that the MCA needs to evaluate exemption applications. An exemption application form is also included in this MGN.

1 Background

1.1 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. Please study these Regulations carefully. They revoke the Merchant Shipping (Port Waste Reception Facilities) Regulations 1997 and supersede Merchant Shipping Notice 1709 'Port Waste Management Plans'. These Regulations were laid before Parliament in mid June and it is expected that they will come into force on the 16th July 2003.

There are three significant changes under the new Regulations:

a) Ships must provide notification before entry into port, of the waste they will discharge, including information on types and quantities. This requirement does not

apply to fishing vessels and recreational craft authorised to carry, or designed to carry, no more than twelve passengers.

b) Ships must deliver their waste to port reception facilities before leaving port, unless they have sufficient dedicated storage capacity for the waste and for it to be accumulated until 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. This does not apply to fishing vessels or recreational craft authorised to carry, or designed to carry, no more than twelve passengers.

1.2 Further details and guidance on each of these issues has been developed in the draft MGN 253 and the draft document on "Port Waste Management a Guide to Good Practice" which have yet to be published. These publications can be found on the MCA website (www.mcga.gov.uk).

2 Exemptions from these regulations

2.1 Under this legislation, the MCA may exempt ships from one or more of the following:

- notification;
- mandatory delivery; and/or
- paying a waste charge at each port.

Vessels can apply for an exemption under all three of these categories and except in special cases most exemption certificates will exempt vessels from notification, landing and the mandatory charge. However, if the vessel lands any waste in a UK port/terminal, it will be required to pay the mandatory charge of the port/terminal concerned despite any exemptions. Also, if a vessel is applying for an exemption to the port/terminal's mandatory charge, it should liaise with the port/terminal to discuss how such an exemption will affect their port/terminal dues which the vessel will have to pay.

To be exempted, ships must be engaged in "Scheduled traffic with frequent and regular port calls" and give evidence "of an arrangement ensuring the delivery of ship-generated waste and payment of charges in a harbour or terminal along the ship's route". (Regulation 15(3)). The MCA have defined these terms as :

Scheduled: The vessel in question must have a published or planned list of times of departures and arrivals, between nominated ports or terminals.

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

Frequent: The vessel must visit the port for which the exemption applies at least once a fortnight.

It is expected that many of the ferries, regular short sea shipping and other ships, which call in at the same UK port will fall into this category.

2.2 Workboats, pilot boats and other similar vessels that operate principally within a harbour authority area fall outside the scope of the requirement to notify, deliver or pay

charges on each port call as they are not "bound" for a port (Regulation 11 (1)), and do not "leave" a port (Regulation 12(1)). The port waste management plan should include the arrangements for the disposal of waste generated by such vessels. Similarly, passenger vessels that operate within a harbour authority area but are not owned or operated on behalf of the port would fall outside the scope, however, they must lay down the arrangements for waste disposal in their Domestic Safety Management Code (DSM) which is subject to approval by the MCA. Some Class IV, V and VI vessels operating within Category C and D waters fall outwith the regulations for notifying, landing and paying a charge for waste reception facilities. However these vessels are covered by the aforementioned Domestic Safety Management Code and are encouraged to work within the spirit of these regulations and use port waste reception facilities where available.

3 Applications

3.1 Applications should normally be made to the Marine Office closest to the base port, or the office closest to the first port of call in the UK if calling at more than one port. Initially exemptions will be dealt with by MCA's Environmental Quality (EQ) Branch and Marine Offices will forward Exemption Applications to them. During this interim period the MCA will not charge for issuing an exemption, however in due course, once the MCA has its procedures in place regionally, a fee will be introduced. An exemption fee was referred to within the consultation exercise and will be confirmed in the near future, but will be based on the Agency standard hourly rate at the time.

3.2 The application for an exemption should consist of the following:

- a) A completed exemption application form (Annexed);
- b) 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;
- c) Evidence of a contract with the port or

- company to which the waste is to be delivered or landed;
- d) Receipts and other proof that this contract/arrangement is active; and
- e) Evidence that these arrangements are acceptable to the receiving port.
- 3.3 On receipt of an exemption application the MCA, after appropriate initial scrutiny, will issue an interim exemption lasting for 8-12 weeks. The application will then be checked and evaluated. If the exemption is granted, the interim exemption will be replaced by a full exemption that will last for 5 years.
- 3.4 Exemptions will be valid until there is a change in the circumstances of the trade or route of the vessel. For example if a vessel 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. However,
- a) If the vessel calls at a different port for reasons of force majeure, refuge, shelter, emergency maintenance or safety reasons on its scheduled journey, the vessel would be subject to the internationally accepted arrangements for entry into that port.
- b) If an exempt vessel needs to be replaced temporarily by another comparable vessel due to a breakdown, accident or scheduled maintenance, the exemption will still be valid and pass over to the new vessel on that route for the period of replacement. When this happens, the MCA's local Marine Office and the port/terminal need to be alerted immediately. If the replacement vessel remains on the scheduled route for longer than 1 month the MCA needs to be informed of the reasons for this, so that they can assess whether a new exemption is needed.
- c) Exempt vessels may still opt to offload waste after notifying the port authority/terminal in the manner described for non-exempt vessels and upon payment of the ports waste related charges.
- 3.5 Once an exemption certificate is given for a port/terminal in the UK, the MCA will inform the relevant ports and appropriate Port State. 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 note on board and the MCA will hold a database of ships that have been given an exemption.

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Southampton
SO15 1EG

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Department for
Transport

The MCA is an executive agency
of the Department of Transport

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BT20 5ED

TYNE MARINE OFFICE
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NE34 9PY

SOUTHAMPTON MARINE
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Spring Place,
105 Commercial Road,
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SO15 1EG

GLASGOW MARINE OFFICE
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GLASGOW
PA16 7QY

STOCKTON MARINE OFFICE
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Pearson Court, Pearson Way
Teesdale Park
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TS17 6PT

CARDIFF MARINE OFFICE
Maritime and Coastguard
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LEITH MARINE OFFICE
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GREAT YARMOUTH MARINE
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Havenbridge House
GREAT YARMOUTH
Norfolk
NR30 2HZ



Maritime and Coastguard Agency

PORT WASTE EXEMPTION APPLICATION FORM

EXEMPTION BEING APPLIED FOR

Notification	Landing	Charge Payment
YES/NO	YES/NO	YES/NO

APPLICANT DETAILS

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)

Route covered by the vessel

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 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.

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

Once completed please return this Application Form and all supporting documentation to the nearest MCA Marine Office to the port that your exemption applies.