



MGN 563 (M+F) Amendment 1

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 253,259,326, 387 and revises MGN563.

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 2016/1211: The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016

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

Statutory Instrument 2210: The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004

MSN 1899 (M+F) Vessel traffic monitoring notification and reporting requirements for ships and ports

Summary

The purpose of revising this MGN is to make minor amendments to out of date information and updating contact details and methods of payment for exemptions.



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 (SI 2003/No: 1809) as amended by the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009 and the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016. 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.
- 1.2 This revised MGN has made some minor amendments to appropriate paragraphs highlighted in the ‘Summary Box’. Previous updates to the MGN included the replacement of Annex A. Annex A contains the new waste notification form which is to be used by ships’ Masters for pre notification of delivering waste to port reception facilities. It also contains additional sub-categories of garbage and a column in which to record information about waste delivered in the last port of delivery, resulting from the publication of Directive EU 2015/2087 amending Annex II to Directive 2000/59/EC.
- 1.3 The decision has also been taken to incorporate the out of date ‘Port Waste Management Planning – A Guide to Good Practice’ (GGP) into this MGN. Some of the document has been moved into the body of the MGN, however, the majority of the document remains as standalone document set out in Annex E.

2. Applicability to Ports and Terminals

- 2.1 The 2003 Regulations as amended are applicable to any port (harbour) or terminal (terminals) within the UK. Every port authority and terminal operator is required by the Regulations to provide waste reception facilities adequate to meet the needs of ships normally using the port or terminal in question, without causing undue delay to ships. Many UK ports operate on a landlord (i.e. 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 (PWMP) 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 to provide a PWMP 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 and 2016 amendments to the 2003 Regulations. Where responsibility is unclear, terminals should clarify the local situation with the port authority. We anticipate that in most cases there should be no disagreement about who should produce the PWMP 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.

3. Requirements for ships

- 3.1 The major requirements of the 2003 Regulations as amended are as follows:
 - a) Ships must notify the port (harbour) authority or terminal operator (terminal) before entry into the port/terminal of the waste they will discharge, including information on types and quantities. The Waste Notification Form (WNF) is set out in Annex A. 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/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.

4. Applicability to Ships

- 4.1 The 2003 Regulations as amended apply to all seagoing ships calling at or operating within a port (harbour) or terminal within the United Kingdom. The Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for government non-commercial service.
- 4.2 Regulation 11 (Notification) and Regulation 13 (Charges for ship generated waste) do not apply to fishing vessels or recreational craft authorised or designed to carry up to and including 12 passengers. 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, further information is available in Section 10.1.

5. Ships Bunkering/Mooring

- 5.1 In some cases, ships may call into a port's jurisdiction in order to moor and/or bunker without tying up at the ports facilities. In these cases, the port/terminal should consider what charges, if any, are paid by these ships when producing a plan. If these ships are paying port dues/charges and do not have exemptions, then they should also pay the mandatory element of the port waste reception facilities charges.

6. Dredgers, Survey Ships and comparable ships

- 6.1 Those ships which are not "bound" for another port/terminal, may apply to the MCA for an exemption in the same manner as any other ships 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

7. Notification

- 7.1 The information that ships must supply to ports/terminals is set in the Schedule of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities)(Amendment) Regulations 2016 (which reflects the waste notification form set out in the original Directive and amendments found in Directive 2007/71/EC and the revised Annex in Directive



2015/2087). It includes information on the type of waste to be delivered, dedicated storage capacity, amount to be retained on board, the port/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.

- 7.2 The new WNF introduced in the 2016 Regulations aligns with the revised MARPOL Annex V Garbage categories and introduces a new column in which to record information about waste delivered in the last port of delivery. The new WNF is included at Annex A.
- 7.3 To reduce the burden of notification on ships, the UK has developed a CERS Workbook, which incorporates all the necessary fields from the WNF and combines them with the other pre-arrival information that ships are required to submit¹. The CERS Workbook can be downloaded from the government website at <https://www.gov.uk/government/publications/the-cers-workbook>
- 7.4 An accurately completed WNF (CERS Workbook) should be sent to the port or terminal operator responsible for Port Waste Management Planning of the port or terminal being entered. It is expected that in most cases the completed WNF (CERS Workbook) will be provided through the ship's agent, although the obligation to notify falls on the Master of the ship. Ports and terminals must indicate in their PWMPs to whom the WNF should be submitted.
- 7.5 The WNF (CERS Workbook) 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 WNF 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. Information on the retention of CERS workbooks can be found in MGN1899 (M+F). Any questions about how to complete the CERS Workbook can be directed to cers3@mcga.gov.uk
- 7.6 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.

8. Delivery of waste

- 8.1 All ships must deliver all ship-generated wastes to a waste reception facility before they leave a port 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:

¹ Further information can be found within MSN 1899 (M+F) Vessel traffic monitoring notification and reporting requirements for ships and ports and The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (SI 2210)



- 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 port/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 WNF information supplied must demonstrate that the ship has sufficient storage capacity and that the proposed destination port/terminal has adequate reception facilities. Where there is any cause for concern 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, then an MCA surveyor may be tasked to investigate. If MCA officials believe there is a risk that waste could be disposed of into the sea, then (acting on behalf of the Secretary of State) they may direct a ship to deliver its waste before it leaves the port or terminal.

In the case of sewage, ships may deliver their sewage to the port or discharge into the sea in accordance with MARPOL (and any other local Regulations which may apply).

- 8.2 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.
- 8.3 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 port/terminal where waste will be landed to discuss the availability of segregated reception facilities.

9. Sewage

- 9.1 Ship-generated sewage can be discharged into the sea in accordance with MARPOL Annex IV - Sewage. Directive 2007/71/EC clarifies the position that ships may discharge sewage into the sea in accordance with Regulation 11 of Annex IV of MARPOL.

10. Mandatory charge

- 10.1 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 port or terminal for which the exemption applies (outside the terms of any contract their exemption is based upon). Ports and terminals must ensure that they have a charging system in place in order to levy such a fee.



11. Local arrangements

11.1 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.

12. Regional arrangements

12.1 If a Port wishes to implement a different PWMP regime which devolves responsibility to terminals it must seek direction from the Secretary of State to do so. The port should write to the local Marine Office (MO) explaining the need for a change to the plan. If this information is satisfactory to the MCA they will issue a direction on behalf of the Secretary of State.

12.2 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 PWMP 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.

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

12.4 These arrangements should assess the need for facilities at the remote location(s), the local and/or regional availability of such facilities, and arrangements that could be made with other ports and terminals. In particular, the practicality for users to divert to such facilities should be considered so as to avoid creating undue delay or discouraging users from handling their ship generated wastes in a safe and environmentally sustainable manner.

12.5 Regional arrangements should be sought with nearby ports who operate PWMPs. By liaising with these bodies, planners should seek to direct ships to the nearest locations which have facilities and indicate the need for notification and payment at such locations. The provision of information at the facility should be assessed so that visiting ships will be aware of such arrangements and the requirement to handle their wastes in a responsible manner.

12.6 If a planner, port or local authority feels their facility comes into this category they should contact the ports with whom they wish to join in providing port waste reception facilities, plan such arrangements, and seek initial approval from the MCA. If accepted this information should be formalised in a PWMP and submitted to the MCA in the same manner as any other plan for formal approval.

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



13. Internal recharge/notification

13.1 In cases where the port/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.

14. Port Waste Management Plans

14.1 Ports/terminal operators must amend and have their PWMP approved within 9 months after a significant change in the operation of the port under regulation 7(3)(a).

14.2 Ports/terminal operators must amend their PWMPs to include provisions for sewage when they submit their plan for approval as part of their usual 3-yearly update.

14.3 Detailed guidance for ports and terminals operators undertaking port waste management planning can be found in the Guide to Good Practice at Annex E. The local MO must be contacted when a PWMP is developed, amended or requires renewal. A completed MSF 5100 form (Annex C) should accompany the PWMP when submitted for approval.

15. Exemptions from the 2003 Regulations as amended

15.1 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:

- Notify the port authority or terminal operator before entry;
- Deliver all ship generated wastes; and
- Pay a mandatory charge at each port/terminal regardless of use.

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

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

15.3 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)).

15.4 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 ports 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 ports or terminals and no others (except in the case of an emergency, maintenance or for safety reasons)

Frequent: The ship must visit the port/terminal for which the exemption applies at least once a fortnight. This requires that a ship must demonstrate that it will visit the port/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 port/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.

15.5 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.

16. Applying for an Exemption

16.1 Applications should be made to the Clean Ship Operations Team at the address found at the end of this note.

16.2 An application can be made for one or more ports/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.

16.3 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.

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

- 16.4 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 ports/terminals for which the ship requires exemption.

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.



17. Charges for applying for an Exemption

- 17.1 Each application is subject to an application charge for the review of the exemption and, if successful the issue of the certificate. Payment can be made by bank transfer or credit card. Please contact environment@mca.gov.uk for further details. 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.
- 17.2 Full details of the charges can be found in Statutory Instrument SI 2006 No 2055, The Merchant Shipping (Fees) Regulations 2006² 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.
- 17.3 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.
- 17.4 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.
- 17.5 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 (Section 18.3). In this case a new application is required including the void exemption certificate. However, the following 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

² Statutory Instrument SI 2006 No 2055, The Merchant Shipping (Fees) Regulations 2006 has since been revoked and replaced with Statutory Instrument (SI) 2018 No. 1104 The Merchant Shipping (Fees) Regulations 2018



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 port/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 weather-bound or unexpectedly laid up for example.

17.6 Once an exemption certificate is given for a port/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.

17.7 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.

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

18. Renewal of an Exemption

18.1 Exemption certificates are valid for five years. Paragraph 17.5 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.

18.2 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.

18.3 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 section 16.

19. Inadequate Facilities

19.1 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 port or terminal. There is also a requirement under the International Convention MARPOL that all signatory States must provide adequate reception facilities. Plan holders must carry out ongoing consultation over this plan with port and terminal users and make information available on how to report alleged inadequacies of waste reception facilities.

19.2 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 port 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, ship-owner or agent and emailed to the MCA at the following address:

PWR Inadequacies,
Clean Ship Operations Team,
Maritime and Coastguard Agency,
Spring Place,
105 Commercial Road,
Southampton, SO15 1EG.
E-mail: environment@mcga.gov.uk

- 19.3 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 port or terminal concerned immediately. If the problem is not resolved at the time to the master's satisfaction then the ship should contact their own flag, who should take appropriate action through the IMO.

20. Ship Non-Compliance

- 20.1 Where possible the port or terminal operator faced with a ship that has not complied with the need to notify and/or offload waste should inform the nearest MO. Such ships may then be targeted by MCA for inspection and destination ports/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.

21. Further Guidance

- 21.1 Any questions about this MGN should be referred, in the first instance to MCA's Clean Ship Operations Team, environment@mcga.gov.uk .



More Information

Clean Ship Operations Team,
Maritime and Coastguard Agency
Bay 2/23
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel: +44 (0) 203 8172448

e-mail: environment@mcga.gov.uk

Website Address: www.gov.uk/government/organisations/maritime-and-coastguard-agency

General Enquiries: infoline@mcga.gov.uk

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telephone numbers are correct at time of publishing

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Safer Lives, Safer Ships, Cleaner Seas



Annex A

Information to be notified before entry into the port of

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(Port of destination as referred to in 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, including the quantities (in m³) and the types of waste that were delivered:
8. Are you delivering (tick appropriate box):
all some none of your waste into 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 and last columns 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)	Waste that has been delivered at the last port of delivery identified under point 7 above (m ³)
Oily bilge water						
Oily residues (sludge)						
Other (specify)						
Sewage ⁽¹⁾						
Garbage						
Plastics						
Food wastes						



Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)						
Cooking oil						
Incinerator ashes						
Operational wastes						
Animal carcass(es)						
Cargo residues ⁽²⁾ (specify) ⁽³⁾						

(1) Sewage may be discharged at sea in accordance with Regulation 11 of Marpol Annex IV. 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.

(3) Cargo residues shall be specified and categorised according to the relevant Annexes of Marpol, in particular Marpol Annexes I, II and V.

Notes

1. This information may be used for port State control and other inspection purposes.
2. Member 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 the 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 Ship			
IMO Number			
Official Number			
Flag state and Port of Registry			
Owner/ operator of ship (with address)			
Gross tonnage			
Ship type	Oil tanker/ Chemical tanker, Ferry, Cruise ship, Cargo ship, Bulk carrier, Other (please delete as appropriate)		
Approximate amount of waste produced on ship (per annum) and storage capacity (m ³) on the ship 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 ship at that Port (including name and address and telephone number)	
<i>Route covered by the ship – please list all ports on route</i>	
Is this a Scheduled, Frequent and Regular Route? Please provide evidence****	
Does the ship 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 ship 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 ship, 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; and,
- 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 _____



Annex C

APPLICATION FOR SURVEY AND INSPECTION OF SHIPS AND FISHING VESSELS

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

1. APPLICANT DETAILS

Name:	Company:
Address:	Telephone:
	Fax:
	E-mail:
Postcode:	
Country:	

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

Name:	Company:
Address:	Telephone:
	Fax:
	E-mail:
Postcode:	
Country:	

2. PARTICULARS OF SURVEY / INSPECTION APPLIED FOR

Ship Name		Ship Type	
Official No		IMO No	
Fishing Vessel No		Year of Build	
Name of Contact		Telephone	
Requested date and time of survey		Fax	
Where ship can be seen		E-Mail	

Nature of survey / inspection

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

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, as outlined in the attached Health & Safety Standards. 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		Position in Company	
Signature		Date	

PLEASE COMPLETE THE PAYMENT DETAILS SECTION AS FOLLOWS

GUIDANCE NOTES

1. 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.
2. 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.
3. Any refunds or requests for additional fees will be made to the applicant, in whose name the account will be held.
4. Work will not start until this form has been completed, signed and the deposit / fee received
5. The MCA's service standards are laid out on MCA's website - www.dft.gov.uk/mca
6. 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 necessary

Maestro	<input type="checkbox"/>	Visa	<input type="checkbox"/>	Mastercard	<input type="checkbox"/>	Visa Debit	<input type="checkbox"/>	Cheque/banker's draft	<input type="checkbox"/>	Postal Orders	<input type="checkbox"/>
---------	--------------------------	------	--------------------------	------------	--------------------------	------------	--------------------------	-----------------------	--------------------------	---------------	--------------------------

Name of Card Holder														
Card Number														
Start Date														
Expiry Date														
Maestro Issue Number (Maestro Cards only)														

Security Code

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

(The Security Code is the last three digits of the numbers on the reverse of the card, near to the signature strip)

Signature											Date	
-----------	--	--	--	--	--	--	--	--	--	--	------	--

OFFICIAL USE ONLY

The sum of £ has been received.



Cheque drawn against account of	
Ship Owner No.	
Account Owner No.	
Account No.	
Job No.	
Job Type	
Record Deposit	£

Initials	
Date	

HEALTH AND SAFETY STANDARDS

General

- In signing the Application for Survey (MSF 5100), the owner/manager agrees to provide appropriate safety precautions, including those described below. Maritime & Coastguard Agency (MCA) surveyors will not sign any documentation limiting the liability of the owner or operator.
- The MCA expects appropriate safety precautions to be taken when one of its surveyors attends a ship or site for survey or inspection purposes.
- The ship/site owner has responsibility for all activities onboard/onsite respectively and for ensuring compliance with the relevant national health and safety legislation (Merchant Shipping Act (worldwide) and Health & Safety at Work Act (UK only)).
- When conducting work overseas, the MCA expects equivalent standards to those of the UK to be provided and in addition, compliance with any local requirements.
- Guidance and information on acceptable safety arrangements onboard can be found in the Code of Safe Working Practices for Merchant Seamen, available at www.dft.gov.uk/mca For shore side operations (including drydocks) guidance can be obtained from the Health & Safety Executive (www.hse.gov.uk).
- The MCA surveyor will make a professional judgement, including the use of a risk assessment if appropriate, as to the health and safety arrangements provided. If the arrangements are judged to be insufficient, the surveyor will refuse to continue with the survey or inspection until such time as they have been satisfactorily addressed.

Safe Means of Access

- Provision of safe means of access on UK ships (when operating in the UK or overseas) is a legal requirement.
- On large ships the accommodation ladder or a gangway should be used; these must be fit for purpose and properly maintained. If boarding at sea, an accommodation ladder should be used where possible, but where a safe transfer from the boat to the bottom platform cannot be provided an appropriate pilot ladder should be considered.
- Reference should be made to MGN 337 (M+F), as amended, for guidance on acceptable arrangements on smaller ships.
- Portable ladders should only be used where no safer access is reasonably practicable; it must be fit for purpose, properly maintained and secured against movement.

Transfer Ships

- A ship used for any transfer to a ship underway or at anchor must be fit for purpose. In the UK the ship must be appropriately certificated for the purpose of which it is being used (e.g. Workboat, Pilot Boat).
- If overseas, an equivalent level of safety will be expected, including compliance with any local requirements. A letter detailing minimum acceptable arrangements is available from the relevant MCA Marine Office upon request.
- The transfer will not take place if actual or forecast weather conditions are beyond the capability and/or certification of the transfer ship throughout the expected time for the work, including return transfer time.

Access in and around Ship

- Safe movement around a ship or site should not be impeded by cables, hoses, waste material, work equipment, etc. Adequate ventilation and lighting should be provided in all work areas.
- Strict procedures must be in place for higher risk activities, e.g. working at height, working in enclosed/confined spaces. Further guidance can be found in the Code of Safe Working Practices for Merchant Seamen.
- Procedures for the use of stages and staging (e.g. scaffold towers) should be according to a national industry standard and the structure must have been inspected by a competent person. Stages and staging should always be secured against movement.



Annex D

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: Oil tanker Chemical tanker Bulk Carrier
 Other cargo ship Passenger Ship 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:

Unloading Port Loading Port Shipyard
 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.1078(28)

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 Ship had to shift berth involving delays/cost F Unreasonable charges for use of
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:			
A. Plastic			
B. Food wastes			
C. Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)			
D. Cooking oil			
E. Incinerator, ash			
F. Operational wastes			
G. Cargo residues			
H. Animal carcass(es)			
I. Fishing gear			
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 respectively.



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

3.2 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?

3.3 Did you give prior notification (in accordance with relevant port requirements) about the ships 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)



Annex E

PORT WASTE MANAGEMENT PLANNING - A GUIDE TO GOOD PRACTICE

1. INTRODUCTION

1.1. This annex updates guidance given in the 2004 publication 'Port Waste Management Planning - A Guide to Good Practice.' The guidance details the process of Port Waste Management Planning.

1.2. Since January 1998 UK legislation has required ports, harbours and some terminals to draw up waste management plans for Maritime and Coastguard Agency (MCA) approval. The UK requirements for Port Waste Management have since been updated with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (SI: 2003/1809), as amended, henceforth referred to as "the Regulations" These transpose the EU Directive 2000/59/EC, as amended, of the European Parliament and Council on port reception facilities for ship generated waste and cargo residues.

2. POLLUTION FROM SHIPPING

2.1. The UK Government is committed to reducing the impact of shipping on the environment and works within international fora to achieve consistent standards. The International Convention on the Prevention of Pollution from Ships (known as MARPOL) provides an international framework on how pollution from shipping should be regulated. MARPOL is implemented in the UK through various Merchant Shipping Regulations. In addition, the European Union (EU) produces Directives and Regulations that are binding on Member States.

3. DEVELOPMENT OF PORT WASTE MANAGEMENT PLANNING

3.1. MARPOL simply requires States to ensure that the provision of waste reception facilities are "adequate" and do not cause "undue delay" to the ships using them. The Regulations give a definition of what adequate means. Regulation 4 states:

'adequate' means capable of receiving the types and quantities of prescribed wastes from ships normally using that harbour or terminal taking into account the operational needs of the users of the harbour or terminal, its size and geographical location, the types of ships calling there and any exemptions provided for

3.2. The Regulations apply to all prescribed wastes which are: cargo residues, noxious liquid substances and ship generated waste. Ship generated waste is defined in the regulations as wastes and residues generated during the service of the ship which fall into the definition of garbage, sewage, oil and oily mixtures.

4. WHAT IS A PORT WASTE MANAGEMENT PLAN?

4.1. A Port Waste Management Plan (PWMP) is a document produced by a port or terminal unifying their policy on waste reception facilities for ships and outlining the facilities available at the location. This plan should demonstrate that they are fulfilling all the requirements of domestic and international regulations and that the facilities and infrastructure is available to meet the needs of vessels normally using the port/terminal without causing undue delays. The plan must be submitted to the MCA for approval and must be reviewed by the local Marine Office every three years or with every significant change.



5. WHEN MUST A PLAN BE PRODUCED?

5.1. The Regulations are applicable to any harbour or terminal within the UK. There is likely to be a duty to produce a plan in ports where there are: coasters loading or discharging cargo; passenger ship operations; larger terminals; commercial marinas; bases for commercial fishing activities; and, fish farm jetties where fish carriers and feed carriers berth. Marinas and sailing clubs from which yachts may go to sea for more than a day and so are likely to generate waste, and which charge a mooring or berthing fee, should also submit a plan. In assessing the need for a plan these organisations should consider if they are part of a wider port authority waste management regime already or if they require an independent waste management plan. If there is some doubt that a plan is required local MCA staff should be consulted.

5.2. Many UK ports operate on a landlord basis or contain discrete terminals and in such ports it could fall to the terminal operator to produce a PWMP and have appropriate reception facilities depending upon local arrangements. Where responsibility is unclear, terminals should clarify the local situation with the port authority. It is anticipated that in most cases there should be no disagreement about who should produce the plan but in cases where there is dispute the Secretary of State has the powers to issue direction determining who has to discharge the duties of this legislation, please also refer to *Regional Arrangements* in the MGN for further details.

5.3. Generally, a plan will not be called for if a facility is only used by ships in the following categories and on a limited scale:

- Pleasure vessels not usually left on site overnight;
- Day recreational craft which are unlikely to generate waste on board;
- Small scale yacht moorings provided by hotels;
- Small scale yacht moorings provided by sailing clubs outside of harbour authority areas used by ships designed or authorised to carry 12 passengers or less;
- Facilities used only by day fishing vessels; and,
- Fish farms where the majority of waste is generated by onshore facilities.

Locations where fishing vessels are hauled onto beaches are unlikely to need a plan although the controlling authority, e.g. the local council, should be made aware of the need to provide appropriate waste facilities.

In all of these cases it is recommended that the location should consider the provision of waste reception facilities and production of a comparable plan as good environmental practice.

6. CONSULTATION WITH CUSTOMERS

6.1. Each harbour or terminal will have customers with differing priorities. Therefore, planners must consult their customers to be able to understand and meet their needs. Good facilities, at the right price, can only be provided if there is full and constructive dialogue between the harbour authority, terminal operator and the regular users as to what facilities should be provided to meet their normal needs for disposing of all types and quantities of waste, and for any special requirements. Ports/Terminals should consult with users as part of the triennial review of the waste management plan. Regular review meetings could be held as one way of continuing on-going consultation. At such meetings, the existing waste provision and plan could be discussed, together with suggested changes and improvements. Other methods include newsletters, questionnaires, the use of notice boards, contact with ships' agents and local representative bodies.

6.2. The MCA would expect that consultation will be undertaken as an integral part of Port Waste Management Planning and there is a requirement for ports/terminals to include information on their



consultation process in the PWMP as laid down in schedule 1 of the Regulations. This Schedule is reproduced for reference in this guide under Section 8.0 (Information to be included in the plan) and should be referred to throughout the preparation and review of plans.

7. DATA COLLECTION AND ASSESSING THE NEED FOR WASTE RECEPTION FACILITIES

7.1. Fully adequate facilities cannot be provided without an accurate assessment of the need for them. Each port/terminal should collate information under three headings:

- the amounts of each type of waste actually received in the port or terminal;
- the amounts of each type of waste which should be received in the port or terminal
- the amounts of each type of waste stored by ships for reception in other ports/terminals.

7.2. When collating this information planners should refer to the data collected during the operation of the previous waste management plan and the notification/discharge information received. For ports or terminals producing a plan for the first time (eg: a newly built terminal) waste figures should be estimated based upon expected traffic, likely exemptions and the experience of similar facilities. Planners are advised to consider the maximum amount of waste that could be received when preparing a plan and then assess the need for facilities accordingly.

7.3. The information received from notification will aid the collection of waste arising statistics and enable waste management planners to tailor the requirements to ensure sufficient capacity of reception facilities. Ports/Terminals should keep copies of the notifications for a minimum of six months but data should be kept or collated so that plan holder can produce appropriate information when requested. This information will permit ports and terminals to review their waste management plan and allow changes in the demand for waste reception facilities to be monitored.

7.4. Please refer to Section 16.0 (Information to be submitted to the MCA) for details of the information to be retained, collated and returned to fulfil the reporting requirements.

8. INFORMATION TO BE INCLUDED IN THE PLAN

8.1. Schedule 1 of the Regulations sets out what information should be included in the plan and MCA staff will check to ensure that this information is included when checking the plan for approval. The Schedule states that:

2. A waste management plan shall address the following elements -

- (a) an assessment of the need for waste reception facilities, in the light of the need of the ships normally visiting the harbour or terminal;
- (b) a description of the type and capacity of waste reception facilities;
- (c) a detailed description of the procedures for the reception and collection of prescribed wastes
- (d) a description of the charging system;
- (e) procedures for reporting alleged inadequacies of waste reception facilities;
- (f) procedures for on-going consultations with persons using the harbour or terminal, waste contractors and other interested parties; and,
- (g) the type and quantities of prescribed wastes received and handled.

3. A waste management plan shall also include -

- (a) a summary of relevant legislation and formalities for delivery;
- (b) identification of a person or persons to be responsible for the implementation of the waste management plan;
- (c) a description of the pre-treatment equipment and processes in the harbour or terminal, if any;
- (d) a description of methods of recording actual use of the waste reception facilities;



- (e) a description of methods of recording amounts of prescribed wastes received; and,
- (f) a description of how the prescribed wastes are disposed of.

8.2. When ports/terminals submit their plan to MCA, they should include information explaining the method of charging and providing examples of the charges levied. This information should include a breakdown of any consolidated charges in order to fulfil the requirements for transparency in the charging regime for port waste reception facilities. Additionally, the plan should provide an explanation of how ships exempted from the charge or falling outside of the Regulations will be accommodated.

9. INFORMATION TO BE MADE AVAILABLE TO ALL HARBOUR OR TERMINAL USERS AND INCORPORATED IN THE PLAN

9.1. Schedule 1 of the Regulations also sets out information that must be made available to persons using the harbour or terminal, this information and a description of the methods used to promulgate it must be incorporated into the waste management plan:

- (a) brief reference to fundamental importance of proper delivery of prescribed wastes;
- (b) the location of waste reception facilities applicable to each berth, with a diagram or map;
- (c) list of prescribed wastes normally dealt with;
- (d) list of contact points, the operators and the services offered;
- (e) description of procedures for delivery;
- (f) description of charging system; and,
- (g) procedures for reporting alleged inadequacies of waste reception facilities.

9.2. While the Regulations set out what information should be made available to port users, it does not set out how this should be done. Each port/terminal must consider the most effective way of disseminating the information and should consider the methods outlined in Section 9 (Consultation). In particular ports/terminals should consider how irregular or new users can be informed of the requirements of the PWMP.

9.3. There should also be a well-publicised complaints procedure to enable difficulties to be resolved locally. This mechanism should allow problems to be raised as they occur rather than after the event. Ships retain the right to put in a formal report to MCA if they do not consider that their complaints have not been dealt with adequately and plan holders should consider nominating a contact point for ship complaints and any MCA enquiries.

10. PLAN REVIEW

10.1. There should be an ongoing process to assess the effectiveness of the plan's operation. Any comments or complaints should be fully considered and any necessary remedial action taken. The plan should be kept up to date. Under the Regulations, there must be a formal reassessment of waste management planning every three years and the revised plan must be submitted to MCA for approval. The plan will include a report covering the method of charging.

10.2. In addition, if there is a significant change to the operation of the port/terminal then a revised plan must be submitted within nine months of the change. The plan review conducted by the MCA will be a desktop exercise with plans reviewed on paper and the MCA will inspect the site if necessary. The plans should be sent to the nearest MCA Marine Office, where they will be re-approved if acceptable and sent back to the port or terminal.



11. CONSIDERING LOCATION AND EASE OF USE

11.1. In light of the requirements for ships to offload all prescribed waste before leaving a port/terminal the location and ease of use of facilities are important issues for port waste management. This is an area where advice from ship-operators and agents is vital. Port and terminal operators and any contractors must consider the relative merits of different locations for fixed facilities and the use of mobile facilities such as barges, road tankers and wheelie-bins. Operators will need to consider the cost-effectiveness of different options, recognising that the ship operators preferred solutions might be more expensive.

11.2. When selecting a site for facilities the following considerations should be taken into account: their siting should be convenient for users, contractors and vehicles but should not hinder other port/terminal operations or impact adversely on the local community; there should be a minimal risk of wastes entering the water; and they should be clearly identified and well-lit.

11.3. In addition to the other methods of publicising the waste reception facilities available at the port/terminal there should be clear signs pointing to where the facilities are and showing what waste can be put in which facility. Pictorial signs that avoid the need for translation are ideal. If the facilities are mobile then the signage should make it clear how to locate and use them.

12. COST OF FACILITIES

12.1. Ships should bear the cost of providing reception facilities and for the treatment and disposal of the waste. However, the cost of using port waste reception facilities should not be so high as to encourage illegal discharge of waste into the sea. There is a legal obligation to ensure that the ship pays. In situations where there is no current charge for waste disposal there is a need to research and develop a scale of charges to cover this obligation. In the case of Ports and Terminals where uplift of garbage is undertaken by the local council and no charge levied then there may be a need to reassess the approach taken to waste from ships entering the port/terminal. Amounts generated and costs of disposal must be calculated and charges levied in order to place the costs squarely upon the polluters.

12.2. All ships, apart from fishing vessels (of whatever size) and recreational craft authorised to carry, or designed to carry no more than 12 passengers or ships with an MCA exemption, must contribute significantly to the cost of reception facilities through a mandatory charge levied irrespective of the actual use of the facilities. The charge must cover the costs of the reception, handling and disposal of all the waste which is delivered to the waste reception facilities. The charge may take into account the type, size and category of the ship and whether the ship produces reduced quantities of ship-generated waste because of its environmental management, design, equipment or operation. This mandatory charge will normally cover an amount of garbage estimated from a ship and handled by the port/terminal or a locally arranged contractor. The charge and amount of waste covered should be calculated with regard to the needs of users for waste reception facilities.

12.3. The harbour authority, port or terminal may apply the charge by means of consolidating it with the harbour dues (or equivalent) or may apply it as separate charge. The charge and how it has been calculated must be made clear to port/terminal users to show that it is fair, transparent and non-discriminatory and reflects the costs of the facilities and services provided.

12.4. The UK Government does not wish to be prescriptive about the level of the charge. However, the costs which the port/terminal incurs by providing waste reception facilities and which are consequently covered by the charge must amount to a significant proportion of the total cost of dealing with all the waste delivered by ships using the port/terminal. In practice, we would almost always expect the charge levied by the port/terminal to equate to at least 30% of that total cost, and we are confident that some ports/ terminals will have ample justification for levying a charge which is appreciably higher



(i.e. in those cases where a higher proportion of the waste delivered in the port/terminal is delivered to the waste reception facilities provided by the port/terminal).

13. INSPECTIONS BY MCA STAFF

13.1. MCA staff will inspect a number of ports/terminals each year. The inspections will include discussions with the port or terminal operator and their users, checking records, walking the site to check the position of facilities and gain an overall impression of the effectiveness of waste provision. They will check the accuracy of the approved plan and whether current practice complies with the plan. Additionally, the MCA may investigate if ships report inadequacies in the Port/Terminals waste management facilities.

14. REDUCING, REUSING AND RECYCLING WASTE

14.1. When assessing the best practical environmental option for dealing with waste the following principles should be encouraged:

- Reduction of the amount of waste generated;
- Its re-use (either for the same or a different purpose);
- Recycling to recover value from the waste, and
- Composting or energy recovery.

14.2. Final disposal of the waste should only be undertaken if none of the above can be applied. The most obvious application for ports/terminals is to provide facilities for recycling. While the amounts of recyclable waste from ships alone may not make it economic to provide special facilities, they may become viable if they are part of a co-ordinated system with the local community ashore. Businesses and visitors in port/terminal areas all produce wastes that must be disposed of and the consultation, and involvement of shoreside recycling schemes and ships that do segregate waste could be considered as part of Port Waste Management Planning. It is recommended that planners review the manner in which Port Waste is handled by their contractors and encourage environmentally sustainable options in waste management. In particular planners should consider the needs of their customers for reception facilities for segregated wastes.

15. WASTE HANDLING IN PORTS/TERMINALS

15.1. A number of government organisations have responsibilities for waste coming into ports/terminals, and should be consulted on the PWMP to ensure all legislation is being met. Ports/terminals should confirm that their waste handling practices comply with these requirements, including letters of confirmation when submitting the plan to MCA for approval. Time should be allowed for this when drawing up and reviewing plans.

15.2. The Environment Agency (EA) in England and Natural Resources Wales in Wales, the Scottish Environment Protection Agency (SEPA) in Scotland, and the Northern Ireland Environment Agency (NIEA) in Northern Ireland are responsible for the issue of waste management licences to recycling and waste handling facilities and their regulation. Port Waste Management Planners should ensure that their facilities and/or contractors fulfil the requirements of these licences and any other requirements under current UK law.

15.3. When developing and implementing the PWMPs, it is recommended that ports/terminals consult appropriate regulators and other interested parties including their Port Health Authority.

15.4. Hazardous wastes are subject to the requirements of the EC's Hazardous Waste Directive (91/689/EEC) as amended. The Directive is currently transposed in Great Britain by the Special Waste Regulations 1996 (as amended) and in Northern Ireland by the Special Waste Regulations (Northern



Ireland) 1998, as amended. Ship sourced special waste is covered by these regulations which are enforced by the EA in England and Natural Resources Wales in Wales, the SEPA in Scotland and by the EHS in Northern Ireland.

Essentially ship generated special waste can be described as any controlled waste displaying the hazardous properties listed in the Special Waste Regulations, plus prescription only medicines. The hazardous properties listed in the regulations include: explosive, flammable, oxidising, irritant, harmful, toxic, carcinogenic and corrosive properties.

In preparing a PWMP provision should be made for the removal and disposal of these special wastes through the arrangements with waste contractors and the provision of suitable facilities as required by the users of the port/terminal. Further information can be provided by the competent UK agencies – EA in England and Natural Resources Wales in Wales, SEPA in Scotland and NIEA in Northern Ireland. Please see Appendix I, for contact information.

15.5. Food wastes are classified as ship-generated wastes under these regulations and therefore adequate facilities should be provided as part of the port/terminal waste management plan. However, this waste is also controlled through the Animal Health By products Regulations (EU 142/2011) as amended, and its implementation in the UK. Ports and terminals should consult the local DEFRA (animal health) office or the appropriate regulators in Wales, Scotland and Northern Ireland to ensure their port waste reception facilities are adequate with respect to this specific waste, consult over their waste plans and to confirm they are fulfilling any applicable duties under the Regulations and domestic law. Ports/Terminals should advertise the proper provision for food waste and make sure it is included in any contracts with waste contractors.

15.6. There is a risk that imported wood packaging material (wpm) and loose dunnage associated with all kinds of goods could be the means of introducing a wide range of forestry pest and diseases into the UK.

WPM associated with goods imported from non EU countries (and Portugal) must be compliant with ISPM15 (International Standards for Phytosanitary Measures No. 15) an International Phytosanitary Measure developed by the International Plant Protection Convention (IPPC) that directly addresses the need to treat wood materials of a thickness greater than 6mm, used to ship products between countries. Its main purpose is to prevent the international transport and spread of disease and insects that could affect hard trees, plants and ecosystems.

Plywood and other associated or reconstituted wood products are not included and may be used freely. The Plant Health (Forestry) order 2005 article 12 (8), lays down the minimum facilities which must be provided by port/terminal authorities to meet the requirements of the Order and allow Plant Health Inspectors to carry out their responsibilities, see Minimum facilities at ports guidance.

Guidance is also available on the requirements around landing WPM and dunnage in the UK. If any dunnage or WPM does not meet UK landing requirements, then a plant health inspector will serve a statutory notice compelling the importer/captain/shipping agent to dispose of the non-compliant material in a secure manner. This can be through burning, ideally on site or at a licenced incinerator nearby. Alternatively, in exceptional circumstances the material may be treated by an approved operator to make it ISPM15 compliant. All ports/terminals must either provide suitable, clearly labelled, disposal facilities on site or direct captains or shipping agents to off-site premises which are equipped to take such materials.

There is also the option to re-export non-compliant WPM and dunnage although this is not advised as it may lead to non-compliant material being disposed of overboard once out at sea. Please see Appendix I, for contact information.



16. INFORMATION TO BE SUBMITTED TO THE MCA

16.1. There is a continuing requirement under MARPOL for the UK to provide information to the International Maritime Organization (IMO) as to the adequacy of port reception facilities in the UK. Hence the IMO established the Port Reception Facilities Database (PRFD) within its Global Integrated Ship Information System (GISIS). The PRFD relies on up to date information being provided by the Port States. Appendix II sets out the information which needs to be completed and maintained. Once the information has been submitted to your local MCA Marine Office who approved your port waste management plan, updates will only be required if there are changes to the already submitted information. Further information on PRFD and GISIS can be found in MEPC.1/Circ.834, see suggested reading.

16.2. Please note that the introduction of the Consolidated European Reporting System in 2006, has removed the need for reporting the PRF requirements for the EU Directive in hard copy. Reporting procedures for ports/terminals in relation to EU Directives and Regulations are now captured electronically.

17. SUGGESTED READING

Comprehensive Manual on Port Reception Facilities, IMO Publication 1999
ISBN 978-92-801-60949. Please note that the IMO is due to publish the third edition of this text titled 'Port Reception Facilities - How to do it, London 2014' expected to be available fall 2016.

MEPC.1/Circ.834, Consolidated guidance for port reception facility providers and users.



Port Waste Management Planning 'A Guide to Good Practice' – Appendix I For further information on the provision of hazardous/special waste and imported wood packaging material (wpm) (dunnage) please contact the following bodies:

For England:

Environment
Agency Tel:
03708 506 506
E-mail: enquiries@environmental-agency.gov.uk

Forestry
Commission
Tel: 0300 067
4000
E-mail: fe.england@forestry.gsi.gov.uk

For Wales:

Natural Resources
Wales Tel: 0300 065
3000
E-mail: enquiries@naturalresourceswales.gov.uk

For Scotland:

Scottish Environment Protection
Agency Tel: 0300 99 66 99
Website: www.sepa.org.uk

Forestry Commission
Tel: 0300 067 6156
E-mail: fcscotland@forestry.gsi.gov.uk

For Northern Ireland:

Northern Ireland Environment
Agency Tel: 0845 302 0008
E-mail: nieainfo@daera-ni.gov.uk

NI Forest Services
Tel: +0044 2866 343165
email: customer.forests@daera-ni.gov.uk



Port Waste Management Planning 'A Guide to Good Practice' – Appendix II

Port Reception Facilities information required for GISIS. Information is to be submitted to MCA Marine Offices for updating the IMO's GISIS PRF Module. Please re-copy and complete the form for all MARPOL Annexes (I, II, IV, V, VI) and facility types.

Date of submission

Waste Category (Please Tick)

Chemical/NLS (Annex II)	<input type="checkbox"/>
Sewage (Annex IV)	<input type="checkbox"/>
Garbage (Annex V)	<input type="checkbox"/>
Ozone-depleting substances (Annex VI)	<input type="checkbox"/>
Exhaust gas-cleaning residues (Annex VI)	<input type="checkbox"/>
Others (please specify)	<input type="checkbox"/>

Other

Annex	Oily bilge water	<input type="checkbox"/>
	Oily residues (sludge)	<input type="checkbox"/>
	Oily tank washings (slops)	<input type="checkbox"/>
	Dirty ballast water	<input type="checkbox"/>
	Scale and sludge from tanker cleaning	<input type="checkbox"/>
	Oily mixtures containing chemicals	<input type="checkbox"/>

Address	<input type="text"/>
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Service Provider

Phone	<input type="text"/>
Fax	<input type="text"/>
Telex	<input type="text"/>
Email	<input type="text"/>
Web	<input type="text"/>

Type of Facility

F (fixed)	<input type="checkbox"/>
T (tanker or barge)	<input type="checkbox"/>
Tr (tank truck/portable tank)	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>

Discharge restriction/limitations

Minimum quantity (m3)	<input type="text"/>
Maximum quantity (m3)	<input type="text"/>
Maximum discharge rate (m3/h)	<input type="text"/>
Other (please specify)	<input type="text"/>



Other

Other

Availability of the reception facility

Charging system

24 hours a day, 7 days per week	
24 hours a day, 5 days per week	
Business hours only, 7 days per week	
Business hours only, 5 days per week	
Other (please specify)	

Free of charge	
Cost included in port dues	
Cost charged in addition to other services	
Other (please specify)	

Other

Other

Minimum prior notice required (hours)

Additional Information

Note: this form should be completed and submitted to your local MCA, Marine Office, who approves your port waste management plan. Any changes to information submitted must be notified so that details PRFD within GISIS can be updated.

